

VIRGINIA GENERAL ASSEMBLY



2003 SESSION SUMMARY

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Preface

This publication presents a summary of legislation considered by the Virginia General Assembly at the 2003 Session. Bill summaries are arranged by subject areas corresponding to the appropriate titles in the Code of Virginia. Noncodified bills of a substantive nature are also contained under their proper subject headings. Within each heading, the material is further separated into Passed and Failed categories. (The General Assembly sometimes incorporates provisions from several bills in one substitute bill. Thus a bill may have failed, but all or some of its provisions have been "incorporated" in another bill. The summary for the bill will so note.) Bills affecting more than one title are printed under the dominant subject area of the legislation.

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

The major substantive provisions of each measure are summarized. The appropriate bill number and patron are also noted so that one can obtain further information, if needed. A researcher should refer to the enrolled bill, the appropriate chapter of the 2003 Acts of Assembly, or the Legislative Information System on the Internet (<http://leg1.state.va.us/lis.htm>) for detailed information on legislation.

These summaries reflect actions of the 2003 General Assembly through adjournment sine die on February 22, 2003. Many of the measures are subject to gubernatorial review and veto. Therefore, some measures may be amended and some may not become law.

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

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

2003 SESSION SUMMARY

	Continued	Introduced	Passed	Failed
House Bills	361	1463	686	1138
House Joint Resolutions	26	416	345	97
House Resolutions	0	38	34	4
House Total	387	1917	1065	1239
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Senate Bills	111	661	360	412
Senate Joint Resolutions	19	220	194	45
Senate Resolutions	0	27	27	0
Senate Total	130	908	581	457
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General Assembly Total	517	2825	1646	1696

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Administration of the Government Generally

Passed

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

Patron - Lingamfelter

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

Patron - Cosgrove

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

Patron - Purkey

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

Patron - Hall

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

Patron - Cox

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

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

Patron - Cosgrove

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

Patron - Marshall, R.G.

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

Patron - Parrish

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

Patron - Morgan

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

Patron - Marshall, D.W.

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

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

Patron - Hargrove

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

Patron - Albo

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

Patron - Landes

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

Patron - McQuigg

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

Patron - Purkey

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

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

Patron - Hogan

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

Patron - Hogan

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

Patron - Sherwood

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

Patron - McDougle

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

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

Patron - Byron

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

Patron - Amundson

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

Patron - Hargrove

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

Patron - Woodrum

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

Patron - Miles

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

Patron - Reese

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

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

Patron - Reese

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

Patron - O'Bannon

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

Patron - Almand

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

Patron - Almand

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

Patron - Nixon

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

Patron - Nixon

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

Patron - Hamilton

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

Patron - Hamilton

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

Patron - Woodrum

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

Patron - Callahan

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

Patron - Dudley

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

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

Patron - Dudley

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

Patron - Hogan

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

Patron - Gear

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

Patron - Abbitt

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

Patron - McQuigg

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

Patron - Reid

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

Patron - Gear

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

Patron - Brink

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

Patron - McQuigg

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

Patron - Jones, S.C.

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

Patron - Jones, S.C.

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

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

Patron - Jones, S.C.

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

Patron - Devolites

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

Patron - Devolites

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

Patron - Bland

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

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

Patron - Petersen

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

Patron - Crittenden

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

Patron - Bolvin

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

Patron - Morgan

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

Patron - Almand

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

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

Patron - Landes

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

Patron - Scott

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

Patron - Rollison

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

Patron - May

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

Patron - Woodrum

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

Patron - Reid

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

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

Patron - Woodrum

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

Patron - Armstrong

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

Patron - Oder

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

Patron - O'Bannon

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

Patron - O'Bannon

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

Patron - Morgan

PSB695 Department of Business Assistance; Workforce Retraining Program and Fund. Provides for the Department of Business Assistance to develop a Workforce Retraining Program to provide consulting services and funding to companies and businesses to assist in retraining their existing workforces. To be eligible for funding under the program, a company must meet certain requirements and demonstrate that it is undergoing (i) integration of new technology into its production process, (ii) a change of product line in keeping with marketplace demands, or (iii) substantial change to its service delivery process, which would require assimilation of new skills and technological capabilities by the firm's existing labor force. The bill also creates the Workforce Retraining Fund.

Patron - Miller, Y.B.

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

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

Patron - Trumbo

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

Patron - Houck

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

Patron - Houck

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

Patron - O'Brien

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

Patron - Martin

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

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

Patron - Howell

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

Patron - Colgan

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

Patron - Colgan

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

Patron - Quayle

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

Patron - Chichester

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

Patron - Chichester

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

Patron - Chichester

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

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

Patron - Houck

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

Patron - Mims

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

Patron - Howell

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

Patron - Chichester

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

Patron - Ruff

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

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

Patron - Maxwell

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

Patron - Edwards

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

Patron - Newman

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

Patron - Newman

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

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

Patron - Stosch

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

Patron - Hawkins

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

Patron - Stolle

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

Patron - Whipple

Failed

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

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

FHB1463 Economic development; Virginia Maritime Investment Act. Establishes a grant program to be paid, subject to appropriation, from the Virginia Maritime Investment Partnership Grant Fund. The program provides grants to eligible ship repair companies making a capital investment of at least \$50,000. Eligible ship repair companies are companies that have continuously been repairing ships in Virginia for at least five years. The capital investment must increase the productivity of the ship repair company or result in the utilization of a more advanced technology by such company, or both. The Secretary of Commerce and Trade shall determine whether or not a grant is to be awarded to eligible ship repair companies based on guidelines establishing criteria for the awarding of a grant and based on recommendations of the Virginia Economic Development Partnership. In cases where a grant is awarded, the grant shall equal 10 percent of the cost of the capital investment. The guidelines for the awarding of a grant shall be reviewed by the chairmen of the House Appropriations and Senate Finance Committees before the Secretary of Commerce and Trade may award any grant. These guidelines must take into account the number of new jobs created, wages, the amount of the investment, the net present value of paid benefits to Virginia, and other factors. The amount of total grants any eligible ship repair company is eligible for shall not exceed \$25 million. The Secretary of Commerce and Trade can approve up to \$20 million in grants in any one fiscal year. The aggregate amount of grants outstanding at any one time, however, may not exceed \$80 million. The Commonwealth's annual obligation for grants to an individual ship repair company shall not exceed \$750,000. The grants will be payable in at least five installments beginning in the second year after the capital investment is completed and verified as such by the Virginia Economic Development Partnership.

Patron - Wardrup

FHB1467 Automatic reduction in general fund appropriations by Governor. Whenever general fund revenue collections for a period of six months or more show that year-to-date revenue growth is in excess of one percent below the official estimate upon which the appropriation act is based for such fiscal year, the Governor shall institute an across-the-board percentage reduction in general fund appropriations to all executive branch agencies, which shall equal at least one-half of the revenue shortfall. Such action shall be communicated to the chairmen of the money committees within five days of its adoption.

Patron - Purkey

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

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

Patron - Cox

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

Patron - Landes

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

Patron - Landes

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

Patron - Landes

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

Patron - Louderback

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

Patron - Marshall, R.G.

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

Patron - Marshall, R.G.

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

Patron - Marshall, R.G.

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

Patron - Purkey

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

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

Patron - Callahan

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

Patron - Jones, D.C.

FHB1812 Genetic characteristics; discrimination. Declares it to be the policy of the Commonwealth to safeguard individuals from unlawful discrimination based on genetic characteristics. Conduct that violates Virginia or federal law governing discrimination on the basis of genetic characteristics is defined to be an unlawful discriminatory practice. Contracting agencies entering into procurement contracts with the Commonwealth are required to agree that they will not discriminate against employees or applicants based on a genetic characteristic that is not a bona fide occupational qualification reasonably necessary to perform the normal operation of the contractor. In addition, localities, if they enact ordinances prohibiting discrimination, must also include discrimination based on genetic characteristics.

Patron - Welch

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

Patron - Scott

FHB1853 Financial and management audit of all state agencies. Directs the Governor to require a financial and management audit of all state agencies, independent agencies, and all instrumentalities except localities, by private auditing firms, to improve governmental efficiency. The audit shall be completed and reviewed by a joint subcommittee of the House Appropriations and Senate Finance Committees. The joint sub-

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

Patron - Lingamfelter

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

Patron - Nixon

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

Patron - Hamilton

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

Patron - Hamilton

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

Patron - Joannou

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

Patron - Brink

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

Patron - Phillips

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

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

Patron - Jones, S.C.

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

Patron - Pollard

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

Patron - Hurt

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

Patron - Bland

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

Patron - Reese

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

Patron - Janis

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

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

Patron - Crittenden

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

Patron - Tata

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

Patron - Tata

FHB2526 Virginia Economic Development Partnership; Founders of America Communities Program. Requires the Virginia Tourism Corporation to develop and administer a marketing program titled "Founder of America Communities' Program" (the "Program") to coincide with the celebration of the 400th anniversary of the founding of Jamestown in 1607. The Program shall be designed to promote the sites and localities in the Commonwealth that have colonial or revolutionary historical significance, and any fairs and festivals created to honor Virginia's founding generation, and to honor those leaders from Virginia's colonial and early history who were essential in the founding of America.

Patron - Orrock

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

Patron - Byron

FHB2557 Prohibited discrimination; state employees. Prohibits discrimination in state employment on the basis of race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, age, marital status, disability, or sexual orientation.

Patron - Scott

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

Patron - Scott

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

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

Patron - Armstrong

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

Patron - Armstrong

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

Patron - Sears

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

Patron - Spruill

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

Patron - Jones, S.C.

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

Patron - Jones, S.C.

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

Patron - Hogan

FHB2699 Teacher liability insurance program. Directs the Division of Risk Management within the Department of Treasury, from such funds as may be appropriated and from such gifts, donations, grants, bequests, and other funds as may be received for such purpose, to administer a liability insurance program for public school teachers in the Commonwealth. The program is to include coverage for professional liability, reimbursement of attorney's fees for criminal defense, bail bonding, and assault-related personal property damage for classroom teachers. Under current law (§ 22.1-83), school boards may pay the legal fees and expenses for employees, which would include teachers who have been arrested, indicted, or "otherwise prosecuted on any charge arising out of any act committed in the discharge of his duties as such employee"; significantly, this authority is limited to those instances in which the charge is "subsequently dismissed or a verdict of not guilty is rendered...." In addition, a school board may pay legal fees and expenses for any employee made a defendant in a civil action arising from school employee duties, regardless of the outcome of the action. Local school boards are not statutorily required to provide liability insurance. Pursuant to § 22.1-84, school boards may provide this coverage, or self-insurance, for "certain or all of its officers and employees and for student teachers and other persons performing functions for any school in the school division...." The insurance may cover "costs and expenses incident to liability, arising from their conduct in discharging their duties or in performing functions or services for a school."

Patron - Lingamfelter

FHB2762 Deposits into the Revenue Stabilization Fund. Requires deposits made by the General Assembly to the Revenue Stabilization Fund to equal 66.7 percent (instead of 50 percent) of the product of the certified tax revenues collected in the most recently ended fiscal year times the difference between the annual percentage increase in such certified tax revenues and the average annual percentage increase in the certified tax revenues collected in the six fiscal years immediately preceding the most recently ended fiscal year; subject only to the 10 percent limitation in Article X, Section 8 of the Constitution of Virginia.

Patron - Armstrong

FHB2792 Electronic Government Services Act created. Prohibits a public body from providing electronic commerce services that duplicate or compete with similar services provided by the private sector unless the public body provides notice and a hearing for the public to submit comments. The notice must include proposed findings of fact and law, costs, a statement of the public benefit and unmet need, and a statement describing the impact of such services on the private sector. The public body must sign factual and legal conclusions addressing the public comments and the factors required by the Act. Where competition exists, the public body must file an annual report. The bill also creates a cause of action for any private entity engaged in the electronic commerce business to challenge the sufficiency of the factual and legal conclusions, as well as to challenge the provision of services in general. Finally, the bill applies to state agencies, political subdivisions, and certain private/public entities that are established by an order or action of a state agency or political subdivision.

Patron - Devolites

FHB2800 Secretary of Administration; telecommuting reports. Requires the Secretary in his annual report to the General Assembly on the status and efficiency of telecommuting to also report to the Joint Commission on Technology and Science. The report must also include, at a minimum, the number of state employees that telecommute; the localities and

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

Patron - Scott

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

Patron - Crittenden

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

Patron - Crittenden

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

Patron - Jones, D.C.

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

Patron - Hull

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

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

Patron - Deeds

FSB830 Equal Education Opportunity Plan. Requires the Secretary of Education to develop and implement a statewide plan to provide for equal education opportunity for all students in Virginia. The Plan must include, but not be limited to, (i) an annual report of the percentage of minority students enrolled in the public schools by grade, and in undergraduate, graduate, professional, and postdoctoral degree programs by discipline; (ii) strategies to increase college admissions, retention, and graduation rates of minority students at the undergraduate and graduate degree levels; (iii) an analysis of the preparation of minority students for college-level work; (iv) an evaluation of the impact of financial assistance and tuition rates as inducements and obstacles to college education; (v) a summary of existing programs in Virginia and nationally that have proven effective in providing equal education opportunity; and (vi) an evaluation of the effectiveness of the Plan. The Secretary shall modify the Plan as necessary and recommend appropriate and feasible strategies and alternatives, including the projected costs of implementing the Plan, to address issues and policies identified by the Secretary as essential to the furtherance of the objectives of the Plan. Effective on December 1, 2004, and biennially thereafter, the Secretary must submit to the Governor and the General Assembly an executive summary of the Equal Education Opportunity Plan no later than the first day of each regular session of the General Assembly. The executive summary must state whether the Secretary intends to submit his findings and recommendations for publication as a state document. The executive summary and report must be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and will be posted on the General Assembly's website. The Equal Education Opportunity Plan, although never implemented, was required initially as a result of *Adams v. Richardson*, 480 F.2d 1159 (DC Cir. 1973) and *Adams v. Califano*, 430 F. Supp. 118 (DC 1977), concerning the desegregation of Virginia colleges and universities, and has been incorporated in the Virginia Plan for Equal Opportunity in State-Supported Institutions of Higher Education since 1973, Item 131.10 of the 2001 Budget communicated by the Governor. The Plan provides evidence of Virginia's good faith effort to comply with the new agreement entered into by the Commonwealth with the U.S. Department of Education Office for Civil Rights on November 7, 2001, to work toward resolution of the five-year federal compliance review precipitated by the U. S. Supreme Court's decision in *Ayers v. Fordice*, (505 US 717, 112 S.Ct. 2727, 1992). This bill, which was a part of the legislative initiatives of the Commission on Access and Diversity in Higher Education during the 2002 Session of the General Assembly, was favorably considered by the Commission this year.

Patron - Marsh

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

Patron - Howell

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

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

Patron - Howell

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

Patron - Reynolds

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

Patron - Reynolds

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

Patron - Chichester

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

Patron - Trumbo

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

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

Patron - Lambert

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

Patron - Cuccinelli

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

Patron - Williams

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

Patron - Williams

Agriculture, Horticulture and Food

Passed

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

Patron - Morgan

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

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

Patron - Morgan

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

Patron - O'Bannon

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

Patron - O'Bannon

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

Patron - O'Bannon

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

Patron - Dudley

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

Patron - Orrock

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

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

Patron - Byron

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

Patron - Weatherholtz

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

Patron - Bell

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

Patron - Suit

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

Patron - Suit

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

Patron - Putney

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

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

Patron - Quayle

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

Patron - Hanger

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

Patron - Hanger

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

Patron - Hanger

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

Patron - Hanger

Failed

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

Patron - Crittenden

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

Patron - Suit

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

Patron - Saxman

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

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

Patron - Watkins

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

Patron - Trumbo

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

Patron - Whipple

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

Patron - Whipple

Alcoholic Beverage Control Act

Passed

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

Patron - Van Yahres

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

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

Patron - Albo

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

Patron - Woodrum

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

Patron - Almand

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

Patron - Bell

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

Patron - Cline

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

Patron - McDonnell

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

Patron - Albo

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

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

Patron - Reynolds

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

Patron - Hanger

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

Patron - Deeds

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

Patron - Deeds

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

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

Patron - Deeds

Failed

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

Patron - Albo

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

Patron - Jones, D.C.

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

Patron - Louderback

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

Patron - Ware

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

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

Patron - Keister

Aviation

Passed

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

Patron - Mims

Failed

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

Patron - Griffith

Banking and Finance

Passed

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

Patron - Nutter

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

Patron - Nixon

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

Patron - Tata

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

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

Patron - Armstrong

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

Patron - Janis

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

Patron - Suit

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

Patron - Whipple

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

Patron - Wagner

Boundaries, Jurisdiction and Emblems of the Commonwealth

Failed

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

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

Patron - Lingamfelter

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

Patron - Welch

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

Patron - Welch

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

Patron - Welch

Civil Remedies and Procedure

Passed

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

Patron - Albo

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

Patron - Reese

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

Patron - Landes

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

Patron - Nutter

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

Patron - Reese

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

health care provider for purposes of medical malpractice claims.

Patron - O'Bannon

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

Patron - Melvin

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

Patron - Almand

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

Patron - O'Bannon

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

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

Patron - Devolites

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

Patron - Kilgore

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

Patron - Deeds

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

Patron - Norment

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

Patron - Stosch

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

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

Patron - Watkins

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

Patron - Trumbo

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

Patron - Mims

PSB985 Anonymous plaintiff. Provides that any party can move for an order concerning the propriety of anonymous participation in a proceeding and lists the factors that the court is to consider in determining whether anonymity can be maintained. The issue may be raised at any stage of the litigation when circumstances warrant a reconsideration of the issue. If the court orders identification, the pleadings and dockets will be amended to reflect the true name back to date of filing. Where a party is proceeding anonymously, the court shall ensure that the parties are afforded all the rights, procedures, and discovery to which they are otherwise entitled. This bill is a recommendation of the Boyd-Graves Conference.

Patron - Mims

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

Patron - Trumbo

Failed

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

Patron - Albo

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

Patron - Albo

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

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

Patron - Cosgrove

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

Patron - McQuigg

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

Patron - Purkey

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

Patron - Hogan

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

Patron - Reese

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

Patron - Lingamfelter

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

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

Patron - Albo

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

Patron - Athey

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

Patron - Athey

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

Patron - Athey

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

Patron - Athey

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

Patron - Barlow

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

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

Patron - Hurt

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

Patron - Albo

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

Patron - Griffith

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

Patron - Morgan

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

Patron - Armstrong

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

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

Patron - Gear

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

Patron - Weatherholtz

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

Patron - Moran

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

Patron - Bolvin

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

Patron - Baskerville

FSB739 Virginia Racial Profiling and Traffic Statistics Reporting Act. Requires the Superintendent of State Police to require each local and state police officer, during the course of his official duties, to collect certain information pertaining to traffic stops, including the race, ethnicity, color, age and gender of the alleged traffic offender, and to record the specific reason for the stop, whether the person was interrogated, charged or arrested, and whether a written citation or warning was issued. Police officers must also indicate the specific traffic violation committed. Police officers participating in the collection of such traffic data and information have been granted civil immunity for acts and omissions during the performance of their official duties, absent gross negligence or willful misconduct. The bill also requires the development of a statewide

database for collecting, correlating, analyzing, interpreting, and reporting data and information generated through such traffic stop reports. The Superintendent must report the findings and recommendations annually to the Governor, the General Assembly, the Attorney General and each attorney for the Commonwealth. This act expires on July 1, 2007. Previously, this bill was a recommendation of the Joint Subcommittee Studying the Status and Needs of African American Males in the Commonwealth and the House Committee on Transportation's Special Subcommittee on Racial Profiling and Pretextual Traffic Stops.

Patron - Marsh

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

Patron - Cuccinelli

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

Patron - Norment

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

Patron - Norment

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

Patron - Puller

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

Patron - Mims

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

Patron - Wagner

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

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

Patron - Cuccinelli

Commercial Code/General Provisions

Passed

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

Patron - Woodrum

Commercial Code/Negotiable Instruments

Passed

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

Patron - Mims

Commercial Code/Sales

Failed

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

Patron - Scott

Commonwealth Public Safety

Passed

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

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

Patron - McDougale

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

Patron - Scott

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

Patron - Albo

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

Patron - Reid

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

Patron - Cline

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

Patron - Tata

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

Patron - McDonnell

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

defines emergency communications equipment and emergency public safety personnel.

Patron - Almand

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

Patron - Bryant

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

Patron - Hamilton

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

Patron - Norment

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

Patron - Blevins

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

Patron - Stolle

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

Patron - Houck

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

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

Patron - Stolle

Failed

FHB1415 Line of Duty Act; disability benefits. Deletes the requirement that payments for continued health care coverage be retroactive to the date that the disability first existed.

Patron - Janis

FHB1759 Review of Law-Enforcement Employee Records Act; penalty. Provides a right of access by law-enforcement employees to review and correct any personnel files maintained by their employer agency related to such employees. The bill provides for sanctions in the event there is a violation by a law-enforcement employer.

Patron - Amundson

FHB1880 Review of Law-Enforcement Employee Records Act; penalty. Provides a right of access by law-enforcement employees to review any personnel files maintained by their employer agency related to such employees. The bill provides for sanctions in the event there is a violation by a law-enforcement employer.

Patron - Amundson

FSB759 Line of Duty Act; definition of disabled employee. Amends the definition of "disabled employee" to include any person who has become mentally or physically incapacitated on or after April 8, 1972, as a direct or proximate result of the performance of his duty.

Patron - Wampler

FSB814 Line of Duty Act; definition of disabled employee. Amends the definition of "disabled employee" to include any person who has become mentally or physically incapacitated on or after April 8, 1972, as a direct or proximate result of the performance of his duty.

Patron - Stolle

FSB1144 Criminal intelligence. Places in the Code of Virginia criminal intelligence systems operating policies that are currently in the Code of Federal Regulations. The bill governs the collection, maintenance, dissemination and review of intelligence information by any department or agency of the Commonwealth or any political subdivision. Violation of the requirements is a Class 1 misdemeanor. This bill is a recommendation of the Crime Commission.

Patron - Stolle

Conservation

Passed

PHB1419 Department of Historic Resources; disbursements for Confederate cemeteries and graves. Adds the Trinity Lutheran Church Cemetery in Augusta County, which maintains 13 Confederate graves, to the list of those cemeteries receiving funds from the Department of Historic Resources for the care of such graves.

Patron - Landes

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

Patron - Hogan

PHB1459 Erosion and Sediment Control; requirements for plan approval. Removes the requirement to provide the name of an individual holding a certificate of competence as a prerequisite for approval of erosion and sediment control land-disturbing activity plans. The bill requires instead that the name of such certificate holder must be provided to the plan-approving authority prior to actual engagement in land-disturbing activity shown on the approved site plan. If the name is not provided prior to engaging in the land-disturbing activity the plan's approval may be revoked and the person responsible for carrying out the plan would be subject to penalties under the Erosion and Sediment Control Law.

Patron - Oder

PHB1532 Landfill siting. Allows Halifax County to site a landfill closer than five-miles upgradient from a water source, if the Director of the Department of Environmental Quality determines that such distance would not be detrimental to human health and the environment. Currently, only Mecklenburg has an exemption that allows it to construct a landfill closer than the statewide five mile upgradient separation requirement.

Patron - Hogan

PHB1627 Virginia Scenic River Board. Creates the Virginia Scenic River Board, eliminates the Virginia Scenic River Advisory Boards, which shall have a broad geographical representation, corrects a mileage error related to the Staunton State Scenic River, codifies the St. Mary's River as a river segment worthy of designation, and requires Department of Conservation and Recreation to submit a report in 2009 evaluating the effectiveness of the new state board. This bill incorporates HB 1970.

Patron - Cox

PHB1671 Virginia Envirothon Program. Authorizes Soil and Water Conservation Districts to coordinate and implement the Virginia Envirothon natural resource conservation program for high school students.

Patron - Orrock

PHB1875 Virginia Soil and Water Conservation Board. Reduces the total membership of the Board from 12 to 10 members, eliminates the ex officio voting members except for the Director of the Department of Conservation and Recreation, and adds two additional members appointed by the Governor from the Commonwealth at-large.

Patron - Thomas

PHB1953 Creation of the Low Impact Development Assessment Task Force. Requires the Director of the Department of Environmental Quality to appoint a Low Impact Development Assessment Task Force. The 11-member task force shall operate as an entity within the Department. The task force shall (i) develop a certification process for low impact development techniques in achieving quantifiable pollution prevention or abatement results, (ii) develop such other guidance for local governments and the general public as necessary to promote a more complete understanding of the most effective use of low impact development techniques, (iii) recommend changes to existing statutes and regulations to facilitate the use of low impact development techniques, and (iv) develop a model ordinance for use by local governments. For purposes of this section, "low impact development" means a

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

Patron - Albo

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

Patron - Pollard

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

Patron - Plum

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

Patron - Moran

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

Patron - Athey

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

Patron - May

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

Patron - Dillard

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

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

Patron - Dillard

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

Patron - Sherwood

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

Patron - Amundson

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

Patron - Ware

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

Patron - Ruff

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

Patron - Puller

PSB913 Erosion and sediment control law; certificate of competence. Grants plan-approving authorities the option to waive the certificate of competence requirement for land-disturbing activity for agreements in lieu of a plan. Currently, all plan-approving authorities must require that the name of an individual, who holds a certificate of competence and who will be in charge of and responsible for carrying out the land-disturbing activity, be provided for both erosion and

sediment control plans and agreements in lieu of a plan. An agreement in lieu of a plan is a contract between the plan-approving authority and the landowner used for ensuring proper implementation of conservation measures during construction of a single-family residence.

Patron - Deeds

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

Patron - Ruff

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

Patron - Watkins

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

Patron - Hanger

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

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

Patron - Stolle

Failed

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

Patron - Callahan

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

Patron - Landes

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

Patron - Carrico

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

Patron - Carrico

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

Patron - Athey

FHB2315 Environmental permit fees. Directs the Virginia Waste Management Board and the State Water Control Board to establish a schedule of fees that recovers the full costs for operating the solid and hazardous waste programs and the water programs. During the 2002 Session, legislation was enacted that directed the Virginia Waste Management Board to develop a new permit fee schedule to cover no more than 20 percent of the direct costs of the hazardous and solid waste programs, using as the base the amounts allocated to these programs in the 2002 Appropriation Act; however, no individual permit fee could increase more than 300 percent. That legislation also tripled the statutory caps on water permit fees. There was a July 1, 2004, sunset on this new fee structure. However,

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

Patron - Plum

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

Patron - Moran

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

Patron - Armstrong

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

Patron - Dillard

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

Patron - Kilgore

FSB886 Landfill closure requirements; exemption. Exempts any municipal solid waste landfill having a year 2000 average daily volume of less than 25 tons per day from the priority closure schedule developed by the Department of Envi-

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

Patron - Ruff

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

Patron - Watkins

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

Patron - Whipple

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

Patron - Edwards

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

Patron - Potts

Contracts

Failed

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

Patron - Marshall, R.G.

Corporations

Passed

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

Patron - Parrish

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

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

Patron - Morgan

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

Patron - Morgan

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

Patron - Morgan

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

Patron - Morgan

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

Patron - O'Bannon

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

Patron - Miller, Y.B.

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

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

Patron - Stosch

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

Patron - Stosch

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

Patron - Stosch

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

Patron - Wampler

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

Patron - Wampler

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

Patron - Colgan

Failed

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

Patron - Albo

Costs, Fees, Salaries and Allowances

Passed

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

Patron - Stosch

Counties, Cities and Towns

Passed

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

Patron - Landes

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

Patron - Landes

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

Patron - Black

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

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

Patron - Cox

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

Patron - Cox

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

Patron - Rapp

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

Patron - McDougle

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

Patron - Parrish

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

Patron - Nutter

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

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

Patron - Tata

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

Patron - Carrico

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

Patron - Carrico

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

Patron - Scott

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

Patron - Lingamfelter

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

Patron - Thomas

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

Patron - Amundson

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

Patron - May

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

Patron - May

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

Patron - Athey

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

Patron - Athey

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

Patron - Bloxom

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

Patron - Petersen

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

Patron - Cole

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

Patron - Hogan

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

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

Patron - Reid

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

Patron - Rust

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

Patron - Shuler

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

Patron - Sherwood

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

Patron - May

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

Patron - Oder

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

Patron - Janis

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

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

Patron - Hugo

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

Patron - Crittenden

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

Patron - Crittenden

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

Patron - Griffith

PHB2509 Plat approval. Requires the planning commission to make a good faith effort to identify all deficiencies in a plat that cause disapproval and identify all modifications or corrections as will permit approval of the plat. The local planning commission shall act on any previously disapproved plat within 45 days of resubmittal. A circuit court petition pursuant to this section shall be given first priority on the civil docket.

Patron - McDonnell

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

Patron - Hall

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

Patron - McDougle

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

Patron - Cline

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

Patron - Hargrove

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

Patron - Carrico

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

Patron - Stump

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

Patron - Phillips

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

Patron - Phillips

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

Patron - Rapp

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

Patron - Morgan

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

Patron - Deeds

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

Patron - Ruff

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

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

Patron - Martin

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

Patron - Norment

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

Patron - Norment

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

Patron - Miller, Y.B.

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

Patron - Quayle

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

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

Patron - Watkins

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

Patron - Trumbo

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

Patron - Mims

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

Patron - Mims

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

Patron - Mims

PSB1013 Conservation of trees during localities' development. Amends current provisions that allow localities to provide by ordinance for the planting and replacement of trees during the development process. Such tree conservation ordinances shall include provisions for the reduction of tree canopy requirements or the granting of tree cover credit in consideration for the preservation of certain trees. Localities may designate certain types of undesirable trees that shall not be used to meet minimum tree canopy requirements. The bill also provides that the new law does not invalidate 10-year-minimum tree cover standards adopted by cities established before 1780, or 20 minimum tree cover replacement standards adopted by localities after July 1, 1990.

Patron - Howell

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

Patron - Reynolds

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

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

Patron - Colgan

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

Patron - Hanger

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

Patron - Maxwell

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

Patron - Rerras

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

Patron - Puckett

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

Patron - Puckett

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

Patron - Wagner

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

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

Patron - Wagner

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

Patron - Puckett

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

Patron - Stosch

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

Patron - Bolling

Failed

FHB1397 Local government taxing authority. Equalizes city and county taxing authority by granting counties the same authority available to cities and towns through the uniform charter powers.

Patron - Hull

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

Patron - Marshall, R.G.

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

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

Patron - Marshall, R.G.

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

Patron - Marshall, R.G.

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

Patron - Marshall, R.G.

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

Patron - Parrish

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

Patron - Cole

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

Patron - Petersen

FHB1699 Rezoning property to previous zoning designation in counties. Allows a county to include in its zoning ordinance provisions that permit the county to grant any rezoning with a condition requiring that an approved site plan or final subdivision plan be obtained for the development within a specified period of not less than 10 years. If no such approval is obtained during the specified period, the county may rezone the property to its previous zoning designation. However, a county may not rezone the property if the rezoning would adversely impact the terms of a loan that the property owner has obtained at least one year prior to a proposed county-initiated rezoning. If a county rezones such property to its previous zoning designation, the county shall compensate the property owner through use of a tax credit equal to the amount of excess real estate taxes that the landowner has paid due to the higher zoning classification.

Patron - McQuigg

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

Patron - Albo

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

Patron - Miles

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

Patron - Jones, D.C.

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

Patron - Carrico

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

Patron - Athey

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

Patron - Louderback

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

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

Patron - Bell

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

Patron - Marshall, R.G.

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

Patron - Marshall, R.G.

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

Patron - Marshall, R.G.

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

Patron - Cole

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

Patron - Cole

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

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

Patron - Barlow

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

Patron - Reid

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

Patron - Nutter

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

Patron - Suit

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

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

Patron - Watts

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

Patron - Rust

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

Patron - Reese

FHB2354 Potomac Region Transportation Development Authority. Creates the Potomac Region Transportation Development Authority, representing the Counties of Arlington, Fairfax, Loudoun, and Prince William, and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park. The Authority is empowered to issue bonds in accordance with applicable law, including the issuance of bonds and other evidences of debt, in order to finance or assist in the financing of transportation projects undertaken pursuant to the Public-Private Transportation Act of 1995 (§ 56-556 et seq.) within one or more of the Potomac Region localities represented in the Authority.

Patron - Hull

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

Patron - Plum

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

Patron - Crittenden

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

Patron - Armstrong

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

Patron - Armstrong

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

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

Patron - Pollard

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

Patron - Reese

FHB2714 **Preservation of monuments and memorials.** Provides that certain monuments or memorials that are erected on public property of the Commonwealth or any of its political subdivisions shall not be relocated, removed, disturbed or altered. However, the Commonwealth and its political subdivisions may temporarily relocate or remove a monument or memorial in order to perform necessary construction or maintenance on streets, highways or utilities. No street, bridge, structure, park, preserve, reserve, or other public area of the Commonwealth or any of its political subdivisions dedicated in memory of or named for any historic figure or historic event may be renamed or rededicated. No person may prevent the public body from taking proper measures and exercising proper means for the protection, preservation, and care of these monuments, memorials, or nameplates.

Patron - Hargrove

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

Patron - Phillips

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

Patron - Phillips

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

Patron - Barlow

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

Patron - Nixon

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

industrial or agricultural purposes is excluded from such ordinances.

Patron - Blevins

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

Patron - Quayle

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

Patron - Ruff

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

Patron - Byrne

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

Patron - Houck

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

Patron - Reynolds

FSB1029 **Adequate public facilities.** Provides that in any high-growth locality, a subdivision ordinance may include reasonable provisions allowing the locality to determine whether public facilities are adequate to support the ser-

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

Patron - Chichester

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

Patron - Rerras

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

Patron - Rerras

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

Patron - Whipple

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

Patron - Norment

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

Patron - Puckett

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

Patron - Trumbo

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

Patron - Byrnes

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

Patron - Colgan

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

Patron - Marsh

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

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

Patron - Whipple

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

Patron - Deeds

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

Patron - Hawkins

Courts not of Record

Passed

PHB1402 Parental consent for abortion. Requires a physician to obtain parental consent prior to performing an abortion on an unemancipated minor. Under current law, the parents of the minor must be notified of the abortion, but do not have to give consent.

Patron - Black

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

Patron - Black

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

Patron - Purkey

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

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

Patron - Melvin

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

Patron - Orrock

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

Patron - Hamilton

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

Patron - Melvin

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

Patron - Reese

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

Patron - Almand

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

Patron - Bell

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

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

Patron - Reid

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

Patron - Hamilton

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

Patron - Saxman

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

Patron - Cline

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

Patron - Hurt

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

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

Patron - Hurt

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

Patron - Oder

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

Patron - Hugo

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

Patron - Griffith

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

Patron - McDonnell

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

Patron - Marrs

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

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

Patron - Reynolds

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

Patron - Marsh

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

Patron - Howell

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

Patron - Watkins

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

Patron - Trumbo

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

Patron - Mims

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

Patron - Mims

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

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

Patron - O'Brien

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

Patron - Rerras

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

Patron - Rerras

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

Patron - Edwards

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

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

Patron - Stolle

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

Patron - Norment

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

Patron - Newman

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

Patron - Mims

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

Patron - Stolle

Failed

FHB1612 Juvenile not guilty by reason of insanity. Recognizes the finding of "not guilty by reason of insanity" for a child charged with a delinquent act in juvenile court proceedings. The bill closely parallels the adult statute on not guilty by reason of insanity. If the court finds a child not guilty and the child poses an unreasonable risk to the community, the court may commit the child to the Department of Mental Health, Mental Retardation and Substance Abuse Services for treatment. If the child does not pose a risk, the court may refer the child as one in need of services to the local family assessment

and planning team for services under the Comprehensive Services Act for At-Risk Youth and Families. The bill adds such children to the mandated service pool under the Act. The Department is required to report to the General Assembly by December 1, 2003, and by December 1 in each of the five years following implementation of the law. This bill is a recommendation of the Virginia Bar Association, which was requested by the General Assembly (see HJR 680, 1999) to review this area of the law. See also *Commonwealth v. Chatman*, 260 Va. 562, decided November 3, 2000, where the Supreme Court held that the insanity defense is not available to juveniles absent specific statutory authority.

Patron - Darner

FHB1690 Juveniles; duty of person taking child into custody. Requires that whenever a child who is under 14 years old is taken into custody regarding the commission or alleged commission of certain acts and such child is deprived of his freedom, the person taking the child into custody shall (i) advise the child of such deprivation of freedom, (ii) advise the child that he has the right to counsel and to have present his parent, guardian, legal custodian or other person standing in *loco parentis*, (iii) notify such counsel or parent, guardian, legal custodian or other person standing in *loco parentis*, and (iv) not interrogate the child until reasonable efforts are made to notify such parent, guardian, legal custodian or other person standing in *loco parentis* and that person is given an opportunity to be present.

Patron - McQuigg

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

Patron - Amundson

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

Patron - Petersen

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

Patron - Woodrum

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

Patron - Joannou

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

Patron - Hurt

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

Patron - Devolites

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

Patron - Moran

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

Patron - Marrs

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

Patron - Griffith

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

Patron - McDonnell

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

Patron - McDonnell

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

Patron - Armstrong

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

Patron - Amundson

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

Patron - Louderback

FSB1057 Affirmative defense to prosecution for abuse and neglect; infant-receiving facilities; emergency custody of abandoned children. Provides that when any person voluntarily delivers a child no older than 14 days to an approved facility, the person will have an affirmative defense to prosecution for abuse or neglect, if the abuse or neglect prosecution is based solely upon the delivery of the child to an approved facility. The person may remain anonymous. Approved facilities include hospitals and police departments. Personnel who accept these children are immune from liability absent gross negligence or willful misconduct. The Department of Social Services, in conjunction with the Department of Health, shall launch a media campaign to promote safe placement alternatives for newborn infants and publicize the emergency custody for certain abandoned children procedures. The Department of Social Services is required to make an annual report to the General Assembly compiling the number of children abandoned. This bill is incorporated into SB 1151.

Patron - Williams

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

Patron - Edwards

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

Patron - Stolle

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

Patron - Stolle

Courts of Record

Passed

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

Patron - Reese

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

Patron - Kilgore

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

Patron - Cline

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

Patron - Devolites

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

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

Patron - Nixon

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

Patron - Wampler

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

Patron - Marsh

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

Patron - Norment

Failed

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

Patron - McDougle

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

Patron - Reese

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

Patron - Stump

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

Patron - Ingram

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

Patron - Phillips

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

Patron - Devolites

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

Patron - Shuler

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

Patron - Marrs

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

Patron - McDougale

FHB2614 Local judicial nominations committees. Establishes a judicial nominations committee in each circuit, composed of citizens and lawyers appointed by majority vote of the members of the General Assembly who represent any portion of the circuit. The committees are to investigate candidates for circuit and district court vacancies and submit reports on up to three nominations per vacancy to the General Assembly. There is an opt-out provision for those delegations that already have nomination procedures in place.

Patron - Petersen

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

Patron - Drake

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

Patron - Armstrong

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

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

Patron - Marsh

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

Patron - Blevins

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

Patron - Norment

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

Patron - Norment

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

Patron - Mims

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

Patron - Williams

FSB1232 Local judicial nominations committees. Establishes a judicial nominations committee in each circuit, composed of citizens and lawyers appointed by majority vote of the members of the General Assembly who represent any portion of the circuit. The committees are to investigate candidates (including incumbent judges) for circuit and district court vacancies and submit reports on up to three nominations per vacancy to the General Assembly. There is an opt-out provision for those delegations that already have nomination procedures in place.

Patron - Williams

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

Patron - Rerras

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

Patron - Deeds

Crimes and Offenses Generally

Passed

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

Patron - Janis

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

Patron - Wright

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

Patron - Janis

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

Patron - Lingamfelter

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

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

Patron - Marshall, R.G.

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

Patron - Byron

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

Patron - Albo

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

Patron - Byron

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

Patron - Purkey

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

financial assistance, medical care and contact persons or groups.

Patron - Reese

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

Patron - Lingamfelter

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

Patron - Nixon

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

Patron - Nixon

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

Patron - Dudley

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

Patron - Barlow

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

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

Patron - Bell

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

Patron - Melvin

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

Patron - Hurt

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

Patron - Devolites

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

Patron - Albo

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

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

Patron - Albo

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

Patron - Dillard

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

Patron - Griffith

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

Patron - McDougale

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

Patron - Sears

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

Patron - Sears

PHB2649 Obstructing justice by giving false information to police. Provides that any person who knowingly and willfully makes any materially false statement or representation to a law-enforcement officer who is in the course of conducting an investigation of a crime by another is guilty of a Class 1 misdemeanor. Currently it is a Class 2 misdemeanor. This bill is identical to SB 1234.

Patron - Cosgrove

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

Patron - Hurt

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

Patron - Hurt

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

Patron - McDougale

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

Patron - Marsh

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

Patron - Quayle

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

Patron - Saslaw

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

Patron - Trumbo

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

credit report and expungement of false identity information in police and court records. This bill is identical to HB 2175.

Patron - Mims

PSB1019 Driving while intoxicated; penalty. Provides mandatory, minimum fines for conviction of driving while intoxicated. For a first offense, \$250; for a second offense, \$500; and for a third or subsequent offense, \$1,000. Also mandates a mandatory, minimum five days in jail for a conviction with a passenger in the vehicle who is 17 years of age or younger.

Patron - Mims

PSB1071 Drugs on or near certain properties; penalty. Clarifies that the prohibition against possessing drugs with intent to distribute on school properties, recreation centers, libraries, and hospitals applies regardless of where the person intended to distribute the drugs. This bill is identical to HB 2615.

Patron - Rerras

PSB1135 Subpoena duces tecum for financial records in criminal matter. Requires a financial institution or credit card issuer to disclose bank records or credit card information concerning a customer upon the issuance of a subpoena duces tecum. Provision is made for the financial institution or credit card issuer to move to quash or modify the subpoena duces tecum if compliance would cause an undue burden and for holding harmless the financial institution or credit card issuer or its employees for releasing such information or records pursuant to an order. The statement of facts documenting the reasons the records or information is sought will be sealed upon issuance of the subpoena duces tecum, and the use of such records or information is limited to the investigation and legitimate law-enforcement purposes. At the end of the investigation the records or information will be sealed. A provision is added allowing seizure of certain property used in money laundering and punishable as a felony under the laws of another state or territory of the United States, the District of Columbia, or the United States. This bill is identical to HB 1928.

Patron - Norment

PSB1138 Larceny; penalties. Provides that conspiracy to commit larceny where the aggregate value of the goods is more than \$200 is punishable by confinement in a state correctional facility for not less than one year nor more than 20 years. The willful concealment of merchandise is prima facie evidence of intent to convert and defraud the owner of his property. The commission of larceny of property with a value of \$200 or more with the intent to sell or distribute the property is punishable by confinement for not less than two years and not more than 20. The knowing resale or attempted resale of stolen merchandise with an aggregate value of \$200 or more is punishable as a Class 5 felony. The penalty for manufacturing, distributing or possessing a laminated bag or other shoplifting device is increased from a Class 3 to a Class 1 misdemeanor.

Patron - Stolle

PSB1139 Computer crimes; enhanced penalties; forfeiture; etc. Provides that certain obscenity violations are, when accomplished with a computer, subject to separate and distinct punishment. Adds enhancements for punishment of computer fraud based on volume of e-mail and revenue generated. Raises penalty for computer trespass. Raises penalty for theft of computer services based on value of services. Establishes an alternate method for calculating statutory civil damages for a person who is injured by reason of any violation of the Computer Crimes Act, based on the number of complaints, degree of culpability, amount of economic gain, and prior his-

tory. The bill also adds a seizure and forfeiture provision allowing for forfeiture of all proceeds and equipment received from violations of the Computer Crimes Act. This bill is identical to HB 2290.

Patron - Stolle

PSB1140 Stun weapons or tasers. Restores the provision enacted in 2001 (HB 2327 and SB 1306) making possession of stun weapons and tasers by convicted felons a Class 6 felony. An accompanying exception allowing possession of stun weapons and tasers in the felon's residences or curtilages thereof inadvertently expanded the exception to include all firearms. In 2002 HB 300 was introduced to fix that problem but inadvertently removed the prohibition on possession of stun weapons and tasers by convicted felons.

Patron - Stolle

PSB1151 Abandoned babies; affirmative defense to prosecution. Provides that when a parent voluntarily delivers a child no older than 14 days to a hospital or rescue squad, the parent will have an affirmative defense to prosecution for abuse or neglect, if the abuse or neglect prosecution is based solely upon having left the baby at such facility. Personnel who accept babies under these conditions are immune from liability absent gross negligence or willful misconduct. This bill is identical to HB 2447.

Patron - Stolle

PSB1153 Child Pornography Images Registry; child pornography; penalties. Requires the Office of the Attorney General, in cooperation with the Department of State Police, to maintain a Child Pornography Registry that includes images of sexually explicit visual material presented as evidence and used in a conviction for possession, production, publication, sale, financing or intent to distribute, sexually explicit items involving children. The Registry is to be used for the administration of criminal justice and unauthorized use is a Class 6 felony. The bill increases the penalties for child pornography possession to a Class 6 felony (from a Class 1 misdemeanor) and second and subsequent offenses to a Class 5 felony (from a Class 6 felony). This bill is identical HB 2457.

Patron - Stolle

PSB1205 Partial birth infanticide. Defines "partial birth infanticide" as any deliberate act that (i) is intended to kill a human infant who has been born alive, but who has not been completely extracted or expelled from its mother, and that (ii) does kill such infant, regardless of whether death occurs before or after extraction or expulsion from its mother has been completed. The term "partial birth infanticide" will not include (i) the suction curettage abortion procedure, (ii) the suction aspiration abortion procedure, (iii) the dilation and evacuation abortion procedure involving dismemberment of the fetus prior to removal from the body of the mother, or (iv) completing delivery of a living human infant and severing the umbilical cord of any infant who has been completely delivered. "Human infant who has been born alive" is defined as a product of human conception that has been completely or substantially expelled or extracted from its mother, regardless of the duration of pregnancy, which after such expulsion or extraction breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached. "Substantially expelled or extracted from its mother" is defined as, in the case of a head first presentation, the infant's entire head is outside the body of the mother, or, in the case of breech presentation, any part of the infant's trunk past the navel is outside the body of the mother. The bill punishes the act of "partial birth infanticide" as a Class 4 felony. This provision will not prohibit the use by a physician

of any procedure that, in reasonable medical judgment, is necessary to prevent the death of the mother, so long as the physician takes every medically reasonable step, consistent with such procedure, to preserve the life and health of the infant. A procedure will not be deemed necessary to prevent the death of the mother if completing the delivery of the living infant would prevent the death of the mother. The mother cannot be prosecuted for any criminal offense based on the performance of any act or procedure by a physician in violation of this section. This provision also amends vital statistics law to modify the definition of "live birth" to include substantial expulsion or extraction of the product of human conception from its mother and to add a definition of "substantial expulsion or extraction." A second enactment clause repeals the partial birth abortion provision.

Patron - Newman

PSB1210 Crimes; peeping. Makes it unlawful for a landlord to enter upon property leased or rented to a tenant and secretly or furtively peep, spy or attempt to peep or spy into or through a window, door or other aperture of any building, structure, or other enclosure, without just cause, under circumstances that would violate the occupant's reasonable expectation of privacy.

Patron - Newman

PSB1233 Crimes; damage to business reputation, etc. Eliminates the prohibition placed on plaintiff's counsel to contract for fees greater than that allowed by the court for representing a business whose reputation, trade, business or profession has been injured by acts of another.

Patron - Reynolds

PSB1234 False reports to law-enforcement officials; penalty. Increases from a Class 2 misdemeanor to a Class 1 misdemeanor the punishment for knowingly and willfully making a materially false statement or representation to a law-enforcement officer who is in the course of conducting an investigation of a crime committed by another person. This bill is identical to HB 2649.

Patron - Saslaw

PSB1278 Charitable gaming; creation of the Department of Charitable Gaming. Creates the Department of Charitable Gaming with its director appointed by the Governor. The bill eliminates the Charitable Gaming Commission and in its place creates the Charitable Gaming Board as a policy board. The Charitable Gaming Board has the power to adopt regulations relating to charitable gaming and the Department of Charitable Gaming is responsible for the administration and enforcement of the charitable gaming laws and Board regulations. The bill also provides for the Board to examine regulations, including the computation and percentage of gross receipts that are required to be used for charitable purposes by qualified organizations, and provide a report to the Governor and the 2004 Session of the General Assembly. The bill contains numerous technical amendments.

Patron - Colgan

PSB1302 DUI; restricted license. Makes retroactive a provision enacted during the 2002 General Assembly which provided that the court that convicted a person of DUI has continuing jurisdiction over the person during any period of license revocation resulting from that conviction, for the purposes of referring the person to a certified alcohol safety action program and providing a restricted permit whether or not it took either such action at the time of the conviction. The bill also gives the court the authority to impose terms and condi-

tions if it issues a restricted license or requires participation in VASAP.

Patron - Reynolds

PSB1336 Resisting arrest. Provides that any person who intentionally prevents or attempts to prevent a law-enforcement officer from lawfully arresting him, with or without a warrant, is guilty of a Class 1 misdemeanor. Intentionally preventing or attempting to prevent a lawful arrest is defined as fleeing from a law-enforcement officer when (i) the officer applies physical force to the person, or (ii) the officer communicates to the person that he is under arrest and (a) the officer has the legal authority and the immediate physical ability to place the person under arrest, and (b) a reasonable person who receives such communication knows or should know that he is not free to leave. This bill is identical to HB 2826.

Patron - Rerras

Failed

FHB1379 Possession of open container of alcohol in a motor vehicle; penalty. Provides that no person shall possess an alcoholic beverage in the passenger area of a motor vehicle upon a public highway of the Commonwealth in other than the manufacturer's unopened, original container. The bill punishes violation with a civil penalty of \$25.

Patron - Purkey

FHB1392 No fee for concealed firearm permit. Provides that the following need not pay a fee for a concealed firearm permit: (i) any person on active duty in good standing in the United States armed forces, National Guard or reserves of any service component, (ii) any retiree of any service component who has served 20 years of active duty in the United States armed forces, or (iii) any person who has served 30 years or more in the National Guard or in the Reserves of any service component.

Patron - Lingamfelter

FHB1401 Incarceration for conviction of DUI. Provides that any period of incarceration imposed pursuant to a DUI conviction is to be served continuously, in one period, with no allowances for service on weekends or other noncontinuous service.

Patron - Janis

FHB1421 Duty to report childbirth. Provides that any woman who gives birth without the assistance of a health care professional after more than 24 weeks have elapsed since the beginning of her last menstrual period and who, though she is reasonably able to do so, fails to report the birth, whether a live birth or stillbirth, within 12 hours of the event, to the local sheriff, police department or fire department is guilty of a Class 1 misdemeanor.

Patron - Cosgrove

FHB1433 Reissuance of concealed handgun permit. Provides that the clerk of the circuit court shall give written notice by mail to the permit holder, at his last known address, of the expiration of his permit at least 60 days prior to expiration.

Patron - Louderback

FHB1435 Impersonating a police officer. Raises the penalty for impersonating a police officer from a Class 1 misdemeanor to a Class 6 felony.

Patron - Cosgrove

FHB1448 Issuance of concealed handgun permits. Places the responsibility for issuance of concealed handgun permits in the hands of the clerk of the circuit court; denial and revocation authority remains with the court.

Patron - Janis

FHB1494 Impersonating an officer. Provides that any person who commits a felony "crime against a person" while impersonating an officer is guilty of a Class 6 felony and that the violation is a separate and distinct offense.

Patron - Amundson

FHB1502 Personal protection; carrying concealed weapons; when lawful to carry. Eliminates the concealed weapons permit fee for members of the United States Marshals Service who have completed 20 years of service or are aged 55 or older.

Patron - Purkey

FHB1523 Identity theft. Clarifies that the identities of dead, as well as living, people are protected and that the theft of the identity of a dead person is punishable. This bill is incorporated into HB 2061.

Patron - Byron

FHB1548 Crimes; partial-birth infanticide abortion; penalty. Makes the performing of a partial-birth infanticide abortion a Class 4 felony. Defines "partial-birth infanticide" as deliberately and intentionally vaginally delivering a living infant until, in the case of a head-first presentation, the infant's entire head is outside the body of the mother, or, in the case of breech presentation, any part of the infant's trunk past the navel is outside the body of the mother, for the purpose of performing an overt act that the person knows will kill the partially delivered living infant, and then performing the overt act. The bill also redefines "live birth," to include either complete or partial expulsion of the product of human conception, and states that "complete or partial expulsion or extraction" occurs when at least either the infant's entire head is outside the body of the mother or, in the case of a breech delivery, when any part of the infant's trunk past the navel is outside the body of the mother.

Patron - Marshall, R.G.

FHB1549 Where an abortion is lawful during first trimester of pregnancy. Requires that a first trimester abortion not performed in a hospital be performed in a facility no more than 15 miles from a hospital emergency room. Second and third trimester abortions must be performed in a hospital.

Patron - Marshall, R.G.

FHB1554 Crimes; death penalty. Abolishes the death penalty for all Class 1 felonies committed on or after July 1, 2003.

Patron - Hargrove

FHB1580 Abortions performed after the second trimester. Strikes the "mental health" exception as a condition for a third trimester abortion. In Virginia, third trimester abortions may only be performed in a licensed hospital after the three physicians have determined that the continuation of the pregnancy is likely to result in the death of the woman or substantially and irretrievably impair the mental or physical health of the woman.

Patron - Cole

FHB1607 Thresholds for larceny and other related crimes. Increases the threshold for larceny and other related crimes from \$200 to \$400.

Patron - Petersen

FHB1620 Concealed weapons restrictions and procedures. Provides that it is legal to carry a permitted concealed weapon while hunting regardless of the weather, that traffic misdemeanors do not prohibit one from obtaining a concealed handgun permit, that the clerk shall replace a lost or stolen permit and that the State Police shall establish a uniform size and shape for the permit.

Patron - Hogan

FHB1636 Committing, conspiring and aiding and abetting acts of terrorism; penalty. Provides that any person who contributes \$1,000 or more to any person or organization that commits, conspires to commit, or aids and abets the commission of an act of terrorism, as defined in § 18.2-46.4, is guilty of a Class 3 felony.

Patron - Weatherholtz

FHB1650 Charitable Gaming Commission; membership. Specifies that the membership of the Charitable Gaming Commission shall consist of two members of a qualified organization, one supplier, one commercial landlord whose premises are routinely utilized by qualified organizations for the conduct of charitable gaming, and three citizen members. Current law does not specify the membership of the Commission.

Patron - Albo

FHB1741 Abortion; conscience clause. Includes any physician, pharmacist, or other medical or health care professional who is asked to dispense or administer any medication for the purpose of performing or causing an abortion within the provisions of the conscience clause. The conscience clause states that the objection, in writing, of any facility or practitioner or other person to participating in abortion procedures on personal, ethical, moral or religious grounds will not be the basis for claims for damages or disciplinary or retaliatory actions or denial of employment.

Patron - Byron

FHB1783 Modification of sentencing guidelines for methamphetamine. Provides that for any conviction involving any substance that contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers, the discretionary sentencing guidelines applicable to cocaine shall be used.

Patron - Kilgore

FHB1806 Driving motor vehicle after ingesting illegal Schedule II drugs. Makes driving after ingesting any amount of illegally possessed Schedule I and Schedule II drugs a violation of the DUI statute.

Patron - Carrico

FHB1811 Deadly physical force. Grants the occupant of a dwelling immunity from civil liability or criminal prosecution for any injury or death resulting from the occupant's use of force, including deadly physical force, against a person when the other person has unlawfully entered the dwelling, has committed an overt act toward the occupant or another person in the dwelling and the occupant reasonably believes he or another person in the dwelling is in imminent danger of bodily harm.

Patron - Welch

FHB1893 Carnal knowledge of child; penalties. Provides that if any person 18 years of age or older carnally knows, without the use of force, a child 15 years of age or older but less than 18 years of age, such person is guilty of a Class 6 felony. Currently the penalty is a Class 1 misdemeanor.

Patron - Stump

FHB1908 Importation, sale, possession or transfer of weapons that fire certain rounds; penalty. Provides that any person who imports, sells, possesses, or transfers a firearm that fires the U.S. Army .50 caliber Browning Machine Gun round, the Russian/Chinese Army 12.7 mm round or the Russian/Chinese Army 14.5 mm round is guilty of a Class 6 felony.

Patron - Almand

FHB1999 Sexual crimes. Eliminates in the rape, forcible sodomy and object sexual penetration statutes the different standard that defines the offense if the victim and perpetrator are married to each other. This includes removing from the forcible sodomy and object sexual penetration statutes the provision that such crimes cannot be committed against a spouse unless the spouses were living separate and apart or there was bodily injury caused by force or violence, as the 2002 General Assembly did in the rape statute (often called the marital rape exemption). Because of the equalization of the elements of the offense in the rape, forcible sodomy and object sexual penetration the marital sexual assault statute is repealed. The provisions for deferred disposition are eliminated but the sentence may be suspended in whole or in part if there is a bench trial, all parties agree and the defendant participates in counseling.

Patron - Bell

FHB2006 Assault and battery against a family or household member. Provides that if an assault against a family or household member is committed in the immediate presence of, or is witnessed by, the person's or the victim's minor child or stepchild or a minor child residing within the household of the person or victim, the sentence shall include a mandatory, minimum sentence of 10 days in jail.

Patron - Bell

FHB2007 Crimes; assault and battery against a family or household member. Eliminates the requirement that a third or subsequent offense must occur within 10 years of a conviction of a similar offense for such third or subsequent offense to be a felony.

Patron - Bell

FHB2017 Crimes; peeping. Makes it a Class 6 felony for a third or subsequent conviction for an offense under the peeping or spying section or for certain other misdemeanor offenses. The bill also eliminates the requirement that the third or subsequent offense occur within 10 years of the conviction of the predicate offenses.

Patron - Bell

FHB2019 Deferral and dismissal; penalty. Provides in those sections allowing deferral and dismissal of drug offenses, underage alcohol possession, assault and battery against a family member, and certain property crimes, that deferral and dismissal will only be considered by the court if the defendant has no prior convictions of any kind, has not been previously allowed deferral and dismissal under that specific section and has the consent of the Commonwealth to defer and dismiss and that, if the defendant violates the conditions extant during the deferral period, the court shall, rather than may, find the defendant guilty. The bill also limits deferral and

dismissal to those types of crimes, explicitly removing any "inherent power of the court" to defer and dismiss.

Patron - Bell

FHB2024 Sentencing guideline midpoints; violent felony. Makes any felony violation of the DUI law a "violent felony offense" used to determine sentencing guideline midpoints.

Patron - Bell

FHB2027 Possession of firearm by persons subject to protective orders; penalty. Prohibits, and punishes as a Class 1 misdemeanor, possession of a firearm by a person subject to a protective order. Currently, such a person is prohibited from transporting or purchasing a firearm or carrying a concealed handgun.

Patron - Petersen

FHB2033 Pointing, holding, or brandishing firearm or object similar in appearance; penalty. Provides that if a brandishing violation occurs in a facility open to the public during a meeting of any local, state or federal governing body or commission or committee thereof, the perpetrator is guilty of a Class 6 felony.

Patron - Scott

FHB2049 Blood samples taken from DUI accuseds. Eliminates the second sample available to the accused for analysis by an independent laboratory.

Patron - Woodrum

FHB2087 Charitable Gaming Commission; winner-take-all games. Prohibits the separate selling of "winner-take-all" bingo games.

Patron - Abbitt

FHB2108 Concealed handgun permits. Provides that a valid concealed handgun permit or license issued by another state shall be valid in the Commonwealth, provided the permit holder is not a resident of Virginia and, if the permit does not include a photograph of the holder, he carries a current state or federal government-issued photo identification. Also requires that the Attorney General enter into reciprocal agreements with the states that require it for recognition of the validity of Virginia concealed handgun permits. The bill removes the requirement that the out-of-state permit holders meet Virginia requirements for issuance.

Patron - Black

FHB2114 Concealed Weapons Permits; retired Virginia Marine Police officers. Adds retired members of the Law Enforcement Division of the Virginia Marine Resources Commission to those individuals who may be authorized to carry a concealed weapon via a letter from the law-enforcement chief of the last agency that employed them. Under current law, retired state police, sheriff's deputies, and Department of Alcohol Beverage Control Special Agents are so authorized.

Patron - Barlow

FHB2130 Validity of out-of-state concealed handgun permits. Provides that a valid concealed handgun or concealed weapon permit or license issued by another state authorizes the holder who is at least 21 years of age to carry only a concealed handgun in Virginia. Currently, a concealed weapon permit issued by another state but valid in Virginia would conceivably allow the holder to carry any kind of concealed weapon allowed by that state.

Patron - Nutter

FHB2190 Crimes; production and possession of sexually explicit material involving children. Increases from a Class 5 to a Class 4 felony the inducing of a child to be the subject of sexually explicit material, or the production, filming or distribution of sexually explicit material involving children. The bill also increases the penalty for first-time conviction of possession of such material from a Class 1 misdemeanor to a Class 6 felony, and the penalty for a second or subsequent conviction of such offense from a Class 6 felony to a Class 5 felony.

Patron - Saxman

FHB2214 Virginia Charitable Gaming Commission; fair market rental value; minimum percentage to charity; waiver. Allows the rent paid by an organization for the rental of a bingo hall to be used as a lawful part of an organization's gross receipts. The bill also provides for a waiver of the Commission-determined percentage of gross receipts going to the charitable purposes for which the organization was specifically organized or chartered, and sets out how and when a waiver may be granted by the Commission.

Patron - Suit

FHB2227 Assault on retired law-enforcement officers; penalty. Makes it a felony to assault or cause bodily injury to a retired law-enforcement officer, where the assault or action causing injury is related to that officer's past performance of his duties.

Patron - Cline

FHB2235 Delivery of weapons to prisoners. Provides that any person who willfully in any manner delivers or attempts to deliver or conspires to deliver to any prisoner weapons of any nature capable of causing death or injury including knives, instruments, tools, or other things not authorized by the prison official, superintendent or sheriff is guilty of a Class 3 felony. Currently the statute only applies to firearms and ammunition or explosives.

Patron - Pollard

FHB2241 Crimes against children. Raises penalties for "consensual sex acts" with a minor over the age of 13 to a Class 3 felony, regardless of who the perpetrator is. Defines "parent" for the purposes of incest to include foster and adoptive parents, stepparents and step-grandparents.

Patron - Watts

FHB2252 Possession of alcoholic beverage in motor vehicle; penalty. Punishes possession of an "open container" with a \$25 fine and punishes the same offense, if within five years of a suspension of license for a DUI conviction with a three-year license revocation.

Patron - Watts

FHB2265 Punishment for drunk driving. Makes the following changes to the law surrounding drunk driving: allows an officer to arrest for a DUI not committed in his presence; removes the requirement that a third DUI occur within a 10-year period for imposition of a felony charge or that a fourth DUI occur within a 10-year period for imposition of a mandatory, minimum year in jail; imposes a minimum, mandatory 30 days in jail for a third DUI within five years; imposes minimum, mandatory periods of incarceration for those driving drunk with a passenger in the vehicle; makes minimum, mandatory sentences for DUI run consecutively when more than one applies; reduces blood alcohol content levels required for minimum, mandatory sentences; and creates a minimum, man-

datory sentence of five days when a drunk driver causes an accident resulting in personal injury.

Patron - Bell

FHB2281 Using a firearm in the commission of a simple assault or assault and battery; penalty. Provides that using a firearm in the commission of a simple assault or assault and battery is a Class 6 felony.

Patron - Hurt

FHB2308 State cigarette tax; possession of excessive amount of cigarettes. Provides that a natural person shall not have in his possession more than 100 cartons of cigarettes at any time. Violators shall be guilty of a Class 2 misdemeanor and the cigarettes shall be subject to confiscation.

Patron - Alexander

FHB2327 Gang crimes; penalty. Adds grand larceny (particularly for auto theft) and receipt of stolen vehicles to the list of predicate crimes tending to show a "pattern of criminal gang activity" under the crimes by gangs statutes.

Patron - Bland

FHB2331 Weight loss centers and clinics. Provides that a weight loss center or weight loss clinic may not use "dietician" or "nutritionist" in its name or advertisements unless it employs at least one full-time licensed, certified, or registered dietician or nutritionist. The considerable interest in the health risks of overweight and obesity has raised concerns about the claims of certain weight loss centers and clinics, the effectiveness of weight loss and weight control products and services, and the potential public health risks when persons lacking education, training, and competence in the nutritional sciences, dietetics or human nutrition, food and nutrition, or public health nutrition are responsible for the nutritional and dietary components of weight loss and weight control plans.

Patron - Bland

FHB2410 Definition of mental incapacity and physical helplessness; penalty. Provides that a person shall be deemed to have accomplished a sex act against the will of the complaining witness and through the use of the mental incapacity and physical helplessness of the complaining witness if he has, prior to the act complained of, administered a drug or controlled substance to the complaining witness without the consent or knowledge of the complaining witness and the drug had the effect of impairing the judgment, self-control, actions or consciousness of the complaining witness.

Patron - Marrs

FHB2460 Mentally disabled victims; penalty. Removes, for the purposes of charging a defendant with aggravated sexual battery against a mentally disabled person, the requirement that the mentally disabled person must also be a person of a young age, threatened with a dangerous weapon, or caused physical or mental harm. The bill also allows for testimony in a criminal trial to be given by mentally disabled victims in the same fashion as child victims and witnesses.

Patron - Johnson

FHB2513 Crimes; partial birth abortion; penalty. Makes it a Class 4 felony to deliberately and intentionally perform a partial birth abortion or a dilation and extraction abortion, unless such a procedure is necessary in the physician's appropriate medical judgment for the preservation of the life or health of the pregnant woman.

Patron - McDonnell

FHB2530 Hate crimes; penalty. Adds sexual orientation to the categories of acts for which a person may seek

injunctive relief or file an action for damages. The bill also adds sexual orientation to the categories of victims whose selection for a "hate crime" involving assault or trespass amplifies the Class 1 misdemeanor or Class 6 felony penalty. The penalty includes a mandatory, minimum term. The bill also expands the hate crimes reporting requirements of the State Police.

Patron - Almand

FHB2534 Oral threats to school employees. Makes it a Class 1 misdemeanor to orally threaten an employee of any elementary, middle or secondary school, while on a school bus, on school property or at a school-sponsored activity, to kill or to do bodily injury to another employee. This means that the person who is the object of the threat does not have to actually receive the threat; however, the threat must be such that it would place the person who is the object of the threat in reasonable apprehension of death or bodily harm.

Patron - Byron

FHB2551 Concealing or compounding offenses; penalty. Raises the punishment for concealing or compounding offenses; if the offense is a felony, to a Class 6 felony from a Class 2 misdemeanor, and if the underlying offense is a misdemeanor, to the same punishment as the principal offender may receive.

Patron - Landes

FHB2585 Felonies and misdemeanors; penalties. Increases the penalty for a Class 1 misdemeanor to a maximum of 24 months in jail (current maximum 12 months) and a maximum \$5,000 fine (current maximum \$2,500). The same changes are made to the punishments for Class 5 and 6 felonies under which the court is allowed to find a defendant guilty of a felony, but punish as a misdemeanor.

Patron - Armstrong

FHB2598 Disobeying a lane direction control signal; involuntary manslaughter; penalty. Punishes the intentional running of a red light as a Class 1 misdemeanor and punishes the intentional running of a red light causing the death of another person as a Class 5 felony.

Patron - McDonnell

FHB2622 Sexual crimes. Amends the forcible sodomy and object sexual penetration statutes by removing the provision that such crimes cannot be committed against a spouse unless the spouses were living separate and apart or there was bodily injury caused by force or violence. This bill is similar to a change made by the 2002 General Assembly, which removed the same exemption from the rape statute (often called the marital rape exemption).

Patron - Marrs

FHB2623 Felony violation of protective order; penalty. Provides that any person convicted of a third or subsequent conviction of violation of a protective order committed within a 10-year period, when each such offense occurred on a different date, and where the same is alleged in the charging document, is guilty of a Class 6 felony.

Patron - Marrs

FHB2657 Death penalty; moratorium on executions. Provides that the Commonwealth shall not conduct executions of prisoners sentenced to death. All other matters of law relating to the death penalty, such as bringing and trying capital charges, sentencing proceedings, appeals and habeas review are not affected by the bill.

Patron - Darner

FHB2692 Injury to child in utero; penalty. Punishes as a Class 2 felony willful, deliberate and intentional conduct that is unlawful and causes death or permanent serious bodily injury to a child in utero. If the conduct is willful and deliberate but not intentional, it is punished as a Class 4 felony.

Patron - Bell

FHB2777 Receiving stolen goods. Provides that whenever proof of a criminal offense requires proof that any property in the possession of a person was known by that person to be embezzled, robbed, stolen, converted, taken, altered, counterfeited, falsely made, forged, or obliterated, it may be established by proof that the defendant, after or as a result of an official representation as to the nature of the property, believed the property to be embezzled, robbed, stolen, converted, taken, altered, counterfeited, falsely made, forged, or obliterated.

Patron - Moran

FHB2798 Concealed handguns. Provides that any order denying issuance of a permit to carry a concealed handgun shall state the basis for the denial of the permit and the applicant's right to perfect an appeal; provides that the clerk of the circuit court shall give written notice by mail to the permit holder, at his last known address, of the expiration of his permit at least 60 days prior to expiration; places the responsibility for issuance of concealed handgun permits in the hands of the clerk of the circuit court; denial and revocation authority remains with the court; eliminates the concealed weapons permit fee for members of the United States Marshals Service who have completed 20 years of service or are aged 55 or older; provides that it is legal to carry a permitted concealed weapon while hunting regardless of the weather, that traffic misdemeanors do not prohibit one from obtaining a concealed handgun permit, that the clerk shall replace a lost or stolen permit and that the State Police shall establish a uniform size and shape for the permit; provides that a valid concealed handgun permit or license issued by another state shall be valid in the Commonwealth, provided the permit holder is not a resident of Virginia and, if the permit does not include a photograph of the holder, he carries a current state or federal government-issued photo identification. The bill also requires that the Attorney General enter into reciprocal agreements with the states that require it for recognition of the validity of Virginia concealed handgun permits and removes the requirement that the out-of-state permit holders meet Virginia requirements for issuance. The bill adds retired members of the Law Enforcement Division of the Virginia Marine Resources Commission to those individuals who may be authorized to carry a concealed weapon via a letter from the law-enforcement chief of the last agency that employed them. Under current law, retired state police, sheriff's deputies, and Department of Alcohol Beverage Control Special Agents are so authorized. The bill also provides that a valid concealed handgun or concealed weapon permit or license issued by another state authorizes the holder who is at least 21 years of age to carry only a concealed handgun in Virginia. Currently, a concealed weapon permit issued by another state but valid in Virginia would conceivably allow the holder to carry any kind of concealed weapon allowed by that state.

Patron - Cline

FHB2811 Charitable gaming; definition of reasonable and proper business expenses. Provides that expenses incurred by associations of war veterans or auxiliary units thereof organized in the United States in support of their charter or constitution shall qualify as reasonable and proper business expenses.

Patron - Gear

FHB2824 Penalizing employee for court appearance or service on jury panel. Provides that no person who is summoned or subpoenaed to appear in any court of law on behalf of a minor or dependent shall have any adverse personnel action taken against him, nor shall he be required to use sick leave or vacation time, as a result of his absence from employment for a period beginning 12 hours prior to his required appearance and ending 12 hours following his required appearance.

Patron - Jones, D.C.

FSB698 Transfer of firearms; criminal records check. Adds a definition of "firearms show vendor" and requires that a criminal history record information check be performed on the prospective transferee before the vendor may transfer firearms at a gun show. Under current law, only licensed dealers must obtain such a check.

Patron - Marsh

FSB701 Sexual crimes. Amends the forcible sodomy and object sexual penetration statutes by removing the provision that such crimes cannot be committed against a spouse unless the spouses were living separate and apart or there was bodily injury caused by force or violence. This bill is similar to a change made by the 2002 General Assembly, which removed the same exemption from the rape statute (often called the marital rape exemption).

Patron - Howell

FSB703 Possession of weapons on school property. Specifies that possession of a BB handgun or BB rifle on school property is punishable as a Class 6 felony.

Patron - Quayle

FSB734 Felonies and misdemeanors; penalties. Increases the penalty for a Class 1 misdemeanor to a maximum of 24 months in jail (current maximum 12 months) and a maximum \$5,000 fine (current maximum \$2,500). The same changes are made to the punishments for Class 5 and 6 felonies under which the court is allowed to find a defendant guilty of a felony, but punish as a misdemeanor.

Patron - Reynolds

FSB771 Concealed handgun permits. Provides that a valid concealed handgun permit or license issued by another state shall be valid in the Commonwealth, provided the permit holder is not a resident of Virginia and, if the permit does not include a photograph of the holder, he carries a current state or federal government-issued photo identification. Also requires that the Attorney General enter into reciprocal agreements with the states that require it for recognition of the validity of Virginia concealed handgun permits. The bill removes the requirement that the out-of-state permit holders meet Virginia requirements for issuance.

Patron - Cuccinelli

FSB797 Embezzlement by public official; penalty. Provides that it is a Class 4 felony for a public official or employee to knowingly misuse, misappropriate or unlawfully dispose of any public funds that he has access to or knows of because of his position. There is a mandatory, minimum term of 1 year of incarceration in a state correctional facility with no suspension of sentence for each \$50,000 misused, misappropriated or unlawfully disposed of.

Patron - Reynolds

FSB939 Possession of firearms. Prohibits persons voluntarily admitted to a public mental health facility pursuant to § 37.1-65, or to a private mental health facility, from pur-

chasing, possessing, or transporting firearms if the person is mentally ill and in need of hospitalization and presents an imminent danger to self or others as a result of mental illness. Under current law, this prohibition only applies to persons involuntarily committed. The bill also prohibits persons subject to protective orders from possessing firearms while the order is in effect. Currently, federal law prohibits such persons from possessing a firearm, but Virginia law does not codify this prohibition.

Patron - Colgan

FSB1104 Contraception not to constitute abortion. Provides that contraception is not subject to or governed by the abortion law set forth in Title 18.2. "Contraception" is defined, for all purposes, as the use of any process, device, or method to prevent pregnancy, including steroidal, chemical, physical or barrier, natural or permanent methods for preventing the union of an ovum with the spermatozoon or the subsequent implantation of the fertilized ovum in the uterus.

Patron - Whipple

FSB1136 Disobeying a traffic light; involuntary manslaughter; penalty. Punishes the intentional running of a red light as a Class 1 misdemeanor and punishes the intentional running of a red light causing the death of another person as involuntary manslaughter.

Patron - Stolle

FSB1142 Concealed handgun permits. Transfers the authority for issuance of the permits from the circuit court to the Department of State Police. The bill also establishes a procedure for nonresidents to obtain a permit to carry a concealed handgun in Virginia.

Patron - Stolle

FSB1155 Hate crimes; penalty. Adds sexual orientation to categories of acts for which a person may seek injunctive relief or file an action for damages. The bill also adds sexual orientation to the categories of victims whose selection for a "hate crime" involving assault or trespass amplifies the Class 1 misdemeanor or Class 6 felony penalty. The penalty includes a mandatory, minimum term. The bill also expands the terroristic act reporting requirements of the State Police.

Patron - Ticer

Criminal Procedure

Passed

PHB1383 Central Criminal Records Exchange; criminal nonsupport. Requires that a report of an arrest or conviction for criminal non-support be submitted to the Central Criminal Records Exchange, along with the fingerprints of the person arrested or convicted. This bill is identical to SB 707.

Patron - Cosgrove

PHB1424 Payment of medical fees in certain criminal cases. Provides that upon conviction of the defendant in any case in which medical fees were incurred in the process of gathering evidence, the court shall order that the defendant reimburse the Commonwealth. This bill is identical to SB 1209.

Patron - Byron

PHB1434 Sex Offender Registry. Requires the Department of State Police to provide the Virginia Criminal Sentencing Commission with Registry data in an electronic

format. The Commission may use the data for research, evaluative or statistical purposes only and must ensure the confidentiality and security of the data. The Commission is required to keep the data confidential and secure. Use of the information for unauthorized purposes is a Class 1 misdemeanor.

Patron - Sherwood

PHB1496 Criminal procedure; offenses committed on boundary of localities. Provides that when an offense is committed on the boundary of two cities, the arrest and prosecution may be done by either city.

Patron - Cosgrove

PHB1683 Offense against two or more statutes or ordinances; double jeopardy. Provides that a federal conviction or a finding of not guilty, rather than mere federal prosecution, bars state prosecution for an act that violates both federal and state statutes.

Patron - McDougale

PHB1787 Forfeiture of recognizance bond. Changes outdated wording to current practice. Under the existing statute a judge is required to enter the default on "the page of his docket whereon the case is docketed." In practice, dockets are maintained on the automated case management system and district courts no longer maintain hard copy dockets. The bill requires the default to be entered on "case papers." This bill was recommended by the Committee on District Courts.

Patron - Kilgore

PHB1905 Bail bondsmen. Establishes an insurance agent license for surety bail bondsmen. A person who has not obtained a surety bail bondsman license from the State Corporation Commission is prohibited from selling, soliciting or negotiating insurance on behalf of an insurance company that becomes surety on or guarantees a bond that is posted to assure performance of terms and conditions specified as a condition of bail. To qualify for such a license, an individual must (i) be licensed by the Commission as a property and casualty insurance agent; (ii) pass an examination; and (iii) submit his fingerprints and authorization for the conduct of a national criminal history record information check through the Central Criminal Records Exchange to determine whether the applicant has been convicted of a felony. The Commission will also be provided copies of each power of attorney from a fidelity and surety insurer appointing the individual to execute bonds on its behalf. The Commission shall not issue, renew or reissue a surety bail bondsman license to any individual who has been convicted of a felony unless his civil rights have been restored. The Commission is required to establish a separate database from which it may access pertinent information regarding licensed surety bail bondsmen. A surety bail bondsman license is issued for a two-year term. The Commission shall provide for the collection of fees for license issuance and renewal that are sufficient to cover the expenses of administering and operating the program. In addition, revocation or refusal to issue or renew a license is mandatory for certain enumerated causes. The Commission is required annually to furnish to the Clerk of the Supreme Court and to every clerk of circuit court a list of all licensed surety bail bondsmen and notice of any suspension or revocation of a surety bail bondsman's license or a fidelity and surety insurer's license. The measure also requires any property bail bondsman to obtain a certificate from a circuit court judge. No person shall carry on the business of a property bail bondsman without such a certificate, which is a prerequisite for a revenue license in the localities that require such licenses for property bail bondsmen. In order to obtain a certificate after October 1, 2003, a property bail bondsman must provide information regarding his identity and property, which may include an appraisal of the fair market value of real estate,

an affidavit regarding any liens thereon and his equity in the property, and fingerprints and other information in order to conduct a criminal history record information check through the Central Criminal Records Exchange. All existing certificates of property bail bondsmen will expire on October 1, 2003. This bill is a recommendation of the Virginia State Crime Commission.

Patron - Melvin

PHB1922 Writs of actual innocence. Clarifies the procedure for service upon the Attorney General and attorney for the Commonwealth and filing deadlines. The bill allows acceptance of service as verification of service, whereas the Code says that the Supreme Court may not accept the petition unless it is accompanied by a duly executed return of service verifying that a copy has been served on the Attorney General and attorney for the Commonwealth. The bill also specifies that the 30 days for the Attorney General's response begins to run upon receipt of the record by the clerk of the Supreme Court. Under current law it is not clear when the 30 days begins to run. This bill is a recommendation of the Judicial Council.

Patron - Almand

PHB1923 Death penalty; mental retardation. Establishes procedures for determining whether a defendant in a capital case is mentally retarded and may not be sentenced to death. In June the United States Supreme Court in *Atkins v. Virginia*, 536 U.S. ____ (2002) held that the execution of a mentally retarded person is cruel and unusual punishment prohibited by the Eighth Amendment. This bill defines mental retardation, sets procedures for determining whether a defendant meets the definition and provides for the appointment of expert evaluators. When mental retardation is at issue, a determination will be made by the jury (or judge in bench trials) as part of the sentencing proceeding. The defendant bears the burden of proving mental retardation by a preponderance of the evidence. The bill establishes a procedure for defendants sentenced to death prior to the effective date of the bill to raise the issue of mental retardation. The majority of this bill was drafted by a subcommittee of the Crime Commission and the bill, as introduced, was a recommendation of the Commission. This bill is identical to SB 1239.

Patron - Almand

PHB2008 Restitution to crime victims. Removes the provision that exempted DUI convictions from the requirement for restitution for property damage or loss, medical expenses of the victim and community service. The bill also allows the court to include funeral expenses as restitution.

Patron - Bell

PHB2220 Court reporters. Provides that each judge of a court of record having jurisdiction over criminal proceedings is authorized to appoint a court reporter to record felony cases and habeas corpus proceedings. Prior law provided such authorization only in felony cases.

Patron - Woodrum

PHB2232 Duties and responsibilities of local pre-trial services officers. Spells out with specificity the duties and responsibilities of local pretrial services officers.

Patron - Cline

PHB2379 Crime victim rights. Adds a child's foster parents or other custodians to the definition of "victim" in the Crime Victim and Witness Rights Act for purposes of allowing victim input for sentencing. Persons defined as victims have the right to certain notifications, to be consulted about plea agreements in felony cases, to remain in the courtroom, to sub-

mit a victim impact statement and to testify at a sentencing hearing. The bill does not affect the current law definition of victim under the Criminal Injuries Compensation Fund and would not entitle foster parents to compensation. This bill arises out of an Alexandria case where a foster mother was unable to testify at the sentencing hearing of the man convicted of killing her foster daughter. As introduced, this bill was a recommendation of the Crime Commission and is identical to SB 1162.

Patron - Moran

PHB2430 Nomenclature correction. Corrects nomenclature by changing the "Bureau" to the "Division" of Forensic Science.

Patron - Hugo

PHB2432 DNA of juvenile felons. Provides that criminal history information concerning juveniles shall be available to the Division of Forensic Science to verify its authority (based upon the felonious nature of the juvenile's criminal act) to maintain the juvenile's sample in the DNA data bank.

Patron - Hugo

PHB2461 Criminal procedure; collection of delinquent fines, costs, etc. Allows the attorney for the Commonwealth to enter into an agreement with the county or city treasurer for the collection of fines, costs, forfeitures and penalties that are delinquent more than 30 days. Currently the attorney for the Commonwealth can contract with private attorneys, private collection agencies or the local governing body for the collection of such fines, costs, forfeitures and penalties.

Patron - Johnson

PHB2500 Sealing of probation reports. Provides that investigation reports prepared by local probation officers are sealed upon final order of the court rather than upon receipt of the report by the court. The bill also provides that presentencing reports are to be sealed upon final order by the court rather than upon entry of the sentencing order.

Patron - Griffith

PHB2510 Destruction of misdemeanor arrest warrants, etc. Allows for the destruction of misdemeanor arrest warrants, summonses and capiases that were issued for a now deceased person, based on mistaken identity or as a result of any other technical or legal error.

Patron - McDonnell

PHB2514 Disposition of the unrestorably incompetent defendant. Provides that an unrestorably incompetent defendant charged with capital murder may be ordered to continue to receive treatment and competency evaluations indefinitely during his commitment. Currently, such person would have to be released after five years. This bill is identical to SB 1160.

Patron - McDonnell

PHB2541 Crime code references. Requires the use of Virginia crime code references forailable offenses on all charging documents issued by magistrates, criminal warrants, summons, criminal indictments, informations and presentments, criminal petitions, summonses and dispositional documents from criminal trials, effective October 1, 2004. The crime codes will be recorded and stored in computer systems maintained by the State Police, the Supreme Court, the Department of Corrections, the Parole Board, the Department of Criminal Justice Services, the State Compensation Board and the Department of Juvenile Justice. The bill states that the crime code will be used only to facilitate administration and

research, and will not have any legal standing related to a particular offense or offenses. The bill also clarifies that no indictment or other accusation will be invalid if the Virginia crime code references are omitted or stated incorrectly. The Virginia crime code references are maintained by the Virginia Criminal Sentencing Commission. This bill as introduced was recommended by the Virginia State Crime Commission.

Patron - McDonnell

PHB2578 Waiver of presentence reports. Allows the waiver of the presentence report requirement in criminal cases when the court, the Commonwealth and the defendant agree.

Patron - Armstrong

PHB2661 DNA samples for violent crime arrests. Clarifies that a DNA sample may be taken upon an arrest pursuant to a finding of probable cause by a grand jury as well as a magistrate; clarifies that a DNA sample is not to be destroyed upon an acquittal if there is a pending arrest that requires DNA sample retention; and requires that the sample be taken at the location designated by the arrest booking law-enforcement agency rather than the magistrate. The bill makes other technical corrections.

Patron - Janis

PSB707 Central Criminal Records Exchange; criminal nonsupport. Requires that a report of an arrest or conviction for criminal nonsupport be submitted to the Central Criminal Records Exchange, along with the fingerprints of the person arrested or convicted. This bill is identical to HB 1383.

Patron - Houck

PSB810 Grand jury records. Amends provision that requires grand jury notes, tapes and transcripts to be destroyed if there is no prosecution for perjury instituted within three years, to allow the court to delay destruction upon the request of the attorney for the Commonwealth if the grand jury was impanelled at his request.

Patron - Stolle

PSB811 Special grand jury. Expands subpoena power to include "tangible things." Records, papers and documents are already included.

Patron - Stolle

PSB817 Grand jurors. Increases the number of persons summoned to serve on a grand jury to nine from seven under current law.

Patron - Norment

PSB992 Subpoena duces tecum for financial records in criminal matter. Requires a financial institution or credit card issuer to disclose bank records or credit card information concerning a customer upon the issuance of a subpoena duces tecum. Provision is made for the financial institution or credit card issuer to move to quash or modify the subpoena duces tecum if compliance would cause an undue burden and for holding harmless the financial institution or credit card issuer or its employees for releasing such information or records pursuant to an order. The statement of facts documenting the reasons the records or information are sought will be sealed upon issuance of the subpoena duces tecum, and the use of such records or information is limited to the investigation and legitimate law-enforcement purposes. At the end of the investigation the records or information will be sealed.

Patron - Mims

PSB1002 Reports and records by Chief Medical Examiner admissible in both civil and criminal proceed-

ings. Clarifies that reports prepared or attested to by the Chief Medical Examiner or an Assistant Chief Medical Examiner, and certified reports of autopsies are admissible in both civil and criminal courts. Under current law, because § 19.2-188 is sited in the title of the Code dealing with criminal procedure, the question has been raised as to whether the word "court" includes civil courts.

Patron - Mims

PSB1003 Victims' rights. Expands the services and information that law enforcement, the attorney for the Commonwealth and the Attorney General's Office must supply to victims of crimes. Victims will receive additional and more timely information about the investigatory and posttrial process.

Patron - Mims

PSB1134 Commonwealth's right to appeal. Makes changes to reflect a 2002 amendment that allowed the Commonwealth to appeal a felony sentence that is contrary to mandatory statutory sentencing or restitution terms. Prior to the 2002 amendment the provisions addressed only pretrial appeals and amendments were needed to delineate between the procedures that apply to pretrial appeals and those that apply to a sentencing appeal.

Patron - Norment

PSB1143 Final judgments in circuit court; when modifiable and appealable. Provides that final judgments in circuit court criminal cases remain under the control of the circuit court for 90 days rather than the current 21 days. The filing deadlines for appeals and the transfer of the trial record to the Court of Appeals are proportionately increased to maintain consistency with current practice.

Patron - Stolle

PSB1160 Disposition of the unrestorably incompetent defendant. Provides that an unrestorably incompetent defendant charged with capital murder may be ordered to continue to receive treatment and competency evaluations indefinitely during his commitment. Currently, such person would have to be released after five years. This bill is identical to HB 2514.

Patron - Ticer

PSB1162 Crime victim rights. Adds a child's foster parents or other custodians to the definition of "victim" in the Crime Victim and Witness Rights Act for the purpose of offering victim input at the proceedings. Persons so defined have the right to remain in the courtroom, to submit a victim impact statement and to testify at a sentencing hearing. This bill arises out of an Alexandria case in which a foster mother was unable to testify at the sentencing hearing of the man convicted of killing her foster daughter. This bill is identical to HB 2379.

Patron - Ticer

PSB1164 Sex Offender and Crimes Against Minors Registry. Requires registration of a person who has been convicted of a third or subsequent offense of unlawful photographing, videotaping or filming of a nonconsenting person who is nude or in a state of undress that exposes private body parts in circumstances where the person would have a reasonable expectation of privacy.

Patron - Ticer

PSB1209 Medical fees in certain criminal cases to be taxed as costs. Requires that all medical fees involved in the gathering of evidence for all criminal cases where medical evidence is necessary to establish a crime has occurred and for cases involving abuse of children under the age of 18 be reim-

bursed to the Commonwealth by the defendant if he is convicted. This bill is identical to HB 1424.

Patron - Newman

PSB1239 Death penalty; mental retardation. Establishes procedures for determining whether a defendant in a capital case is mentally retarded and may not be sentenced to death. In June the United States Supreme Court in *Atkins v. Virginia*, 536 U.S. ____ (2002) held that the execution of a mentally retarded person is cruel and unusual punishment prohibited by the Eighth Amendment. This bill defines mental retardation, sets procedures for determining whether a defendant meets the definition and provides for the appointment of expert evaluators. When mental retardation is at issue, a determination will be made by the jury (or judge in bench trials) as part of the sentencing proceeding. The defendant bears the burden of proving mental retardation by a preponderance of the evidence. The bill establishes a procedure for defendants sentenced to death prior to the effective date of the bill to raise the issue of mental retardation. This bill is identical to HB 1923.

Patron - Norment

PSB1240 Special conservators of the peace. Makes comprehensive changes to the requirements governing appointments of special conservators of the peace. The bill also provides that the Criminal Justice Services Board may adopt training standards/requirements for special conservators of the peace; requires that, effective September 15, 2004, a person possess a valid registration issued by the Department of Criminal Justice Services before he may be appointed a special conservator of the peace; and provides that the Department of Criminal Justice Services investigate the suitability of applicants for registration, including conducting a drug and alcohol screening. Persons registered as special conservators of the peace must be covered by a cash or surety bond, or liability insurance or self-insurance. The employers of those individuals exempted from the registration requirements due to their employment, such as law-enforcement officers, must notify the circuit court within 30 days of the date the employee leaves employment and the former employee's powers as a special conservator are void. Failure to provide such notification is punishable by a fine of \$250 plus an additional \$50 per day for each day such notice is not provided. The bill limits court appointments of conservators of the peace to the judicial circuit wherein application was made, voids appointments of school security officers as special conservators of the peace prior to July 1, 2002, and voids appointments of special police officers pursuant to § 15.2-1737 as of September 15, 2004. The Private Security Services Advisory Board is expanded to include a special conservator of the peace member. This bill is a recommendation of the Virginia State Crime Commission.

Patron - Norment

PSB1338 Mental examination report. Requires that the mental examination report for persons convicted of a crime indicating a sexual abnormality be furnished to the defendant, defense counsel and the attorney for the Commonwealth five days in advance of the sentencing hearing and to the judge in advance of the sentencing hearing. Current law states that the report shall be furnished "when completed."

Patron - Rerras

Failed

FHB1384 Public defenders' offices. Requires the establishment of a public defender's office in the City of Chesapeake.

Patron - Cosgrove

FHB1412 Obtaining records of financial transactions and services by court order. Expands the options for seizing financial records in a criminal investigation to include a court order that is based on a reason to believe such records are relevant to a legitimate law-enforcement inquiry. The new section loosely tracks law already in effect for obtaining electronic communication records.

Patron - Cosgrove

FHB1466 Jury sentencing. Provides that if the jury cannot agree on a punishment after a criminal trial and if the defendant and the attorney for the Commonwealth do not agree that the court shall fix punishment, the court shall impanel a different jury solely for the purpose of determining punishment. Currently, if the jury cannot agree on a punishment and if the defendant, the attorney for the Commonwealth, and the court agree, then the court shall fix punishment. There is no sentencing option if those parties fail to agree.

Patron - Janis

FHB1555 Offense against two or more statutes or ordinances; double jeopardy. Removes the provision in the double jeopardy statute that would bar a prosecution in the Commonwealth if the offense could also be prosecuted federally. This bill is incorporated into HB 1683.

Patron - Hargrove

FHB1561 Central Criminal Records Exchange; reports by law-enforcement. Requires every state official or agency having the power to arrest, the sheriffs of counties, the police officials of cities and towns, and any other local law-enforcement officer or conservator of the peace having the power to arrest for a crime to make a report to the Central Criminal Records Exchange of any arrest, including those arrests involving the taking into custody of, or service of process upon, any person on charges resulting from an indictment, presentment or information, the arrest on capias or warrant for failure to appear, and the service of a warrant for another jurisdiction, for criminal nonsupport.

Patron - Orrock

FHB1570 Criminal procedure; public defender offices. Requires the Public Defender Commission to establish an office in any judicial circuit that does not have one.

Patron - Hamilton

FHB1571 Criminal procedure; public defender office. Requires the Public Defender Commission to establish an office in Newport News.

Patron - Hamilton

FHB1579 Sentencing proceeding by jury after conviction. Provides that, for the purposes of sentencing an individual already convicted of a crime, if the same jury cannot be assembled for sentencing, the court shall impanel a different jury to ascertain punishment, unless (as is already the case in the event a sentence is set aside) the defendant, the attorney for the Commonwealth and the court agree that the court should decide punishment.

Patron - Parrish

FHB1626 When appeal by the Commonwealth in felony actions allowed. Allows the Commonwealth to appeal a dismissal of a criminal case based on a violation of the defendant's right to a speedy trial.

Patron - Cox

FHB1768 Blood, saliva or tissue sample for DNA analysis. Adds epidermal cells to the list of those things that can be taken for a criminal DNA sample.

Patron - Nutter

FHB1859 Expungement of criminal records; unjust convictions. Requires, in all cases where the expungement of a criminal record is based on an absolute pardon for the commission of a crime for which the petitioner had been unjustly convicted or a writ of actual innocence has been issued and the petitioner has been confined to a state or local correctional facility for at least six months, that the circuit court also attach an order entitling the petitioner to (i) waiver of tuition and other mandatory fees for any public institution of higher education in the Commonwealth, (ii) lifetime authorization to enter Virginia's state parks for up to seven days per year without having to pay an admittance or parking fee, (iii) assessment and guidance services including, but not limited to, aptitude testing, mental health assessment, substance abuse counseling and job placement service, to be provided by the appropriate state agency at no cost, (iv) lifetime membership to the Virginia Museum of Fine Arts, and (v) a transition assistance grant of \$15,000, in all cases. The bill also provides that when the Governor has granted an absolute pardon for the commission of a crime for which the individual requesting the pardon has been unjustly convicted, he shall also provide to the individual unjustly convicted a letter of exoneration detailing the circumstances of the unjust conviction.

Patron - O'Bannon

FHB1912 Writ of actual innocence based on previously unknown evidence. Allows a convicted and incarcerated individual to petition the Supreme Court for a writ of actual innocence based upon any new evidence, not just DNA.

Patron - Almand

FHB2001 Home/electronic incarceration program. Restricts eligibility for the home/electronic incarceration program to those persons convicted of a misdemeanor that is not driving under the influence of alcohol/drugs or assault and battery against a family or household member. The program is currently available to persons serving time in local correctional facilities who are convicted of misdemeanors and most nonviolent felonies.

Patron - Bell

FHB2038 Disclosure of information in criminal cases. Provides that the attorney for the Commonwealth shall not disclose those records obtained in the course of a criminal prosecution that pertain to persons who are not charged with a crime associated with that prosecution. The bill provides that intentional disclosure of such records is a Class 1 misdemeanor.

Patron - Marshall, R.G.

FHB2076 Dissemination of criminal history record information; school volunteers. Provides that persons who offer volunteer assistance to county or city schools may obtain a copy of their criminal history record at no cost to the volunteer. The bill's purpose is to help schools screen their volunteer pool for sex offenders.

Patron - Gear

FHB2082 Chemical castration. Provides that on and after January 1, 2004, when a person is convicted of a felony offense of certain, specified sex crimes, the court shall order the person to submit to chemical castration (hormone chemical treatment with medroxyprogesterone acetate or its equivalent)

for the entire term of his sentence including any suspended sentence and post-release supervision.

Patron - Gear

FHB2208 Search warrants; limitation on public inspection. Provides that public inspection of a search warrant and supporting affidavit may be temporarily sealed by the appropriate court upon application of the attorney for the Commonwealth for good cause shown in an ex parte hearing. Currently, only the affidavit may be temporarily sealed.

Patron - Jones, S.C.

FHB2332 Criminal background check screening for employment. Eliminates the barrier crime that prevents those convicted of felonies from being employed in child care, adult care, education, nursing, mental health, mental retardation and substance abuse fields. The bill requires that criminal background checks be done as part of a screening for employment, but lets the hiring body make the determination whether the applicant for employment is qualified.

Patron - Bland

FHB2384 Disposition of the unrestorably incompetent defendant. Provides that an unrestorably incompetent defendant charged with capital murder may be ordered to continue to receive treatment and competency evaluations indefinitely during his commitment. Currently, such person would have to be released after five years. This bill is incorporated into HB 2514.

Patron - Moran

FHB2424 Postrelease supervision of felons. Removes apparently redundant sentences restating minimum and maximum periods of postrelease supervision applicable to those inmates not eligible for parole and returns to language similar to that which appeared in the section prior to the 2000 amendments. Currently, the judge is required to impose a term of postrelease supervision, suspend it and impose virtually the same term. This amendment clarifies that the judge would impose a term of confinement, suspend that and impose, instead, a term of postrelease supervision.

Patron - Janis

FHB2506 Orders for facial recognition technology. Creates a procedure by which a locality or a law-enforcement agency shall apply for an order from a court prior to employing facial recognition technology. Facial recognition technology means any technology or software system that identifies humans by using a biometric system to identify and analyze a person's facial characteristics and is employed for the purpose of matching a facial image captured by cameras placed in any public place, other than in a state or local correctional facility, with an image stored in a database.

Patron - Griffith

FHB2517 Final judgments in circuit court; when modifiable and appealable. Provides that final judgments in circuit court criminal cases remain under the control of the circuit court for 90 days rather than the current 21 days. The filing deadlines for appeals and the transfer of the trial record to the Court of Appeals are proportionately increased to maintain consistency with current practice.

Patron - McDonnell

FHB2575 Criminal sentencing; record of prior convictions. Creates a rebuttable presumption that the convictions listed on a report from the Virginia Criminal Information Network (VCIN) are accurate and that the defendant had counsel or waived counsel in convictions listed on the VCIN report.

Currently the Commonwealth must provide a certified copy of the conviction.

Patron - Armstrong

FHB2587 Criminal procedure; DNA analysis after arrest for violent felony. Provides that the sample of saliva or tissue taken for DNA (deoxyribonucleic acid) analysis from every person arrested for a violent felony be taken as soon as practicable as opposed to the current requirement that it be taken prior to release from custody.

Patron - Armstrong

FHB2588 Procedures for taking saliva or tissue sample for DNA analysis. Changes responsibility for assigning the place where DNA samples are to be taken from arrestees (arrested for violent felonies), from the magistrate to the law-enforcement agency that books the arrestee.

Patron - Armstrong

FHB2684 Victims of Drunk Driving Fund. Establishes a Victims of Drunk Driving Fund as a part of the Virginia Crime Victim-Witness Fund to be funded by those convicted of drunk driving at \$125 per conviction. The Fund would be used to assist those injured in accidents resulting from a violation of drunk driving laws.

Patron - Moran

FHB2691 Arrest for drunk driving. Allows an officer to arrest for a DUI not committed in his presence.

Patron - Bell

FHB2786 Commonwealth's failure to provide discovery. Provides that the Commonwealth's willful failure to obey a court order to provide discovery to a defendant is a Class 1 misdemeanor. The bill also expands discovery available to a defendant, consistent with the federal rules.

Patron - Griffith

FHB2787 Writ of actual innocence based on previously unknown evidence. Allows a convicted and incarcerated individual to petition the Supreme Court for a writ of actual innocence based upon any new evidence, not just DNA.

Patron - Griffith

FHB2791 Protective orders authorized in cases of stalking and acts of violence. Includes in the provisions that allow for the issuance of protective orders following incidents of stalking, provisions that allow for the issuance of protective orders following incidents of assault, or violent acts resulting in injury to a person or to property.

Patron - McDougale

FSB705 Writ of actual innocence based on previously unknown evidence. Allows a convicted and incarcerated individual to petition the Supreme Court for a writ of actual innocence based upon any new nontestimonial evidence, not just DNA.

Patron - Marsh

FSB733 Criminal sentencing; record of prior convictions. Creates a rebuttable presumption that the convictions listed on a report from the Virginia Criminal Information Network (VCIN) are accurate and that the defendant had counsel or waived counsel in convictions listed on the VCIN report. Currently the Commonwealth must provide a certified copy of the conviction.

Patron - Reynolds

FSB894 Deferral and dismissal; community-based corrections program. Expands the section allowing a misde-

meanor charge to be discharged and dismissed if the defendant fulfills the terms and conditions of his probation even though the facts justify a finding of guilt. The bill allows discharge and dismissal for any misdemeanor (except DUI) whereas current law includes certain property crimes only. The bill also allows a judge to order successful completion of a community-based corrections program as a term or condition of probation for discharge and dismissal. Under current law a person must be convicted before being sentenced to a community-based corrections program.

Patron - Watkins

FSB1005 Juvenile fingerprints. Requires, in cases where juvenile fingerprints are taken under current law, retention of the fingerprints if the original charge against the juvenile was reduced to a misdemeanor or if there was no finding of guilt pursuant to a deferred disposition. Under current law the only situation in which fingerprints retained on a juvenile who is found not guilty is if the juvenile is charged with a violent juvenile felony.

Patron - Mims

FSB1031 Sentencing proceeding by jury after conviction. Provides that, for the purposes of sentencing an individual already convicted of a crime, if the same jury cannot be assembled for sentencing, the court shall impanel a different jury to ascertain punishment, unless (as is already the case in the event a sentence is set aside) the defendant, the attorney for the Commonwealth and the court agree that the court should decide punishment.

Patron - Colgan

FSB1062 Criminal history record information; restrictions on access. Provides that a person's criminal history record information may not be released if he was convicted of a misdemeanor or a nonviolent felony, excluding certain drug offenses, and it has been three years since he completed his conviction-related obligations or five years if it is a violent felony or a drug-related offense. The prohibition on release is suspended for seven or 10 years if there is a subsequent conviction and there is an exception for law-enforcement and high-level security positions. This bill would apply to criminal history record information for employment, professional licensing, qualification as foster and adoptive parents, voluntary work with children, etc.

Patron - Maxwell

FSB1065 Expungement of criminal records. Requires a circuit court to expunge an individual's existing arrest record, upon petition to the court, for acquittals, nolle prosequis, dismissals or pardons if the court finds that the arrest that the petitioner seeks to expunge resulted in any such disposition. Currently, it may do so only if expungement would avoid manifest injustice to the petitioner. The bill also provides that at the conclusion of any hearing upon a dismissal, acquittal or nolle prosequi that the court shall, upon motion by the defendant, grant a motion for expungement. Such expungement is currently limited to a dismissal pursuant to mistaken identity only.

Patron - Maxwell

FSB1141 Death penalty; mental retardation. Establishes procedures for determining whether a defendant in a capital case is mentally retarded and may not be sentenced to death. In June the United States Supreme Court in *Atkins v. Virginia*, 536 U.S.____ (2002) held that the execution of a mentally retarded person is cruel and unusual punishment prohibited by the Eighth Amendment. This bill defines mental retardation, sets procedures for determining whether a defendant meets the definition and provides for the appointment of

expert evaluators. When mental retardation is at issue, a determination will be made by the jury (or judge in bench trials) as part of the sentencing proceeding. The defendant bears the burden of proving mental retardation by a preponderance of the evidence. The bill establishes a procedure for defendants sentenced to death prior to the effective date of the bill to raise the issue of mental retardation. This bill was drafted by a subcommittee of the Crime Commission and is a recommendation of the Commission. This bill is incorporated into SB 1239.

Patron - Stolle

FSB1241 Death penalty; mental retardation. Establishes procedures for determining whether a defendant in a capital case is mentally retarded and may not be sentenced to death. In June the United States Supreme Court in *Atkins v. Virginia*, 536 U.S.____ (2002) held that the execution of a mentally retarded person is cruel and unusual punishment prohibited by the Eighth Amendment. This bill defines mental retardation, sets procedures for determining whether a defendant meets the definition and provides for the appointment of expert evaluators. When mental retardation is at issue, a determination may be made pretrial by the judge or by the jury as part of the sentencing proceeding. The defendant bears the burden of proving mental retardation by a preponderance of the evidence. The bill establishes a procedure for defendants sentenced to death prior to the effective date of the bill to raise the issue of mental retardation. This bill is incorporated into SB 1239.

Patron - Edwards

FSB1281 Appointment of court reporters. Authorizes a judge of a court of record to appoint a court reporter in misdemeanor cases. Currently, the Code authorizes appointment only in felony cases.

Patron - Edwards

Domestic Relations

Passed

PHB2303 Marital agreements. Provides that marital agreements for the purpose of settling the rights and obligations of the spouses need not be in writing and are considered signed by the parties if the terms of the agreement are (i) contained in a court order endorsed by counsel or the parties or (ii) recorded and transcribed by a court reporter and affirmed personally by the parties on the record. This bill addresses *Flanary v. Milton*, 263 Va. 20 (2002), which held that an oral agreement recited into the record by the parties' attorneys during a deposition was not valid because it was not in writing and signed by the parties as required by § 20-149. This bill is identical to SB 866.

Patron - Devolites

PHB2386 Child support; enforceability of agreements on future modifications. Provides that the court may affirm, ratify and incorporate by reference in its divorce, annulment and support decrees an agreement between the parties as to modification of child support. Any such provisions shall not require a further court decree for their enforcement, but are subject to the revision and alteration provisions of § 20-108.

Patron - Moran

PHB2545 Child custody evaluations. States that a district or circuit court may order an independent mental health or psychological evaluation in any case in which custody or

visitation of minor children is at issue. The court may order payment by the parties as it deems appropriate.

Patron - McDonnell

PSB839 Divorce decrees. Makes it clear that certain language regarding child support does not have to be in a divorce decree when the parties have no minor children whom they have a mutual duty to support and specifies what language has to be included in such circumstances.

Patron - Quayle

PSB866 Marital agreements. Provides that marital agreements for the purpose of settling the rights and obligations of the spouses need not be in writing and are considered signed by the parties if the terms of the agreement are (i) contained in a court order endorsed by counsel or the parties or (ii) recorded and transcribed by a court reporter and affirmed personally by the parties on the record. This bill addresses *Flanary v. Milton*, 263 Va. 20 (2002), which held that an oral agreement recited into the record by the parties' attorneys during a deposition was not valid because it was not in writing and signed by the parties as required by § 20-149. This bill is identical to HB 2303.

Patron - Puller

PSB1280 Persons who may perform marriage rites. Provides that federal judges who reside in Virginia may perform marriages without an order of authorization and without giving bond.

Patron - Edwards

PSB1288 In camera interviews in child custody or visitation hearings. Provides that in a child custody or visitation proceeding in a court of record, where the court conducts an in camera interview of a minor child without the presence of the parties or their counsel, the court shall prepare a record of the interview that shall be made a part of the record in the case, unless the parties otherwise agree. The cost of creating the record shall be taxed as costs to the parties.

Patron - Cuccinelli

Failed

FHB1455 Medicaid-reimbursed health care costs. Clarifies that the court shall not order a party to pay any health care costs that are reimbursed by Medicaid.

Patron - Byron

FHB1688 Court-ordered custody and visitation arrangements. Provides that if the custodial parent is an active member of the military, the court shall, in deciding on changes in custody or visitation decrees, give consideration to a Family Care Plan developed in accordance with federal regulations.

Patron - McQuigg

FHB2028 Covenant marriage. Authorizes a form of marriage in which the parties must, before marrying, obtain premarital counseling and recite and sign a declaration of intent to enter into a covenant marriage. All divorce grounds remain the same. Persons who are already married may redesignate their marriage as a covenant marriage after they obtain marital counseling and execute a declaration of intent.

Patron - Petersen

FHB2120 Substitution of terms regarding custody and visitation. Provides that throughout the Code of Virginia and in any Acts of Assembly, the following substitutions shall be made: "Associate parent" shall be substituted for the old term "noncustodial parent." "Decision making authority" shall

be substituted for the old term "legal custody." "Managing parent" shall be substituted for the old term "custodial parent." "Parenting arrangements" shall be substituted for the old term "custody." "Parenting time" shall be substituted for the old term "visitation." "Physical care, control, and maintenance" shall be substituted for the old term "physical custody." "Shared parenting arrangement" shall be substituted for the old term "joint custody." "Shared parenting responsibility" shall be substituted for the old term "joint physical custody." "Sole parenting authority" shall be substituted for the old term "joint legal custody." "Sole parenting responsibility and authority" shall be substituted for the old term "sole custody."

Patron - Reid

FHB2127 Minor children and custody. Establishes a preference for granting each parent as much physical custody as circumstances permit and as found to be in the best interests of the child, but does not affect the court's ability to award joint or sole custody.

Patron - Reid

FHB2158 Child support; payment of child-care expenses require the noncustodial parent to pay as part of child support a proportional share of the child-care costs necessitated by the custodial parent's matriculation at high school, college, or a vocational school.

Patron - Phillips

FHB2191 Child support guidelines. Provides that contributions by the payor parent into a college tuition savings plan specifically designated for that purpose are a factor that may be considered in establishing a child support amount that varies from the guidelines.

Patron - Saxman

FHB2261 Child support. Makes comprehensive changes to the child support guideline, including (i) amending the schedule of monthly child support obligations; (ii) detailing the economic assumptions and factors upon which the guideline and schedule are based; (iii) providing that gross income excludes secondary employment income that the payor parent earned in a good faith effort to pay off arrearages in support for the children at issue; (iv) establishing protections to ensure that obligations of support will not reduce a noncustodial parent's income to below 150 percent of the poverty line; and (v) requiring parents to pay in proportion to their income any uninsured medical and dental costs in excess of \$250 annually in addition to other child support. This bill reflects the recommendations of the Secretary of Health and Human Resources Child Support Guideline Review Panel. The provisions are not retroactive and do not constitute the basis for a material change in circumstances upon which a modification of child support may be based.

Patron - Watts

FHB2262 Child support. Clarifies and expands (adding income from a second job or overtime) the components of income that may be considered in rebutting the presumptions established by the guideline; describes issues the court should consider in imputing income; expands the types of health care services that may be considered as "extraordinary medical and dental expenses;" and establishes thresholds for calculating the amount of child-care costs incurred due to employment that should be added to the basic support obligation. This bill reflects the recommendations of the Secretary of Health and Human Resources Child Support Guideline Review Panel. The provisions are not retroactive and do not constitute the basis for a material change in circumstances upon which a modification of child support may be based.

Patron - Watts

FHB2263 Child support. Makes comprehensive changes to the child support guideline, including (i) amending the schedule of monthly child support obligations; (ii) clarifying and expanding (adding income from a second job or overtime) the components of income that may be considered in rebutting the presumptions established by the guidelines; (iii) detailing the economic assumptions and factors upon which the guideline and schedule are based; (iv) providing that gross income excludes secondary employment income that the payor parent earned in a good faith effort to pay off arrearages in support for the children at issue; (v) establishing protections to ensure that obligations of support will not reduce a noncustodial parent's income to below 150 percent of the poverty line; (vi) requiring parents to pay in proportion to their income any uninsured medical and dental costs in excess of \$250 annually in addition to other child support; and (vii) establishing thresholds for calculating the amount of child-care costs incurred due to employment that should be added to the basic support obligation. This bill reflects the recommendations of the Secretary of Health and Human Resources Child Support Guideline Review Panel. The provisions are not retroactive and do not constitute the basis for a material change in circumstances upon which a modification of child support may be based.

Patron - Watts

FHB2387 Child support; written agreement. Provides that any written agreement, stipulation or consent decree addressing child support and maintenance rebuts the presumption that application of the guidelines will result in the correct amount of child support, unless the court finds provisions of the agreement, stipulation or consent decree unjust or inappropriate. Under current law, a written agreement between the parties is one of 18 factors that may be used to support the court's finding that the guidelines should not be applied; it is not a sole basis for rebuttal of the presumption. The bill also deletes the references in § 20-108.1 to spousal support; the section as revised deals solely with child support. This bill is incorporated into HB 2386.

Patron - Moran

FHB2388 Child support guidelines; agreement of the parties. Authorizes use of a written agreement, stipulation, or consent decree containing provisions for child support and maintenance to rebut the presumption that application of the guidelines results in an accurate calculation of child support, so long as neither party opposes the written agreement, stipulation or consent decree. This bill is incorporated into HB 2386.

Patron - Moran

FHB2724 Child custody and visitation; nature of order. Provides that when a court adjudicates the custody or visitation of minor children, it shall determine whether the adjudication is to be temporary or final, based on the nature of the circumstances surrounding the hearing, whether the parties have had sufficient time to prepare for trial, and any transience in the parties' situation. Temporary orders have no presumptive effect in final determinations of custody and visitation and are not considered a final adjudication for purposes of appeal. A final order shall have presumptive effective, and shall be a final adjudication for purposes of appeal. The bill is intended to clarify (i) that courts may make either a temporary or a final (albeit subject to a modification upon a showing of a material change in circumstances) adjudication of child custody and visitation and (ii) the status of the case vis-a-vis applications for appeal to the Court of Appeals.

Patron - Watts

FHB2733 Support for juveniles in custody. Provides that when a juvenile placed in the custody of the Depart-

ment of Juvenile Justice or a court either comes from an intact family or has never been the subject of a child custody order relative to divorce, the court shall retain all functions relative to payment of support for the child rather than delegating those to the Division of Child Support Enforcement.

Patron - Darner

FHB2793 Covenant marriage. Authorizes a form of marriage in which the parties must, before marrying, obtain premarital counseling and recite and sign a declaration of intent acknowledging that marriage is a lifelong relationship and pledging to obtain marital counseling should difficulties arise. Furthermore, in a covenant marriage, the time of separation necessary for parties to obtain a no-fault divorce is extended to two years for parents with minor children and extended to one year and six months for parties with no minor children. All other divorce grounds remain the same. Persons who are already married may redesignate their marriage as a covenant marriage after they obtain marital counseling and execute a declaration of intent.

Patron - McDonnell

FHB2817 Child support guidelines. Makes comprehensive changes to the child support guidelines, including (i) directing that a child support arrearage, standing alone, is not sufficient to block modifications to a support order; (ii) providing that "current circumstances" can support rebuttal of the guidelines; (iii) detailing the economic assumptions and factors upon which the guidelines and schedule are based; (iv) clarifying and expanding (adding income from a second job or overtime) the components of income that may be considered in rebutting the presumptions established by the guidelines; (v) establishing protections to ensure that obligations of support will not reduce a noncustodial parent's income to below 150 percent of the poverty line; (vi) defining "basic child support" as the "customary and ordinary expenses deemed necessary to sustain the child's life"; (vii) providing that gross income excludes secondary employment income that the payor parent earned in a good faith effort to pay off arrearages in support for the children at issue; (viii) eliminating the addition of extraordinary medical and dental costs from child support and instead requiring parents to pay in proportion to their income any uninsured medical and dental costs in excess of \$100 annually in addition to other child support; and (ix) establishing thresholds for calculating the amount of child-care costs incurred due to employment that should be added to the basic support obligation. This bill reflects recommendations of the Secretary of Health and Human Resources Child Support Guideline Review Panel.

Patron - Bolvin

FSB1118 Felony for nonsupport; penalty. Provides that if a person has, without good cause shown, failed to pay court-ordered child support resulting in an arrearage of six months or more, he is guilty of a Class 6 felony.

Patron - Lucas

FSB1192 Child support guidelines. Modifies the calculation of child support in shared custody to distinguish between variable and fixed costs, and to determine variable costs based on the percentage of time a parent has custody of the child. The purpose of the bill is to modify the current computations, which in certain situations set the custodial parent's support share at a higher level for shared custody of 105 days or fewer than for sole custody. The Code now addresses this discrepancy by permitting such calculations to be discarded in favor of the sole custody support amounts.

Patron - Wagner

FSB1312 Child support. Makes comprehensive changes to the child support guideline, including (i) amending the schedule of monthly child support obligations; (ii) clarifying and expanding (adding income from a second job or overtime) the components of income that may be considered in rebutting the presumptions established by the guidelines; (iii) detailing the economic assumptions and factors upon which the guideline and schedule are based; (iv) providing that gross income excludes secondary employment income that the payor parent earned in a good faith effort to pay off arrearages in support for the children at issue; (v) establishing protections to ensure that obligations of support will not reduce a noncustodial parent's income to below 150 percent of the poverty line; (vi) requiring parents to pay in proportion to their income any uninsured medical and dental costs in excess of \$250 annually in addition to other child support; and (vii) establishing thresholds for calculating the amount of child-care costs incurred due to employment that should be added to the basic support obligation. This bill reflects the recommendations of the Secretary of Health and Human Resources Child Support Guideline Review Panel. The provisions are not retroactive and do not constitute the basis for a material change in circumstances upon which a modification of child support may be based.

Patron - Quayle

FSB1313 Child support. Makes comprehensive changes to the child support guideline, including (i) amending the schedule of monthly child support obligations; (ii) detailing the economic assumptions and factors upon which the guideline and schedule are based; (iii) providing that gross income excludes secondary employment income that the payor parent earned in a good faith effort to pay off arrearages in support for the children at issue; (iv) establishing protections to ensure that obligations of support will not reduce a noncustodial parent's income to below 150 percent of the poverty line; and (v) requiring parents to pay in proportion to their income any uninsured medical and dental costs in excess of \$250 annually in addition to other child support. This bill reflects the recommendations of the Secretary of Health and Human Resources Child Support Guideline Review Panel. The provisions are not retroactive and do not constitute the basis for a material change in circumstances upon which a modification of child support may be based.

Patron - Quayle

FSB1314 Child support. Clarifies and expands (adding income from a second job or overtime) the components of income that may be considered in rebutting the presumptions established by the guideline; describes issues the court should consider in imputing income; expands the types of health care services that may be considered as "extraordinary medical and dental expenses;" and establishes thresholds for calculating the amount of child-care costs incurred due to employment that should be added to the basic support obligation. This bill reflects the recommendations of the Secretary of Health and Human Resources Child Support Guideline Review Panel. The provisions are not retroactive and do not constitute the basis for a material change in circumstances upon which a modification of child support may be based.

Patron - Quayle

FSB1339 Child custody or visitation and best interests of the child. Modifies several of the factors to be considered by a judge in determining the best interests of the child for purposes of determining custody or visitation arrangements. Additionally, the bill provides that the judge, as part of a final order, shall provide a written statement summarizing his findings regarding the factors considered.

Patron - Cuccinelli

Education

Passed

PHB1404 School board salaries; Southampton County. Corrects the school board salary statute by reinserting the Southampton County school board salary cap, which was inadvertently eliminated from statute by HB 1141 in 2002. In addition, the salary cap is increased from \$2,400 to \$5,000. Pursuant to HB 1141, only appointed school boards must seek General Assembly action for an increase in their respective salary caps. The 2002 Session adopted legislation providing that any elected school board may pay each of its members an annual salary that is consistent with the salary procedures and no more than the salary limits provided for local governments in Article 1.1 (§ 15.2-1414.1 et seq.) of Chapter 14 of Title 15.2 or as provided by charter. The specific salary limits that are currently provided for most school boards in Virginia were eliminated for elected school boards; however, for appointed school boards the specific salary limits were to be retained. Title 15.2 sets specific salary caps for city councils and boards of supervisors by population brackets; town councils may set their own salary levels.

Patron - Councill

PHB1464 General achievement diploma. Directs the Board of Education, by September 1, 2003, to develop, by regulation, requirements for the award of the general achievement diploma to students (i) passing the GED examination; (ii) successfully completing an education and training program designated by the Board; and (iii) satisfying other requirements the Board may establish. A second enactment authorizes emergency regulations.

Patron - Carrico

PHB1493 Standards of Quality; appropriate learning environment. Amends Standard 1 of the Standards of Quality to express the belief of the General Assembly and the Board of Education that the quality of public education is dependent upon an appropriate learning environment designed to promote student achievement. Standard 1 currently acknowledges the need for quality instruction as supported by appropriate benefits and compensation and the adequate commitment of other resources.

Patron - Amundson

PHB1498 Character education; Virginia Statement of Values. Modifies the current character education requirement to include instruction in Virginia's civic values--the principles articulated in Article I of the Virginia Constitution (Bill of Rights) and the ideals reflected in the Seal of the Commonwealth.

Patron - Lingamfelter

PHB1503 High school diplomas; civics education seal. Directs the Board of Education, by July 1, 2003, to establish criteria for awarding a diploma seal for excellence in civics education and understanding of the state and federal constitutions and the democratic model of government for the standard and advanced studies diplomas. The Board must consider criteria for (i) successful completion of history, government, and civics courses, including courses that incorporate character education; (ii) voluntary participation in community service or extracurricular activities; and (iii) related requirements as it deems appropriate.

Patron - Landes

PHB1518 School board policies; equal access. Prohibits local school boards providing access and opportunity to use school facilities or to distribute literature from denying equal access or fair opportunity to use such school facilities or to distribute literature, or from otherwise discriminating against the Boy Scouts of America or the Girl Scouts of the USA. Nothing in the measure is to be construed to require any school or school division to sponsor the Boy Scouts of America or the Girl Scouts of the USA or to exempt any such group from school board policies governing access to and use of school facilities and distribution of literature.

Patron - Black

PHB1716 Student social security numbers. Authorizes the division superintendent or his designee to assign another identifying number to students who are ineligible to obtain a federal social security number or if the student's parent is unwilling to present such number or waive the requirement. Currently, a student enrolled in the public schools must provide a federal social security number within 90 days of his enrollment. The U.S. Supreme Court ruled in *Plyler v. Doe*, 457 U. S. 202 (1982), that the withholding of state funds for the education of undocumented children or denying such children enrollment in the public schools violates the Equal Protection Clause of the Fourteenth Amendment. This decision affords undocumented students the right to attend public schools and participate in all school activities. School officials may not require children or their parents to prove that they are in the country legally through evidence such as green cards, citizenship papers or social security numbers. Pursuant to § 22.1-260, the division superintendent or his designee may waive the social security number requirement. However, in practice, the division superintendent or his designee is allowed, pursuant to guidance from the Department of Education, to assign another number for identification purposes to students who are ineligible to obtain a federal social security number. This bill authorizes that practice.

Patron - Hogan

PHB1757 Remediation for certain students. Requires school boards to provide programs of prevention, intervention, and remediation for students failing an end-of-course test required for the award of a verified unit of credit needed by the student for graduation, however, these students are not required to participate in such programs. School divisions are to add these students to their existing remediation report requirements. Currently, required remediation targets students who are "educationally at risk including, but not limited to, those whose scores are in the bottom national quartile on Virginia State Assessment Program Tests and those who fail to achieve a passing score on any Standards of Learning assessment in grades three, five, and eight."

Patron - Amundson

PHB1790 Timelines for decisions and appeals of teacher grievances. Clarifies that a school board has 10 business days to (i) initiate another hearing after receipt of a fact-finding panel's decision; (ii) determine grievability after the following of a grievance; and (iii) transmit a notice of appeal of its decision on grievability to the clerk of the relevant court. The bill also clarifies that the teacher has 10 business days after the school board makes its decision on grievability to file an appeal with the court and 10 business days to request a hearing before the school board after receiving the findings of fact and recommendations of a fact-finding panel. In addition, this provision clarifies that the court must sit to hear an appeal of grievability within 10 business days from receipt of the appeal. Currently, the relevant laws are silent as to whether "ten days" means 10 calendar days or 10 business days. Because school

boards do not meet every week, 10 business days will provide some relief in the turnaround time of the school board's decisions and the teacher's determination to appeal, and the court will have 10 business days in which to hear an appeal of grievability.

Patron - Tata

PHB1834 Scoliosis screening for public school students. Directs each school board to provide parent educational information or, within the time periods specified in Board of Education regulations, to implement a program of regular screening for scoliosis for pupils in grades 5 through 10, unless such students are pupils admitted for the first time to a public school and have been tested as part of the required comprehensive physical examination, or the parents of such students have indicated their preference that their children not participate in such screening. Local school boards are to develop procedures for parents to indicate their desire to "opt out." The Board of Education is to promulgate regulations for the implementation of the screening program, which shall address, but shall not be limited to, requirements and training for school personnel and volunteers who may conduct such screenings; procedures for the notification of parents when evidence of scoliosis is detected; and such other provisions as the Board deems necessary. Local divisions may seek volunteers from among health care professionals.

Patron - Reese

PHB1896 School board employees; compensation schedule. Requires school boards receiving a waiver from the Board of Education and setting the school calendar so that the first day students are required to attend occurs before August 15 to establish a compensation schedule ensuring that all contract personnel are compensated for time worked within the first month of employment. This bill is identical to SB 717.

Patron - Stump

PHB1907 Student expulsions; possession of air rifle or BB gun. Modifies the "Gun-Free Schools" statute to add possession of an air rifle or BB gun on school property or a school-sponsored activity to those firearms-related offenses for which school boards are to expel students for one calendar year, unless the school board determines that "special circumstances exist and no disciplinary action or another disciplinary action or another term of expulsion is appropriate." The current weapons, firearms, and destructive device definitions in the Gun-Free Schools and criminal statutes do not clearly address air rifles or BB guns. Under current law, students are to be expelled (unless "special circumstances" exist) for possession of "firearms," defined in the Gun-Free Schools statute as "any destructive device," and those weapons that may "expel a projectile by the action of an explosive," those weapons prohibited on school property or at school-sponsored activities in § 18.2-308.1. Section 18.2-308.1, in turn, cross-references and incorporates the definition of "weapons" listed in § 18.2-308 A, which includes various knives as well as "any pistol, revolver, or other weapon designed or intended to propel a missile of any kind by action of an explosion of any combustible material." The measure does not alter the definition of "firearm" in the criminal statutes or within the Gun-Free Schools provision.

Patron - Almand

PHB2091 Drug testing in public schools. Requires the Board of Education to include policies addressing voluntary and mandatory drug testing, in accordance with the most recent enunciation of constitutional principles by the Supreme Court of the United States of America, in its guidelines for student conduct policies and student searches. The bill states that its provisions must not be construed to require any school board to adopt policies requiring drug testing; however, school

boards may require drug testing in accordance with the Board's guidelines. Most recently, the U. S. Supreme Court upheld, in *Board of Education of Independent School District No. 92 of Pottawatomie County, Oklahoma et al. v. Earls et al.*, random drug testing of public school students as a condition of participation in competitive extracurricular activities. A previous decision allowed for testing of athletes involved in competitive sports. The Board's standards for school board policies on alcohol and drugs and search and seizure must include guidance for procedures relating to voluntary and mandatory drug testing in schools, including, but not limited to, which groups may be tested, use of test results, confidentiality of test information, privacy considerations, consent to the testing, need to know, and release of the test results to the appropriate school authority. To avoid the costs of printing and mailing, the Board of Education must issue the revisions to its guidelines and model student conduct policies relating to school board policies on alcohol and drugs and search and seizure and for student searches in electronic format only. The revisions may be transmitted to the division superintendents and the public via any electronic media, including by posting the revisions to the Department of Education's website.

Patron - Joannou

PHB2124 Governor's Schools; selection of fiscal agent. Allows two or more school boards operating an academic-year Governor's School to select the fiscal agent for the school from among the treasurers of the participating localities by agreement and with the approval of the respective local governing bodies. Current law provides that the treasurer of the locality in which a joint school (a school operated by two or more school divisions) will serve as fiscal agent for the joint schools. The Governor's Schools program was first established in 1973 by Governor Linwood Holton. Supported by legislative appropriation, the initiative includes summer residential schools, summer regional schools, and 16 academic-year schools (three of which are full-day programs) and is administered by the Department of Education Programs for the Gifted cooperatively with local school divisions, colleges, and universities. The academic-year Governor's Schools are operated as joint schools, and provide special studies in sciences, mathematics, technology, and the arts for high school students. The remainder of the student's instruction may be provided by the student's home school or by the Governor's School. These programs receive funding from the Department of Education and participating school divisions. Additional contributions to Governor's Schools are made by local school divisions, institutions of higher education, foundations, and communities.

Patron - Reid

PHB2140 Posting of Bill of Rights in public schools. Amends the two uncodified Acts of Assembly requiring the posting of the National Motto in public schools to add the required posting of the Bill of Rights of the Constitution of the United States. Currently, school boards, at their discretion, may accept contributions in cash or in-kind from any person to defray the costs of implementing this provision.

Patron - Brink

PHB2151 School funding; reporting of required local expenditure. Codifies and broadens existing budget language to direct the Department of Education to collect annually necessary data to make calculations at the beginning and end of each school year to ensure that each school division has appropriated sufficient funds to support its estimated required local expenditure for providing an educational program meeting the prescribed Standards of Quality (SOQ). The end-of-year calculations shall be designed to verify whether the locality has provided the required expenditure, based on average daily membership as of March 31 of the relevant school year. The

Department is to report annually to the House Committees on Education and Appropriations and the Senate Committees on Finance and Education and Health the results of such calculations and the degree to which each school division has met, failed to meet, or surpassed its required expenditure. Similarly, the Joint Legislative Audit and Review Commission (JLARC) is to report annually to these committees the state expenditure provided each locality for an educational program meeting the SOQ. The Department and JLARC are to coordinate to ensure that their respective reports are based upon comparable data and are delivered together, or as closely following one another as practicable, to the appropriate standing committees. The calculations will assist the Board of Education and the Attorney General in the implementation of their existing enforcement authority, set forth in the amended section and in Standard 8 (§ 22.1-253.13:8) of the SOQ. The measure is based on 2002 Appropriation Act language (§ 1-54, Item 147 B7, B7e) and Recommendation 8 of the 2002 JLARC Review of Elementary and Secondary School Funding.

Patron - Rust

PHB2254 Notification of reduction in force for teachers. Removes a July 1, 2003, sunset provision to continue the current requirement that all school boards, within two weeks of approval of the school budget by the local governing body, but no later than June 1, notify those teachers who may be subject to a reduction in force due to a decrease in the school board's budget as approved by the appropriating body. The section and corresponding amendments from the 2002 Session that would have replaced the expiring provision on July 1, 2003, are stricken; that section would have directed the school boards of Arlington, Fairfax, Falls Church, and Prince William (identified by form of government or by population) to notify by May 15 those teachers who may be subject to a reduction in force. An emergency clause makes the bill effective upon its final passage.

Patron - Watts

PHB2428 Blue Ridge Regional Education and Training Council. Abolishes the Blue Ridge Regional Education and Training Council. The Council was established in 1992 to provide leadership and coordination for education and business partnership programs and excellence in education in the Blue Ridge region. Funding for the Council and staff have been eliminated. The primary purposes of the Council can be carried out by local workforce investment boards and other entities. This bill is identical to legislation recommended by the Joint Subcommittee Studying the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities pursuant to HJR 159 (2002). This bill has a delayed effective date of July 1, 2004.

Patron - Hugo

PHB2437 School board salaries. Allows county school boards whose membership is elected or appointed for staggered terms to establish a salary increase prior to July 1 of any year in which at least 40 percent of its members are to be elected or appointed. Current law permits this to occur in a year in which 50 percent of such members are to be elected or appointed. In addition, a technical amendment clarifies that the salary procedures for Arlington County School Board must comply with the provisions of § 15.2-702.1 relating to salaries and expenses for board members under the county manager plan form of government. Arlington County is the only jurisdiction having the county manager plan form of government.

Patron - Dillard

PHB2442 Students with limited English proficiency; Standards of Quality. Amends the Standards of Qual-

ity to require school boards to identify students with limited English proficiency and enroll these students in appropriate instructional programs and to require state funding, pursuant to the appropriation act, for 10 full-time equivalent instructional positions for each 1,000 students identified as having limited English. The state share for this staffing requirement is currently funded at \$8,822,504 and \$10,428,613 in the first and second year of the 2002-2004 biennial budget, respectively (§ 1-54, Item 145 F). The Standards of Accreditation (8 VAC 20-131-70) state that "[i]nstruction shall be designed to accommodate all students, including those with disabilities, those identified as gifted/talented, and those who have limited English proficiency." This bill incorporates HB 2636.

Patron - Dillard

PHB2621 School safety audits. Directs local school boards to require schools to conduct school safety audits annually, requires the audits to include specific recommendations, and provides that the results of such school safety audits shall be made public within 90 days of completion. However, the local school board retains authority to withhold or limit the release of any security plans and specific vulnerability assessment components, which are provided a qualified exemption from the Freedom of Information Act. The exemption from the FOI will not be construed to prohibit the disclosure of records relating to the effectiveness of security plans after a fire, explosion, natural disaster or other catastrophic event, or after any person has been injured or threatened with personal injury. Current law defines the school safety audit as a written assessment of the safety conditions in each public school that identifies and develops solutions for various physical and personal safety and security concerns.

Patron - Sherwood

PHB2680 Reports of certain acts by school authorities. Clarifies and revises the requirements for principals' reports to local law enforcement of incidents occurring on school buses, school property or at school-sponsored activities by (i) restructuring the clusters of incidents to separate assault and assault and battery without bodily injury from the more serious incidents involving assault and battery with bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding and (ii) eliminating the mandate that principals report all incidents involving assault and assault and battery to local law enforcement. The principal must still notify the parents of the students involved and the division superintendent and still has the discretion to report assaults and assaults and batteries without bodily injury to local law enforcement.

Patron - Black

PHB2757 Data on convictions; school personnel. Clarifies and reinforces that, as a condition of employment for all of its public school employees, whether full-time or part-time, permanent, or temporary, every school board must require on its application for employment that the applicant certify whether he has been convicted of a crime of moral turpitude. The Virginia Supreme Court has stated that "[m]isdeemeanor crimes of moral turpitude are limited to those crimes involving lying, cheating and stealing, including making a false statement and petit larceny." (Newton v. Commonwealth, 29 Va. App. 433 at 448, 512 S.E.2d 846 at 853(1999)). Current law requires that school board employment applications include certifications that the applicant has not been convicted of a felony, a crime of moral turpitude, or any offense involving the sexual molestation, physical or sexual abuse or rape of a child.

Patron - Rust

PHB2806 Four-day school week. Provides that local school boards may approve, pursuant to guidelines developed

by the Board of Education, school-proposed alternative school schedule plans, including those providing for the operation of schools on a four-day weekly calendar, so long as a minimum of 990 hours of instructional time is provided for grades 1 through 12 and 540 hours for kindergarten. No alternative plan that reduces the instructional time in the core academics shall be approved. The Standards of Accreditation (SOA) (8 VAC 20-131-150) set the standard school year at 180 days, with the standard school day for students in grades 1 through 12 to "average at least 5-1/2 hours, excluding breaks for meals, and a minimum of three hours for kindergarten." The SOA permit school divisions to develop alternative schedules for meeting these requirements as long as a minimum of 990 hours of instructional time is provided for grades 1 through 12 and 540 hours for kindergarten. Such alternative plans must be approved by the local school board and by the Board of Education under guidelines established by it.

Patron - Saxman

PHJ608 Educational leader training. Requests the Board of Education and the State Council of Higher Education for Virginia to ensure that the performance and leadership standards described in the Board's Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Administrators, and Superintendents are reflected in preparation and training programs for principals and superintendents in institutions of higher education. This measure is a recommendation of the HJR 20/SJR 58 Commission to Review, Study, and Reform Educational Leadership.

Patron - Hamilton

PHJ613 Regret over 1959 school closures. Describes the events in Prince Edward County of the 1950s following the Supreme Court decision in Brown v. Board of Education declaring segregated systems of public education to be "inherently unequal" and expresses the General Assembly's profound regret over the 1959-1964 closing of the public schools in Prince Edward County, Virginia. This resolution notes the 50th anniversary in 2004 of the Brown v. Board of Education decision and urges the people of Virginia to celebrate this anniversary by becoming knowledgeable of the benefits and fairness of equality and the past history of the massive resistance movement, in the belief that a more educated, enlightened, and tolerant population will learn from history and will reject absolutely any such discriminatory practices in the future.

Patron - Baskerville

PHJ642 Recognizing the efficacy and potential cost-savings of contracting for independent educational performance assessment services. Recognizes the efficacy and potential cost savings that contracting for independent educational performance assessment services can provide decision makers. Such services can provide decision makers comparable and contextual academic, financial, and demographic data to make consistent and clear information available for instructional and resource decisions and for ensuring accountability. This resolution notes the new data requirements of No Child Left Behind and that the development and implementation of new software to collect and analyze this new data could be costly and require months of work. Thus, the use of an existing, effective, and quality educational data system may save, in the long run, money and time.

Patron - Byron

PSB710 Standards of Quality; quality instruction. Amends Standard 1 of the Standards of Quality to express the belief of the General Assembly and the Board of Education that the quality of public education is dependent upon quality instruction that enables each student to become a productive and educated citizen of Virginia and of the United States. Stan-

dard 1 currently acknowledges the need for quality instruction as supported by appropriate benefits and compensation. The measure also reiterates the legislature's duty to fund public education as set forth in the Virginia Constitution.

Patron - Puller

PSB717 School board employees; compensation schedule. Requires school boards receiving a waiver from the Board of Education and setting the school calendar so that the first day students are required to attend occurs before August 15 to establish a compensation schedule ensuring that all contract personnel are compensated for time worked within the first month of employment. This bill is identical to HB 1896.

Patron - Wampler

PSB756 School superintendent contracts. Requires that whenever a division superintendent's contract is being renegotiated, all members of the school board must be notified at least 30 days in advance of any meeting at which a vote is planned on the renegotiated contract unless the members agree unanimously to take the vote without the 30 days notice. Each member's vote on the renegotiated contract must be recorded in the minutes of the meeting. The local governing body, as the entity responsible for appropriating school board funds, must ultimately approve the local school board budget, pursuant to § 22.1-92.

Patron - O'Brien

PSB779 Student assessments. Provides that, for any grade level or course for which a Standards of Learning (SOL) assessment or other criterion- or norm-referenced assessment is administered, there shall be no required administration of the Stanford Achievement Test Series, Ninth Edition (Stanford 9) assessment, except as may be selected to facilitate compliance with the requirements for home instruction. The Standards of Quality (§ 22.1-253.13:3) currently direct the Board of Education to "(i) develop appropriate assessments, which may include criterion-referenced tests and alternative assessment instruments which may be used by classroom teachers and (ii) prescribe and provide measures, which may include nationally normed tests, to be designated as the Virginia State Assessment Program, which shall be used to identify students who score in the bottom quartile at selected grade levels." The Board adopted the Stanford 9 in 1996 as the norm-referenced test--one which compares the performance of Virginia students to that of students across the nation to be administered in mathematics, reading, and language at grades 4, 6, and 9. The National Assessment of Educational Progress (NAEP) is administered to samples of students from grades 4, 8, and 12 for periodic testing in reading, mathematics, science, writing, history and other fields. In 1998, NAEP covered reading, writing, and civics in grades 4, 8, and 12. In 2000, NAEP covered mathematics and science for grades 4 and 8 and reading in grade 4 only. Virginia has been participating in NAEP since 1990. Beginning in 2005-2006, the federal No Child Left Behind act will require annual testing in grades 3-8. The Commonwealth's SOL tests are administered in 3, 5, and 8 at the end of certain high school courses, but will be administered in grades 3, 4, 5, 6, 7, and 8 in mathematics and reading by the beginning of 2005-2006.

Patron - Blevins

PSB804 Virginia Advisory Council for Adult Education and Literacy. Abolishes the Virginia Advisory Council for Adult Education and Literacy. The Council recommends an integrated and coordinated multiagency approach for the delivery of quality adult education and literacy programs, services, and philosophies. The executive director position to the Council has been eliminated as a state position and the Council has met infrequently in recent years. The Board of Education has

established the Subcommittee on Adult Education and Literacy which can fulfill the mission of the Council and have a greater local impact. 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

PSB987 School buses; display of American flag decals. Allows local school boards, notwithstanding any regulation to the contrary, to display decals depicting the flag of the United States on the sides and rear of school buses as long as any such decal does not obstruct the name of the school division or the number of the school bus and is no larger than 100 square inches. Current Board regulations (8 VAC 20-70-210) prohibit "use of posters, stickers, or advertising material of any kind" on school buses and provide for lettering for the identification of buses (8 VAC 20-70-1050).

Patron - Mims

PSB1099 Joint schools. Allows two or more school boards, with the consent of the State Board, to establish joint or regional high schools, including regional public charter schools, to offer, in addition to a comprehensive high school curriculum, specialized training to students desiring to pursue careers in law enforcement, fire fighting, emergency and rescue services, and other occupations addressing public safety and welfare. These schools may be designed to incorporate the instructional services of retired or disabled emergency, fire, rescue, and law-enforcement personnel and internships with local agencies and organizations providing such emergency, fire, rescue, and law-enforcement services.

Patron - Edwards

PSJ305 Ratios of students with disabilities to general student population. Requests the Department of Education to collect information regarding ratios of students with individualized education plans in Virginia school divisions to the general student population. Such information shall include a summary of current federal and state law and regulation governing requirements and standards for the issuance of such plans and the identification and classification of students with disabilities.

Patron - O'Brien

PSJ316 Coordinating the Brown v. Board of Education 50th Anniversary Celebration. Directs the Dr. Martin Luther King, Jr. Memorial Commission to coordinate and plan the statewide commemoration of the 50th Anniversary of the Brown v. Board of Education decision in the Commonwealth. The Commission shall (i) inventory the Commonwealth regarding planned commemorative events, (ii) confer and collaborate with the Brown v. Board of Education 50th Anniversary Commission, the Robert Russa Moton Museum, the Brown Foundation, the Secretary of Education, the Superintendent of Public Education, the State Council of Higher Education, the Virginia Community College System, the Office of the Attorney General, the judicial system, local school boards, institutions of higher education, local governments, legal and civil rights organizations, relevant federal agencies, the religious community, and other interested parties to plan, coordinate, and implement appropriate year-long activities and events leading to and following May 17, 2004, (iii) issue a calendar of events that includes all known national and statewide programs, activities, and events commemorating the 50th Anniversary of Brown v. Board of Education, and (iv) notify and seek the cooperation of all relevant parties regarding the provisions of this resolution. The Commission must submit its executive summary and progress report no later than the first day of the

2004 Regular Session of the General Assembly. Also, the executive summary and report must be posted on the General Assembly's website.

Patron - Marsh

PSJ318 Communication, collaboration, and cooperation among the public and higher education systems and the General Assembly. Requests the Secretary of Education to facilitate communication, collaboration, and cooperation among the public and higher education systems, and the Virginia General Assembly to establish a K-20 continuum. The Secretary of Education is also requested to apprise the Commission on Access and Diversity in Higher Education regarding progress toward accomplishing initiatives that promote the K-20 continuum, dialogue with citizens and the business community to strengthen support for public and higher education, and efforts to ensure better articulation and alignment of curricula between public and higher education. The Secretary must recommend to the Commission by November 30, 2003, any changes to existing state laws that may be necessary to assist public and higher education agencies in accomplishing their individual missions and the objectives of this resolution. This resolution, which was a part of the legislative initiatives of the Commission on Access and Diversity in Higher Education during the 2002 Session of the General Assembly, was favorably considered by the Commission this year.

Patron - Marsh

Failed

FHB1376 Board of Education; nonvoting student representative. Directs the Governor to appoint a nonvoting student representative to the Board of Education from among students enrolled in Virginia public schools. The student representative would serve in a nonvoting, advisory capacity for a term of one year and shall be eligible for reappointment. The student representative shall not be construed to be a Board member for any purpose, including, but limited to, establishing a quorum or making any official decision. The Board may exclude the nonvoting student representative from executive sessions or closed meetings pursuant to § 2.2-3711 of the Freedom of Information Act.

Patron - Landes

FHB1378 Local school boards; nonvoting student representatives. Requires school boards to adopt procedures for the appointment of one or more nonvoting student representatives to local school boards from among the students enrolled in the public schools in the division. A student representative will serve in a nonvoting, advisory capacity and will be appointed under such circumstances and serve for such terms as the board prescribes. The school board may exclude nonvoting student representatives from executive sessions or closed meetings pursuant to the Virginia Freedom of Information Act. Student representatives must not be construed to be members of local school boards for any purpose, including, but not limited to, establishing a quorum or making any official decision. Under current law, this practice is permissive. Boards of visitors of Virginia public institutions of higher education are also authorized to appoint nonvoting student representatives (§ 23-9.2:5).

Patron - Landes

FHB1460 Independent analysis of school performance. Directs the Board of Education, to supplement and enhance the accreditation process, to contract with a person, organization, or corporation with expertise in school evaluation for the purpose of conducting an annual independent analysis and evaluation of school performance for each public school

division in the Commonwealth. The contract for services shall provide for, among other things, (i) the use of performance variables that shall include various academic, financial, and demographic indicators; (ii) comparative benchmarks among school divisions; (iii) annual reporting to each school division of its performance and areas requiring improvement; (iv) identification of performance trends over time and best practices; and (v) recommendations for technical assistance, remediation, intervention, and other measures to improve school performance.

Patron - Purkey

FHB1482 Standards of Accreditation; multiple criteria. Directs the Board of Education, in establishing the Standards of Accreditation for elementary, middle, and high schools, to incorporate the use of multiple criteria in determining the accreditation status of schools. The criteria for the accreditation of all schools shall include results of the Standards of Learning (SOL) assessments, excluding the scores of students pursuing alternative education; improvement in SOL assessment scores; and student attendance rates. The criteria for accrediting all schools shall also provide for the awarding of additional credit to be counted toward attaining a particular accreditation status for (i) a disparity in the aggregated SOL assessment scores of majority and minority students of 10 points or fewer that results from increased assessment scores of all students and (ii) the percentage of teachers who are assigned to positions for which they have an endorsement. The Board shall assign a weight to each criterion to obtain a numerical rating for determining accreditation status; however, in no event shall the results of any SOL assessments account for more than three-quarters of a school's rating for accreditation purposes. In addition, the accreditation standards for high schools shall include, but not be limited to, school drop-out rates, with data distinguishing verified transfers and students participating in a GED program and the percentage of students who do not receive a diploma but either (a) pass an examination in a career and technical education field that confers certification from a recognized industry, or trade or professional association, or (b) acquire a professional license in a career and technical education field from the Commonwealth of Virginia. Additional criteria for the accreditation of middle schools shall include, but not be limited to, school drop-out rates, with data distinguishing verified transfers. Additional criteria for the accreditation of elementary schools shall include, but not be limited to, the number of students who have been retained for more than one year in grades 2 through 5. The criteria for accrediting elementary schools shall also include, as an additional credit that might be counted toward attaining a particular accreditation status, the percentage of students achieving above the fiftieth percentile on the Stanford 9 assessment. At the request of the relevant school board, alternative education schools and full-day programs designed to increase educational opportunities for at-risk students shall be evaluated pursuant to standards appropriate to such school or program and approved by the Board of Education. Each school's performance on the various criteria and any awards of additional credit shall be included in the School Performance Report Card required by the Standards of Accreditation.

Patron - Darner

FHB1495 Education; funding for the state Standards of Quality. Provides that notwithstanding any other provision of law, the Commonwealth shall fund at least 55 percent of the total actual costs of public education. The Standards of Quality and the formulas used by the Commonwealth to distribute funds to localities to meet the Standards of Quality shall be reviewed and revised biennially to meet such requirement. Beginning with the budget for fiscal year 2005, the Governor

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

Patron - Amundson

FHB1497 Standards of Learning assessments. Provides that the results of any Standards of Learning (SOL) assessments cannot be considered in the promotion or retention of students, the awarding of diplomas, or in the accreditation of schools until the validity, reliability, and fairness of such assessments have been certified to the Board of Education by an independent assessment expert following appropriate field testing. In no case can the SOL assessment results constitute the primary basis for student promotion or retention. The current Standards of Accreditation (SOA) provide that results of SOL assessments in grades K-8 are a "part of a set of multiple criteria for determining the promotion or retention of students." The regulations are silent as to promotion and retention policies for grades 9-12, in which verified units of credit (earned by passing SOL assessments and successfully completing courses) are required for a diploma. The division superintendent must "certify to the Department of Education that the division's promotion and retention policy does not exclude students from membership in a grade or participation in a course in which SOL tests are to be administered," (8 VAC 20-131-30 A, B). The SOA do not specifically make the awarding of diplomas contingent upon the passage of SOL tests; however, the accumulation of a specific number of standard and verified units of credit will be required for standard and modified diplomas, beginning with the ninth grade class of 2001. The standard unit of credit is based on the minimum 140 clock hours of instruction and "successful completion of the requirements of the course." The verified unit of credit is awarded upon passage of the relevant SOL test, or additional tests approved by the Board of Education, as well as the course (8 VAC 20-131-110 A, B). During a transition period, beginning with the ninth grade classes of 2001, 2002, and 2003 (graduating classes of 2004-2006), students must earn 22 standard units of credit in specified courses, and two verified units of credit in English and four verified units "of the student's own choosing" to obtain a Standard Diploma. For the ninth grade class of 2004 (graduating class of 2007), receipt of a Standard Diploma will be based on 22 standard units of credit in specific courses, and six verified units--two in English, one each in mathematics, science, history, and one in a course of the student's choosing (8 VAC 20-131-50 B). The SOA state that schools shall be accredited based primarily on student achievement, as evidenced by SOL test scores (8 VAC 20-131-280 C). More specifically, accreditation ratings are based on "the percentage of students passing SOL tests or approved additional tests ... or on a trailing three-year average that includes the current year scores and the scores from the two most recent years in each applicable academic area, or the current year's scores, whichever is higher" (8 VAC 20-131-280 C 3). Special purpose schools are to be evaluated "on standards appropriate to the programs offered in the school and approved by the Board . . ." (8 VAC 20-131-280 D). After a transition period ending in 2009, schools will ultimately be awarded one of four accreditation ratings: Fully Accredited, Conditionally Accredited, Accredited with Warning, and Accreditation Denied, (8 VAC 20-131-300 A). Provisional accreditation benchmarks establish passing rates for schools through 2003.

Patron - Christian

FHB1574 Parenting programs; Department of Correctional Education. Requires the Department to arrange for noncustodial parent offenders committed to the custody of the Department of Corrections to be afforded the opportunity to participate in pre- and post-release parenting programs that

include parenting-skills training, anger management, and literacy skills. This bill is identical to HB 2246.

Patron - Hamilton

FHB1606 Standards of Learning (SOL) assessments. Directs local school divisions to include in reports of student scores on the SOL assessments provided to parents the established margins of error for such assessments, score ranges, and explanations of such data.

Patron - Petersen

FHB1611 Administration of assessments for certain nonpublic school students. Requires students who are enrolled in any nonpublic school in the Commonwealth and who receive state funds supporting such enrollment, other than any state funds that may be associated with students who are enrolled as part of an individualized education plan or who participate in federal free and reduced meal programs, to participate in the Standards of Learning assessments prescribed by § 22.1-253.13:1. The Board of Education shall develop any additional procedures that may be required to facilitate the administration of such assessments.

Patron - Darner

FHB1638 Early completion of high school graduation requirements. Provides that effective July 1, 2004, each school board must establish and implement a procedure to allow a student to graduate from the public schools before the student's senior year by (i) completing the requirements for high school graduation before the student's senior year, or (ii) demonstrating exemplary performance on the Standards of Learning end-of-course tests. Such procedure must include a provision for providing a monetary award to such students, the amount to be determined by the school board. Students who complete the requirements for high school graduation before their senior year will be awarded either the standard or advanced diploma and such seals on the diploma as may be appropriate. Such students, regardless of age, will have satisfied compulsory school attendance requirements.

Patron - Marshall, R.G.

FHB1639 Overcrowding of public schools. Provides that effective July 1, 2004, each school board must establish a procedure to allow a parent to transfer a student to an educational program that complies with compulsory school attendance when the number of students attending the public school in which the student is enrolled exceeds the capacity for which the building was erected or when trailers must be used to accommodate the overflow of students and provide additional instructional space. Parents who elect to transfer a child to an approved educational program will be entitled to receive a monetary payment each year in an amount to be determined by the school board; however, the payment may not be less than \$500 and or exceed the annual cost of average daily membership that the school division allocates for such student, to the extent permissible by federal and state law, and local ordinance. If overcrowding in the school persists the next school year, and a parent elects to transfer a student to an educational program, the parent will not be eligible to receive the monetary payment for the second or subsequent years unless the student can demonstrate continuous academic progress and proficiency on the relevant Standards of Learning tests for English and mathematics, or other appropriate tests selected by the division superintendent from among a list of tests approved by the Board of Education. The Board of Education must establish guidelines to assist school divisions with the implementation of the law. The guidelines must include, but not be limited to, a model procedure for allowing parents to transfer students to an educational program that complies with compulsory school attendance when the public school is overcrowded, eligibility

for monetary payments, and a list of tests approved by the Board of Education to assess the academic progress of such students.

Patron - Marshall, R.G.

FHB1758 Virginia Public School Authority; School Construction Grant Act of 2003. 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. The schedule for the issuance of the bonds and the payment of the debt service on them shall be as provided in the general appropriation act. One-half of the grants (\$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. In implementing this bill, the Virginia Public School Authority shall not incur more than a total of \$250 million in debt in any fiscal year.

Patron - Amundson

FHB1760 Standards of Quality; apportionment of state and local share. Directs the General Assembly, in apportioning the state and local share for the costs of meeting the Standards of Quality, beginning July 1, 2003, to annually increase the state share by four percent of the total costs, so that, by July 1, 2008, the local share shall not exceed 60 percent and the state share shall be equal to at least 40 percent of the total costs for localities whose local share is greater than or equal to 65 percent of the total costs in any fiscal biennium.

Patron - Amundson

FHB1794 Student directory information. Prohibits school boards from releasing student directory information (name, address, date and place of birth, etc.) for use by any political group, party, committee, or organization. The federal Family Educational Rights and Privacy Act (FERPA) permits school boards to release directory information without parental consent after providing notice of this practice. Federal regulations describe this information as that which "would not generally be considered harmful or an invasion of privacy if disclosed" (34 CFR § 99.3). Federal law allows parents to refuse to allow these routine disclosures.

Patron - Jones, D.C.

FHB1795 Social studies textbooks. Directs the Board of Education, in approving textbooks for social studies, to report to local school boards those textbooks that reflect the history of minorities in the Commonwealth, consistent with the requirement that the Standards of Learning for social studies be supplemented to ensure the study of contributions to society of diverse people, as required by Standard 1 of the Standards of Quality.

Patron - Jones, D.C.

FHB1798 School boards; rules governing outside discussion of closed meetings. Provides that a school board may, by agreement of a majority of its members, adopt a rule prohibiting and providing appropriate sanctions for the disclosure by any member of information discussed in a closed meeting of the school board lawfully convened in accordance with law until such time as the subject of the closed meeting is made public by the school board.

Patron - Jones, D.C.

FHB1815 Commencement of school day in certain school divisions. Directs the school board of any county hav-

ing the urban county executive form of government (Fairfax) to set the school day schedule to ensure that the commencement of the regular school day for students in middle and high schools begins no earlier than 8:00 a.m. A second enactment clause delays the bill's effective date until July 1, 2004.

Patron - Scott

FHB1837 School board employees; standard classifications. Directs the Board of Education to develop standard school board employee position descriptions, categories, and classifications for use by all school divisions in the Commonwealth. School boards are to use such descriptions, categories, and classifications in making any reports to the Board or other state agencies required by state law or regulation.

Patron - Reese

FHB1839 Division superintendent contracts. Requires local school boards to provide public notice of its intention to renegotiate, extend, or amend a division superintendent's contract at least 28 days prior to the date of school board action on such renegotiation, extension, or amendment. The public notice is to state the intended action.

Patron - Reese

FHB1843 Student drug testing; disclosure of test results. Provides that a school board may require a student who has been found to have been in possession of or to have used illegal substances on school property or at a school-sponsored event and for whom an evaluation for substance abuse has been required to disclose drug test results to the appropriate school administrative authority for the sole purpose of determining an appropriate school placement. Current law permits the school board to require a substance abuse evaluation for these students, and upon the recommendation of the evaluator, participation in a treatment program.

Patron - Reese

FHB2021 Elementary school teachers; planning time. Directs school boards to ensure that all elementary school teachers are provided at least one unencumbered planning period during the students' school week. The Commonwealth will bear the cost of the planning period, as provided in the appropriation act. Currently, the law directs school boards to "seek to ensure" that elementary school teachers receive at least three hours' planning time each week; the Standards of Accreditation (SOA) (8 VAC 20-131-230) provide middle school teachers with more than 25 class periods a week with one period of "unencumbered" class period daily; similarly, full-time high school teachers must receive "one class period each day, unencumbered by supervisory or teaching duties...for instructional planning." No similar requirement is stated for elementary school teachers. In addition, the SOA direct schools to report "the extent to which an unencumbered lunch is provided for all classroom teachers."

Patron - Bell

FHB2042 Virginia Educational Options Program. Provides parents of students enrolled in, attending, or assigned to public schools that have been accredited with warning in any specified academic area or areas or have had their accreditation denied for the past two consecutive years with the right to request transfers to comparable accredited public schools of their choice in the relevant school division. In those school divisions with only one school at the various educational levels, or in those instances in which the majority or all of the public schools are accredited with warning or have had accreditation denied, or the school division is unable to grant the transfer request because adequate space is not available in a comparable school of the parent's choice, the parent will have the right to request a school attendance voucher from the Board

of Education to enroll the student in an accredited public school in another school division or in a participating nonsectarian private school. The vouchers will be in the amount of \$2,000 or a sum equal to the required expenditure per pupil as set forth in the appropriation act for the relevant school division, whichever is less; however, vouchers cannot be for more than the tuition charges. The Board of Education will deduct the voucher amounts from the school division's basic aid appropriations and will promulgate regulations for the program, with the advice and consultation of the Office of the Attorney General. The legislation protects against shutout of students who reside in the various attendance zones and avoids construction of the new law to guarantee admission, attendance or full tuition payment for any student. The Auditor of Public Accounts will perform annual financial and performance evaluations, beginning in 2004.

Patron - Marshall, R.G.

FHB2043 Virginia Scholarship and Tutorial Assistance Program. Creates the Virginia Scholarship and Tutorial Assistance Program to provide state-funded scholarships directly to parents of low-income students in the Commonwealth that may be used to (i) pay the costs of tuition of eligible students in kindergarten through grade 8 attending an accredited public school in an adjacent school division or a participating nonsectarian private school in the school division where the student resides or in a school division adjacent thereto, or (ii) purchase tutorial assistance for such students who remain in the public schools, to assist the parents of these students in obtaining a high quality education. The Board must promulgate regulations for the governance and implementation of the Program, and must allocate appropriations for the Program equally so that one-half will be designated for scholarships and one-half will be designated for tutorial assistance grants. The bill also provides certain requirements for participating nonsectarian private schools.

Patron - Marshall, R.G.

FHB2098 Teacher compensation; national average. Establishes as a policy of the Commonwealth that the average salary for Virginia public school teachers equal or surpass the national average salary for public school teachers and directs the Board of Education and the General Assembly to implement this policy in prescribing and revising the Standards of Quality. The Director of Human Resource Management is to include in each biennial review of the compensation of teachers and other occupations requiring similar education and training the average salary for teachers in the Commonwealth, the national average salary for public school teachers, and the Commonwealth's national ranking for such salaries.

Patron - Plum

FHB2146 Uniform guidelines for care of students with diabetes. Directs the Board of Education, in consultation with the Department of Health, to develop guidelines for school boards for the development and implementation of individual diabetes care plans for public school students. The Board is to consider the guidelines recommended by the American Diabetes Association for the management of children with diabetes in the school and day care setting and recent resolutions by the United States Department of Education's Office of Civil Rights of investigations into complaints alleging discrimination against students with diabetes. The measure is similar to legislation adopted by the North Carolina General Assembly in August 2002. The guidelines are to include, but shall not be limited to, provisions addressing (i) procedures for the development of an individual diabetes care plan at the written request of the student's parent and the involvement of other appropriate educational and health care personnel; (ii) the regular review of individual care plans; (iii) information to be

included in an individual diabetes care plan, including the responsibilities and appropriate staff development for teachers and other school personnel, an emergency care plan, the identification of authorized actions to be taken, the extent to which the student is able to participate in his own care and management, and other information necessary for teachers and other school personnel to offer appropriate assistance; (iv) information and staff development to assist teachers and other school personnel in addressing the care of such students; and (v) such other matters as the Board deems appropriate. Local school boards shall ensure that schools in which students with diabetes are enrolled adopt practices and procedures that meet or exceed the Board's guidelines and are to provide information and professional development opportunities to assist teachers and school personnel in managing the care of such students in accordance with their individual diabetes care plans. The Board must develop the guidelines for implementation by local school boards in the 2004-2005 school year. The Board's guidelines are not to be deemed to be regulations for purposes of the Administrative Process Act (§ 2.2-4000 et seq.); however, the Board shall provide for public review and comment in the development and revision of such guidelines.

Patron - Rust

FHB2189 Teacher licensure by reciprocity. Directs the Board of Education to provide for licensure by reciprocity with comparable endorsement areas for those individuals who (i) have successfully completed an out-of-state teacher preparation program approved by the relevant state authority and offered by an accredited institution of higher education and (ii) hold a valid and full out-of-state teaching license issued by the state approving such teacher preparation program. Current law and regulation provide for licensure by reciprocity for those individuals holding a valid out-of-state teaching license and national certification from the National Board for Professional Teaching Standards or a nationally recognized certification program approved by the Board of Education (8 VAC 20-21-90). In addition, candidates seeking a Technical Professional License or the Pupil Personnel Services License are not required to take the professional teacher's assessment. Individuals who have "completed a minimum of two years of full-time, successful teaching experience in an accredited public or nonpublic school (kindergarten through grade 12) in a state other than Virginia are exempted from the assessment requirement" (8 VAC 20-21-40 B).

Patron - Saxman

FHB2243 Standards of Quality; apportionment of state and local share. Directs the General Assembly, in apportioning the state and local share for the costs of meeting the Standards of Quality, beginning July 1, 2004, to implement a formula that determines each locality's ability to pay based on the ratios of (i) the total value of real estate in the locality adjusted by the index used for the pay differential for state employees residing in that locality to the statewide value of real estate per person; (ii) the median value of residential real estate in the locality to the statewide median value of residential real estate; (iii) sales subject to the state sales tax in the locality to the statewide sales subject to the state sales tax per person; (iv) revenue collected from the local personal property tax to the revenue collected statewide from the local personal property tax, and (v) revenue collected from local lodging, local cigarette, and local meals taxes to the revenue collected statewide from these local lodging, cigarette, and meals taxes, as provided in the appropriation act. To determine each locality's composite index of ability-to-pay, (a) the sum of the ratios calculated on the basis of average daily membership for each locality shall be divided by the sum of the average daily membership ratios for all localities; (b) the sum of the ratios calculated on a per capita basis for each locality shall be divided by

the sum of the average daily membership ratios for all localities; and (c) the locality's ratio calculated on the basis of average daily membership shall be multiplied by .66 and the locality's ratio calculated on a per capita basis shall be multiplied by .33. The sum of the two adjusted ratios in clause (c) shall be the local composite index of ability-to-pay. Tax values and population estimates used shall be those for the fiscal year ending one year prior to the fiscal year in which the distribution takes place.

Patron - Watts

FHB2246 Parenting programs; Department of Correctional Education. Requires the Department to arrange for noncustodial parent offenders committed to the custody of the Department of Corrections to be afforded the opportunity to participate in pre- and post-release parenting programs that include parenting-skills training, anger management, and literacy skills. This bill is identical to HB 1574.

Patron - Watts

FHB2348 Dual enrollment of home school students. Requires public two-year and four-year institutions of higher education to develop and implement policies that provide for the dual enrollment of students 16 years of age or older, who are home-schooled high school juniors or seniors within the Commonwealth, to allow such students to meet the requirements for high school graduation and, at the same time, earn college credits. These students must meet the academic requirements for admission of the institution, be eligible to attend as part-time or full-time students, and be subject to the same conditions and requirements imposed upon, and afforded the same privileges extended to, dual enrolled public school students. The policies must be effective by July 1, 2004.

Patron - Black

FHB2349 Standards of Quality; School Performance Report Card. Requires the Board of Education to include, in its regulation relating to the School Performance Report Card, requirements for each school to report, in addition to the Standards of Learning assessment scores and averages, each year's required test results, including nationally normed student test score averages on Virginia State Assessment Program tests, which may include the Stanford 9 test, analyzed by percentile data when available. Such reports must be made available to the public within three months of the receipt of the scores, disaggregated by gender and by race or ethnicity, and reported to the public for each school in the aggregate. These reports must also be posted separately from the Standards of Learning assessment data, on the portion of the Department of Education's website relating to the School Performance Report Card, in a standard, downloadable, importable spreadsheet format and in a manner that allows year-to-year comparisons. In addition, the reports must include, but not be limited to, the results from Virginia State Assessment Program tests, which may include the Stanford 9 and the National Assessment of Education Progress state-by-state assessment.

Patron - Hull

FHB2389 Standards of Quality; apportionment of state and local share. Directs the General Assembly, in apportioning the state and local share for the costs of meeting the Standards of Quality, beginning July 1, 2003, in any year in which general fund revenue growth is at least three percent greater than population and inflation growth combined for the previous year, to increase the state share by three percent of the total costs, so that, by full implementation of this measure, the local share shall not exceed 65 percent and the state share shall be equal to at least 35 percent of the total costs. Such increases in the state share shall be granted to those school divisions

whose local share is greater than or equal to 65 percent of the total costs in any fiscal biennium. The per pupil costs of providing such required educational programs for school divisions whose local share as of July 1, 2002, was less than 65 percent of the total costs shall be the same as their final per pupil amount for fiscal year 2003. Until such time that no school division's local share exceeds 65 percent, no school division shall receive additional state funding for reductions in enrollment; however, funding may be adjusted to (i) ensure that the school division's final per pupil amount remains at the fiscal year 2003 level; and (ii) address inflation and the biennial recalculation of the costs of providing an educational program required to meet the Standards of Quality, as provided in the appropriation act. The measure also includes language citing "equal opportunity to a quality education in all areas of the Commonwealth" and stating that "funding formulas are the best and most equitable way for the Commonwealth to distribute the state's share of costs of educational programs."

Patron - Albo

FHB2403 School vending machines. Directs the Board of Education to develop guidelines for the use of food vending machines in public schools. The Board is to design the guidelines to promote the selection of nutritional products and to support the health and physical education curriculum. The guidelines are to address, among other things, suggested nutritional content of dispensed food and beverages, including guidelines for fat, sugar, sodium, and caffeine content, and such other matters as the Board deems appropriate.

Patron - Van Yahres

FHB2407 Student discipline; self-defense. Amends student suspension and expulsion requirements by prohibiting the imposition of disciplinary actions against any student, unless required to comply with federal Gun-Free Schools provisions, for reasonable actions taken to defend himself against an attack by another. No student who has received notice of an intended suspension or expulsion who asserts self-defense as justification for his action can be suspended or expelled until school administrators conduct a preliminary factual inquiry regarding the validity of such assertion. School boards shall adopt procedures consistent with due process requirements for the conduct of such inquiry. Such procedures may provide for expedited and summary administrative hearings, and may require the student to bear the burden of proof on all issues arising out of the assertion of self-defense.

Patron - Marrs

FHB2408 Student discipline. Amends student suspension and expulsion requirements by prohibiting the imposition of disciplinary actions against students, unless required to comply with federal Gun-Free Schools provisions, for possession of a bona fide eating utensil or personal grooming device unless such utensil or device is brandished or employed as a weapon or otherwise to effect or to threaten an act of violence or intimidation against another or against property. No student who has received notice of an intended suspension or expulsion who asserts the applicability of this section can be suspended or expelled until school administrators conduct a preliminary factual inquiry regarding the applicability of this provision. School boards shall adopt procedures consistent with due process requirements of this article for the conduct of such inquiries, which may include procedures for expedited and summary administrative hearings.

Patron - Marrs

FHB2409 Student discipline; possession and use of nonprescription medications. Amends student suspension and expulsion requirements by prohibiting the imposition of disciplinary actions against any student for possession or use of

nonprescription medications, regardless of whether school personnel have knowledge of such possession or use, if such nonprescription medication is held with the prior knowledge and consent of the student's parent. No student who has received notice of an intended suspension or expulsion who asserts parental knowledge and approval as justification for his action can be suspended or expelled until school administrators conduct a preliminary factual inquiry regarding the validity of such assertion. School boards shall adopt procedures consistent with due process requirements for the conduct of such inquiry. Such procedures may provide for expedited and summary administrative hearings, and may require the student to bear the burden of proof on all issues arising out of the parental knowledge and approval assertion. The measure is not to be construed to limit or proscribe the discretion of school boards to adopt or enforce student conduct policies prohibiting or otherwise affecting the provision of nonprescription medications by a student to any other person while on school property.

Patron - Marrs

FHB2435 Standards of Quality; apportionment of state and local share. Directs the General Assembly, in apportioning the state and local share for the costs of meeting the Standards of Quality, beginning July 1, 2004, to annually increase the state share by five percent of the total costs, so that, by July 1, 2006, the local share shall not exceed 70 percent and the state share shall be equal to at least 30 percent of the total costs for those school divisions whose local share is greater than or equal to 70 percent of the total costs in any fiscal biennium.

Patron - Dillard

FHB2441 Standards of Learning assessments; limited English proficiency (LEP) students. Directs the Board of Education to provide, as necessary, alternative Standards of Learning assessments for students identified as having limited English proficiency (LEP). These alternative assessments must be designed to yield accurate and reliable information regarding these students' mastery of subjects other than English. The federal No Child Left Behind Act requires annual testing of all students—including LEP students—in grades 3-8 in mathematics and reading beginning in 2005-2006, with reasonable adaptations for LEP students and students with disabilities. The Act requires the testing of LEP students in school year 2002-2003 for English proficiency. The Standards of Accreditation (8 VAC 20-131-70) state that "[i]nstruction shall be designed to accommodate all students, including those with disabilities, those identified as gifted/talented, and those who have limited English proficiency." The SOA (8 VAC 20-131-30) also provide that "[p]articipation in SOL testing by students identified as limited English proficient (LEP) shall be guided by a school-based committee convened to make such determinations. In kindergarten through eighth grade, limited English proficient students may be granted a one-time exemption from SOL testing in each of the four core areas."

Patron - Dillard

FHB2478 Virginia Public School Authority; School Construction Grant Act of 2003. 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. The schedule for the issuance of the bonds and the payment of the debt service on them shall be as provided in the general appropriation act. One-half of the grants (\$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. In implementing this bill, the Virginia Public School Authority shall not incur more than a total of \$250 million in debt in any fiscal year.

Patron - Crittenden

FHB2495 Textbook selection. Directs the Board of Education to develop lists of approved textbooks that correlate with the Standards of Learning and for which a correlation has been established between the use of such textbooks and improved student academic achievement as measured by performance on national standardized tests. The Board is to make such lists available to local school boards for review and reference.

Patron - Bolvin

FHB2496 Instructional materials in phonics. Directs local school boards to make available to all teachers employed in grades prekindergarten through second, special education, and in English as a second language, or as reading specialists, materials to assist in the provision of instruction in systematic and explicit phonics. The Standards of Learning for English require instruction in phonics at the second-grade level (Standards of Learning, English, 2.7).

Patron - Bolvin

FHB2501 Public school foundations. Modifies the definition of "public school foundation" to provide that these nonstock, nonprofit corporations may also be established to implement, in addition to public/private partnerships supporting public school improvement projects, other projects and programs that support or supplement the mission and goals of the school board, as may be approved by the local school board. This amendment is designed to enhance the use of the voluntary tax refund contribution ("check-off") available to public school foundations pursuant to § 58.1-346.17. Using similar definitional language, the measure broadens the definition of those nonstock, nonprofit corporations that may participate in vocational education projects with school divisions to include those foundations created to implement projects and programs that support or supplement the mission and goals of the school board, including the promotion of vocational education.

Patron - Griffith

FHB2553 Virginia School for the Deaf and the Blind. Provides for the closure of the Virginia School for the Deaf, Blind, and Multi-Disabled at Hampton and the transfer of students, programs, and services to the Virginia School for the Deaf and the Blind at Staunton by the commencement of the 2003-2004 school year. The surviving school shall be renamed the Virginia School for the Deaf and the Blind. The Board of Education is to coordinate with the board of visitors of the Virginia School for the Deaf and the Blind at Staunton, the board of visitors of the Virginia School for the Deaf, Blind, and Multi-Disabled at Hampton, and the Advisory Commission on the Virginia Schools for the Deaf and the Blind to effectuate the closure of the School at Hampton and the transfer of students, programs, and services to the School at Staunton. The members of the Advisory Commission on the Virginia Schools for the Deaf and the Blind appointed and currently serving who are the parents of students who are attending or have attended the School at Hampton or who are former students of either school shall complete such term. For purposes of future appointments to the Advisory Commission for positions for students or parents of students who have attended the School, "School" shall be construed to include the School at Hampton. Currently, both schools offer services for deaf students in preK-12 and blind students in preK-12; the Staunton school provides services for preK-12 students who have "visual

and sensory disabilities and who are identified as emotionally disturbed," while the Hampton school provides services for preK-12 students with sensory-impaired multiple disabilities.

Patron - Landes

FHB2596 Annual teacher evaluations. Requires annual evaluations for all teachers, pursuant to Board of Education guidelines, and requires the dismissal of or return to a one-year probationary term of service for those teachers who have received two unsatisfactory annual evaluations in a three-year period. The Board of Education is to create guidelines for a review process whereby teachers may request a review of an unsatisfactory evaluation, including provisions addressing criteria by which the division superintendent may determine whether the evaluation is unfounded and time limitations for the various components of the review. No parties to an evaluation review shall be accompanied by legal counsel at any review proceedings. The teacher grievance procedure will not apply to the review of an unsatisfactory evaluation; however, a return to probationary status based on two unsatisfactory evaluations that have been reviewed and determined to be founded shall be grievable. Dismissals are already grievable under current law. Under current law, probationary teachers are to be evaluated annually (§ 22.1-303). The Code also directs the Board of Education to develop criteria for use by division superintendents and principals for the evaluation of instructional personnel; these criteria can be found in the Board's "Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Administrators, and Superintendents."

Patron - Brink

FHB2627 Standards of Quality; salaries of instructional personnel. Provides that, in determining the average statewide salary for instructional positions to be funded within the Standards of Quality, the Department of Education is to base such averages on the actual salary paid to individual positions equivalent to positions required by the Standards of Quality and the actual number of such positions. For the purposes of these statewide average salary calculations, "instructional positions" shall include elementary and secondary teachers, principals, assistant principals, instructional aides, counselors, and librarians.

Patron - Scott

FHB2633 School data. Directs the Department of Education to make available to school divisions in a format suitable for inclusion on school division websites (i) results of the annual school performance report cards required by the Standards of Accreditation; (ii) school and pupil data required to be reported pursuant to federal law and regulation for the purposes of improving school and student performance; and (iii) such other data as may be collected and released by the Department, including, but not limited to, data related to student disciplinary actions and student retentions. School divisions are to maintain such data on their respective websites. The federal No Child Left Behind Act reporting requirements addressing adequate yearly progress will already necessitate the collection of various data disaggregated on the basis of race, ethnicity, economic disadvantage, limited English proficiency, disability, gender, and migrant status. The Act also requires annual report cards for states and school divisions. The Standards of Accreditation (8 VAC 20-131-270) currently require the annual school performance report card to include, among other things: (a) SOL test scores; (b) performance of students with disabilities or LEP students on SOL tests and alternate assessments; (c) the school's accreditation rating; (d) student attendance rates; (e) school safety information; and (f) teacher qualifications. Secondary schools' report cards must include additional information such as advanced placement and

International Baccalaureate data and percentages of students in academic year Governor's schools and of drop-outs.

Patron - Darner

FHB2636 Students with limited English proficiency; Standards of Quality. Amends the Standards of Quality to require school boards to identify students with limited English proficiency and enroll these students in appropriate instructional programs and to require state funding, pursuant to the appropriation act, for 10 full-time equivalent instructional positions for each 1,000 students identified as having limited English. The state share for this staffing requirement is currently funded at \$8,822,504 and \$10,428,613 in the first and second year of the 2002-2004 biennial budget, respectively (§ 1-54, Item 145 F). This is bill incorporated into HB 2442.

Patron - Van Landingham

FHB2646 Student records in private or independent schools. Requires every private or independent school in Virginia to develop and maintain written policies and procedures for the gathering, disseminating, maintaining, and protecting the confidentiality of student records. These policies and procedures must include a definition of "student record" and procedures for access to the records and the circumstances requiring parental consent for access to or disclosure of student information. These student record policies and procedures must be made available to any parent who has a child attending the school or who has a child that has attended the school. Private or independent schools that are required to comply with the Family Educational Rights and Privacy Act (20 U.S.C. § 1232(g)) and related regulations because they accept public funds for placements of students will be deemed to be in compliance with the student record policy and procedure requirement. In the event that any private or independent school violates its student record confidentiality policy as established, the parent of the child whose records were the subject of the unauthorized disclosure shall be entitled to the return of any documents provided by the parent or child to the school. At the request of the parent, the school must destroy the original and any copies of the student record, with the following exceptions: (i) business records relating to the student's enrollment and (ii) documents relating to student achievement, such as report cards or progress reports, that are prepared in the ordinary course of instruction by school personnel. In any case in which a private or independent school violation of its student record confidentiality policy resulted from willful misconduct and such private or independent school subsequently fails to comply with the requirements for returning or destroying the documents, the parent whose student was the subject of the unauthorized disclosure shall be entitled to initiate an action in circuit court to recover damages or \$500, whichever is greater. In addition, such person may also be awarded reasonable attorney's fees and court costs.

Patron - Bell

FHB2679 Special education. Directs school divisions to provide special education to children of school age who are Virginia residents and who reside in a facility dually licensed by the Departments of Health as a nursing facility and Mental Health, Mental Retardation and Substance Abuse Services as a residential care facility as of January 1, 2003, by adding these children to the definition of "children with disabilities, residing within its jurisdiction." In addition, Board of Education regulations will identify these children who are eligible to be placed in public school programs. Finally, the measure provides that the school division may charge tuition as provided in § 22.1-5.

Patron - Sears

FHB2768 Schools and libraries; Internet filtering. Directs division superintendents of public schools, chief administrators of private schools receiving federal funds for Internet access, and library boards and local governing bodies of localities that have not established library boards, to seek to ensure, to the extent practicable, that the currently required acceptable use policies and any selected filtering technology or software do not preclude access to material that is protected by the United States and Virginia Constitutions.

Patron - Brink

FHB2801 Virginia Public School Authority; School Construction Grant Act of 2003. Authorizes the Virginia Public School Authority to issue bonds to fund grants to localities in the total amount of \$950 million to pay the costs of school construction, school renovation, and other school infrastructure projects. The schedule for the issuance of the bonds and the payment of the debt service on them shall be as provided in the general appropriation act. The \$950 million in grants shall be distributed to localities according to the following formula (i) one-half based on the proportion of sales and use tax revenue generated in each locality; and (ii) the remaining one-half 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. In implementing this bill, the Virginia Public School Authority shall not incur more than a total of \$250 million in debt in any fiscal year.

Patron - Scott

FHB2821 Standards of Quality; Standard 3. Provides that student outcome measures of the Standards of Learning assessments and other Virginia State Assessment Program tests must be used for the purposes for which they have been designed and determined valid, reliable, and fair by the Standards of Learning Test Technical Advisory Committee, in accordance with accepted standards for educational testing. The Board of Education, in determining the validity of such tests, shall include Standards of Learning program effectiveness or consequential validity as recommended by the Standards of Learning Test Technical Advisory Committee. However, the results of Standards of Learning assessments and other Virginia State Assessment Program tests may not constitute the sole or primary basis for student promotion, retention, or the awarding or denial of diplomas or school accreditation.

Patron - Christian

FSB755 Standards of Quality; apportionment of state and local share. Directs the General Assembly, in apportioning the state and local share for the costs of meeting the Standards of Quality, beginning July 1, 2003, in any year in which general fund revenue growth at least three percent greater than population and inflation growth combined for the previous year, to increase the state share by three percent of the total costs, so that, by full implementation of this measure, the local share shall not exceed 65 percent and the state share shall be equal to at least 35 percent of the total costs. Such increases in the state share shall be granted to those school divisions whose local share is greater than or equal to 65 percent of the total costs in any fiscal biennium. The per pupil costs of providing such required educational program for school divisions whose local share as of July 1, 2002, was less than 65 percent of the total costs shall be the same as their final per pupil amount for fiscal year 2003. Until such time that no school division's local share exceeds 65 percent, no school division shall receive additional state funding for reductions in enrollment; however, funding may be adjusted to address inflation and the biennial recalculation of the costs of providing an edu-

cational program required to meet the Standards of Quality, as provided in the appropriation act.

Patron - O'Brien

FSB829 Cultural diversity policies for local school boards and institutions of higher education. Requires the Board of Education and public schools to promote the knowledge and appreciation of diverse racial and ethnic cultures, and language minority populations, particularly such cultures and populations represented in the public schools of the Commonwealth. The Board must establish guidelines to assist local school boards in implementing cultural diversity policies and must also identify best practices within and outside of the Commonwealth. The boards of visitors of each public institution of higher education in the Commonwealth and the State Board for Community Colleges must submit equal education opportunity plans to the State Council of Higher Education, the Governor, and the General Assembly on November 1 of each year. The plan requirements for the institutions of higher education will expire on July 1, 2008, the expiration date for the reporting and monitoring phase of the agreement signed by Governor Gilmore with the Office of Civil Rights of the United States Department of Education. This bill, which was a part of the legislative initiatives of the Commission on Access and Diversity in Higher Education in the 2002 Session, was favorably considered by the Commission this year. This provision provides that "cultural diversity policies" must not be construed to require mandatory training of students or school board employees concerning cultural diversity, or to require hiring quotas or the employment of persons on the basis of race or ethnicity.

Patron - Marsh

FSB842 Planning time for elementary school teachers. Requires school boards to ensure that all elementary school teachers have a period of unencumbered planning time during each regular student school day. Currently, school boards are to "seek to ensure" that elementary school teachers have three hours of planning time each week. Pursuant to the Standards of Accreditation (SOA), middle school teachers with more than 25 class periods per week must have "one period per day unencumbered of any teaching or supervisory duties," and all full-time secondary school classroom teachers receive "one class period each day, unencumbered by supervisory or teaching duties... for instructional planning time." The SOA are silent as to planning time for elementary school teachers; however, schools are to report "the extent to which an unencumbered lunch is provided for all classroom teachers" (8 VAC 20-131-240 D, E, G).

Patron - Quayle

FSB885 Virginia Public School Authority; School Construction Grant Act of 2003. 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. The schedule for the issuance of the bonds and the payment of the debt service on them shall be as provided in the general appropriation act. One-half of the grants (\$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. In implementing this bill, the Virginia Public School Authority shall not incur more than a total of \$250 million in debt in any fiscal year.

Patron - Puller

FSB923 Restrictions on vending machines in public elementary schools; Board regulations concerning middle and high school vending machines. Provides that no public elementary school in Virginia can contract for, allow, or continue the use of vending machines dispensing soft drinks or solid foods having empty calories, high fat, high sodium or caffeine content. Elementary schools may continue to use vending machines dispensing foods that are included in a healthy diet for young children. The Board of Education is directed to promulgate regulations relating to the use of vending machines in middle and high schools, which must address the foods that may be sold and appropriate student access to such machines.

Patron - Byrne

FSB975 Blue Ridge Regional Education and Training Council. Abolishes the Blue Ridge Regional Education and Training Council. The Council was established in 1992 to provide leadership and coordination for education and business partnership programs and excellence in education in the Blue Ridge region. Funding for the Council and staff have been eliminated. The primary purposes of the Council can be carried out by local Workforce Investment Boards and other entities. 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 - Trumbo

FSB1050 Smaller school divisions; adjusted state share. Creates a mechanism whereby any school board of a school division in which fewer than 350 students (Highland County) were included in average daily membership for the preceding school year, upon entering into certain cost-savings agreements with a contiguous school division for the sharing of educational, administrative, or support services, shall receive the state share for basic aid computed on the basis of the composite index of local-ability-to-pay of the contiguous school division, calculated annually, for a period of 15 years. Board of Education eligibility criteria will address the cost-savings and service-sharing agreements and for the adjustment of the state share for basic aid, consistent with the appropriation act. The local school board receiving the adjusted state share cannot use the additional funds received to supplant local funds appropriated for education. In addition, the adjusted state share cannot be used to reduce local operating expenditures for public education from the prior fiscal year. However, no school division shall be required to maintain a per pupil expenditure for operations that exceeds the per pupil expenditure in the prior fiscal year. If any such contractual agreements between the relevant school divisions terminate prior to the end of the applicable period set forth above, the Commonwealth's obligation under this section shall cease. Pursuant to §§ 22.1-26 and 22.1-27, school boards are already empowered to operate joint schools and to make agreements with "adjacent" school boards "for furnishing public school facilities and for school services." This bill is effective January 1, 2005.

Patron - Hanger

FSB1054 Continuing the Commission on Educational Accountability. Continues the 18-member Commission on Educational Accountability (SJR 498-1999) to monitor the implementation of the federal No Child Left Behind Act, the Standards of Learning assessments, and the Standards of Accreditation, and such other matters affecting educational accountability in the Commonwealth's public schools as it deems appropriate.

Patron - Hanger

FSB1056 Student directory information. Provides that directory information shall only be released in compliance with the Family Educational Rights and Privacy Act (20 U.S.C. § 1232(g)). The federal Family Educational Rights and Privacy Act (FERPA) permits school boards to release directory information without parental consent after providing notice of this practice. Federal regulations describe this information as that which "would not generally be considered harmful or an invasion of privacy if disclosed" (34 CFR § 99.3). Federal law allows parents to refuse to allow these routine disclosures.

Patron - O'Brien

FSB1100 Character education; participation in community service. Provides that character education programs in the public schools may include opportunities for voluntary participation in community service activities pursuant to guidelines developed by the Board of Education.

Patron - Edwards

FSB1127 Standards of Quality; career and technical education. Expands the current Standards of Quality (SOQ) requirement that local school boards provide career and technical education programs to require school boards to establish as a priority the provision of those career and technical education courses for which verified units of credit may be earned through passage of a Standards of Learning assessment or through relevant industry certification or state licensure examinations as provided in Board of Education regulations. Standard 3 of the SOQ permits the Board of Education "to provide, in the requirements for the verified units of credit stipulated for obtaining the standard or advanced studies diploma, that appropriate and relevant industry certification or state licensure examinations may be substituted for correlated Standards of Learning examinations. The Board may also provide that students completing career and technical education programs designed to enable such students to pass such industry certification examinations or state licensure examinations may be awarded, upon obtaining satisfactory scores on such industry certification or licensure examinations, the appropriate verified units of credit for one or more career and technical education classes into which relevant Standards of Learning for various classes taught at the same level have been integrated." The Board of Education adopted Guidelines for Awarding Differentiated Numbers of Verified Credit for Career and Technical Education Certification and Licensure Examinations on June 27, 2002. According to Superintendent's Memo No. 45 (July 12, 2002), the guidelines state that "students who pass a board-approved certification or licensure examination would earn one or two student-selected verified credits in career and technical education, depending on the course of study taken in preparation for the examination. The division superintendent or his designee will determine whether an individual student earns one or two verified credits for each examination passed based on the application of Board of Education guidelines and criteria." Currently, verified units of credit may be earned through a variety of industry certifications and licenses, such as those for Air Conditioning Installation, Automotive Technician, Certified Computer Service Technician, Certified Internet Webmaster Application Developer, Nurse Aide, School Bus Technician, Cosmetologist, and Real Estate Salesperson.

Patron - Norment

FSB1171 Teacher compensation; national average. Establishes as a policy of the Commonwealth that the average salary for Virginia public school teachers equal or surpass the national average salary for public school teachers and directs the Board of Education and the General Assembly to implement this policy in prescribing and revising the Standards of Quality. The Director of Human Resource Management is to

include in each biennial review of the compensation of teachers and other occupations requiring similar education and training the average salary for teachers in the Commonwealth, the national average salary for public school teachers, and the Commonwealth's national ranking for such salaries.

Patron - Puckett

FSB1213 Temporary teachers and the right to respond to students' or parents' complaints. Requires school boards to provide a temporarily employed teacher with an opportunity to present his position on a student's or parent's complaint in writing or orally to the school board chairman or his designee when (i) the temporarily employed teacher has worked for at least 90 cumulative days for the relevant school board in each of three or more consecutive years, and (ii) such complaint has resulted in the temporarily employed teacher being removed from the substitute list of, or being unable to be rehired as a substitute by, the relevant school board. This provision is only procedural in effect and must not be construed to require cause for dismissal or failure to rehire or approve any person as a temporarily employed teacher.

Patron - Newman

FSB1223 Special education; retention of counsel. Directs local school boards seeking legal counsel, in resolving disputes regarding the provision of special education and related services for students with disabilities, to strive first to use the services of existing local government counsel, and to consider the services of outside legal counsel as a second alternative. Special education services are primarily governed by the federal Individuals with Disabilities Education Act (IDEA); State Board of Education regulations outline various due process and complaint procedures, consistent with federal requirements, and permit the award of attorney's fees to parents who prevail in a legal dispute. Current subsection B also directs the Board to include in its regulations provisions encouraging the use of mediation as an informal means of resolving disputes (8 VAC 20-80-74).

Patron - Williams

FSB1304 Standards of Quality; Standard 3. Provides that student outcome measures of the Standards of Learning assessments and other Virginia State Assessment Program tests must be used for the purposes for which they have been designed and determined valid, reliable, and fair by the Standards of Learning Test Technical Advisory Committee, in accordance with accepted standards for educational testing. The Board of Education, in determining the validity of such tests, shall include Standards of Learning program effectiveness or consequential validity as recommended by the Standards of Learning Test Technical Advisory Committee. However, the results of Standards of Learning assessments and other Virginia State Assessment Program tests may not constitute the sole or primary basis for student promotion, retention, or the awarding or denial of diplomas or school accreditation.

Patron - Lambert

FSJ425 Recognizing the impending crisis in public school construction needs. Expresses the sense of the General Assembly of Virginia that there is an impending crisis in public school construction needs. The resolution states that the General Assembly acknowledges that the Commonwealth must implement a revenue strategy to assist localities in funding their school capital needs, with the objective of funding 55 percent of school capital needs over the next five years without reducing or modifying other state aid to public education. The Clerk of the Senate will forward a copy of this resolution to the Governor so that he may be apprised of the sense of the General Assembly.

Patron - Reynolds

Educational Institutions

Passed

PHB1704 Higher education; reports of expenditures of state funds. Directs the governing body of each public institution of higher education to provide the State Council of Higher Education annual data indicating the apportionment and amounts of its expenditures by category, including academic costs, administration, research, and public service, as defined by the State Council. The State Council must then compile and submit a report of such data annually to the Governor and the General Assembly.

Patron - Purkey

PHB1868 Senior Citizens Higher Education Act; emergency. Removes from the definition of "senior citizen" the reference to the income restriction and restores seniors' right to audit courses and take noncredit courses without charge regardless of income. During the 2002 Session, the \$15,000 income restriction was increased from \$10,000 to \$15,000; however, the income restriction was erroneously added to the definition. This provision includes an emergency clause and will be in force from the date of its passage.

Patron - O'Bannon

PHB2285 Authorization to transfer interest in patents and copyrights owned by institutions of higher education. Authorizes institutions of higher education to transfer intellectual property in which it has an interest to a private entity without the Governor's approval if (i) the interest was developed without the use of federal funds, (ii) the private entity makes a clear and convincing case to the relevant board that its ownership of the interest is critical to its ability to commercialize that interest, and (iii) the institution receives, at a minimum, compensation equal to the anticipated revenue stream of licensing the interest.

Patron - Devolites

PHB2339 In-state tuition for aliens. Provides that an alien who is unlawfully present in the United States, and therefore ineligible to establish domicile pursuant to § 23-7.4, shall not be eligible on the basis of residency within Virginia for any post-secondary educational benefit, including in-state tuition, unless citizens or nationals of the United States are eligible for such benefits in no less an amount, duration, and scope, without regard to whether such citizens or nationals are Virginia residents.

Patron - Drake

PHB2364 Student representative; State Council of Higher Education. Directs the State Council of Higher Education to appoint a student advisory committee comprised of students enrolled in public institutions of higher education in the Commonwealth. Appointments must be made in a manner to ensure broad student representation from among the public institutions. Appointments will be for a term of one year each, except that appointments to fill vacancies will be for the unexpired term. Members may be reappointed to serve subsequent or consecutive terms. The State Council must ensure that at least one member of the student advisory committee is reappointed each year. The student advisory committee initially appointed in 2003 will elect a chairman from among its members. In subsequent years, the advisory committee must elect a chairman from among members who have already served at least one year. The student advisory committee will meet at least twice annually and will advise the State Council of

Higher Education regarding such matters as may come before the advisory committee.

Patron - Dillard

PHB2489 State Council of Higher Education. Directs the State Council of Higher Education to review the proposed closure of any academic program in a high demand or critical shortage area, as defined by the Council, by any public institution of higher education and assist in the development of an orderly closure plan.

Patron - Tata

PHB2638 Norfolk State University. Changes the appointment date for members of the board of visitors from January 31 to June 30 of any year in which the relevant term expires.

Patron - Spruill

PHB2678 State Council of Higher Education; appointment of members. Beginning July 1, 2003, provides for the Joint Rules Committee to appoint five of the 11 members of the State Council of Higher Education, and for the Governor to appoint six members. Initial appointments to be made by the Governor and the Joint Rules Committee under the bill are as follows: (i) for the two appointments expiring on June 30, 2003, the Governor shall appoint one member and the Joint Rules Committee shall appoint one member; (ii) for the three appointments expiring June 30, 2004, the Governor shall appoint two members and the Joint Rules Committee shall appoint one member; and (iii) for the three appointments expiring June 30, 2005, the Joint Rules Committee shall appoint three members. Three members shall be appointed by the Governor in 2006. Appointments made by the Joint Rules Committee shall be from a list or lists of persons recommended by the Senate Committees on Finance and Education and Health, and the House Committees on Appropriations and Education. Current law provides for the Governor to make all appointments to the State Council of Higher Education. This bill is identical to SB 1255.

Patron - Putney

PHB2818 Supply and demand for nurses in Virginia. Adds to the duties of the State Council of Higher Education the responsibility for developing, in cooperation with institutions of higher education, the Board of Nursing, and the Advisory Council on the Future of Nursing in Virginia, a strategic statewide plan to ensure an adequate supply of nurses in Virginia. The Council is also directed to recommend to the Governor and the General Assembly such changes in public policy as may be necessary to meet the state's current and future need for essential nursing services. The Advisory Council's statute is amended to require it to develop recommendations to resolve issues pertaining to nurse education, recruitment, and retention and to report its recommendations to and cooperate with the State Council of Higher Education and the Board of Nursing in the development of a strategic statewide plan to ensure an adequate supply of nurses.

Patron - Christian

PHB2837 The University of Virginia's Board of Visitors; emergency. Requires the appointment of a rector to preside at the meetings, and a vice-rector to preside in the absence of the rector. Other duties may be performed by the rector and the vice-rector, as the board may prescribe. The terms of the rector and vice-rector will be for two years, commencing on July 1 of the year of appointment and expiring on June 30 of the year of the expiration of their terms. The board may also appoint a substitute pro tempore, as provided in its bylaws, to preside in the absence of the rector and the vice-rector. Vacancies in the offices of rector and vice-rector may be

filled by the board for the unexpired term. The membership of the executive committee, appointed to transact business in the recess of the board, must consist of not less than three nor more than six members, i.e., a possible increase of one member. Three enactment clauses at the end of the bill provide that (i) the first rector appointed to succeed the rector whose term expires on or before April 1, 2003, and the vice-rector appointed pursuant to this act will serve for terms that will expire on June 30, 2005; (ii) upon passage of this act, the board of visitors of the University of Virginia must appoint a vice-rector and must provide in its bylaws that a vice-rector will be appointed every two years and will automatically succeed the rector, upon the expiration of the rector's term; and (iii) an emergency exists and this act will be in force from its passage, i.e., on such date as may be consistent with the constitutional requirements for passage of legislation that does not become effective in due course.

Patron - Dillard

PHJ637 Strategic plan for higher education. Endorses the systemwide strategic plan for higher education created by the State Council of Higher Education as the Commonwealth's vision for higher education. Annual reporting of institutional progress in meeting the goals expressed in the plan is also requested.

Patron - Tata

PSB1025 Higher education; approval of certain terms. Authorizes the State Council of Higher Education (SCHEV) to refuse to approve and to conditionally approve requests by nonpublic institutions of higher education to use terms deemed by SCHEV to be potentially misleading to consumers, students, or the general public regarding the particular institution's affiliation or association with any public institution of higher education in the Commonwealth. The Council shall, by regulation, designate such terms, which shall include, but shall not be limited to, "public university," "public college," and "community college." However, SCHEV cannot add conditions to revoke or suspend a prior approval of a name. The provision is applicable to those institutions that are otherwise granted exemptions to SCHEV's requirements.

Patron - Houck

PSB1128 Jamestown-Yorktown Foundation. Grants voting privileges and Board of Trustee membership to any chairmen emeriti of the Jamestown-Yorktown Foundation Board of Trustees; transfers authority to appoint the members of the executive committee from the Board of Trustees to the chairman; provides that the Board chairman and vice-chairman shall be executive committee members; and, in a second enactment clause, provides that, for the period beginning with the election of officers at the fall 2002 semiannual board meeting through the election of officers at the fall semiannual meeting to be held in 2008, during the preparation for and commemoration of the 400th anniversary of the founding of Jamestown, the Board of Trustees shall elect two Co-Chairmen of the Board of Trustees. During this time, the Board of Trustees is to designate one of the two Co-Chairmen to exercise annually the duties of chairman.

Patron - Norment

PSB1255 State Council of Higher Education; appointment of members. Beginning July 1, 2003, provides for the Joint Rules Committee to appoint five of the 11 members of the State Council of Higher Education, and for the Governor to appoint six members. Initial appointments to be made by the Governor and the Joint Rules Committee under the bill are as follows: (i) for the two appointments expiring on June 30, 2003, the Governor shall appoint 1 member and the Joint Rules Committee shall appoint one member; (ii) for the three

appointments expiring June 30, 2004, the Governor shall appoint two members and the Joint Rules Committee shall appoint one member; and (iii) for the three appointments expiring June 30, 2005, the Joint Rules Committee shall appoint three members. Three members shall be appointed in 2006 by the Governor. Appointments made by the Joint Rules Committee shall be from a list or lists of persons recommended by the Senate Committees on Finance and Education and Health, and the House Committees on Appropriations and Education. Current law provides for the Governor to make all appointments to the State Council of Higher Education. This bill is identical to HB 2678.

Patron - Chichester

PSJ306 School of forestry. Recognizes the need for an institute of forestry and environmental science through a partnership between Dabney Lancaster Community College and Virginia Polytechnic Institute and State University.

Patron - Deeds

Failed

FHB1513 Higher education; elimination of tenure. Eliminates tenure for faculty accepting employment at a public institution of higher education on and after July 1, 2003. Persons employed in tenure-track positions before July 1, 2003, may still be eligible for the award of tenure. A second enactment clause provides that current Virginia statutes and regulations addressing the award of tenure to higher education faculty shall be applicable only to those persons employed in faculty positions eligible for such award before the effective date of this measure. The Code cites agency regulations regarding tenure for faculty (§§ 2.2-4002 and 2.2-4101) as well as early retirement incentives for tenured faculty (§ 23-9.2:3.1).

Patron - Albo

FHB1562 Higher education; admission of illegal aliens prohibited. Provides that public institutions of higher education may not knowingly accept for enrollment any illegal alien, and directs each institution, upon discovering an enrollment of an illegal alien, to provide for the prompt dismissal of any such person from the institution.

Patron - Reid

FHB1609 Reduced tuition for certain students. Allows the governing board of the Virginia Community College System (VCCS) to charge reduced tuition to any alien not holding an immigration visa or not classified as a political refugee who is enrolled in one of the System's institutions, lives within a 30-mile radius of a Virginia institution, has received a high school diploma or general educational development certificate from a public or private high school in the Commonwealth, and provides the relevant institution an affidavit stating that the individual will file an application to become a permanent resident within 90 days of the date upon which such individual becomes eligible to do so. These students would also be entitled to the same rights and benefits as other eligible students, including eligibility for state financial aid, scholarships, and grants. The State Council of Higher Education, in consultation with the governing board of the VCCS, is to develop guidelines for the grants of eligibility for reduced tuition and state financial aid, scholarships, and grants for these students. Unless otherwise required by federal or state law, any information submitted to any of the System's institutions by these students must remain confidential and cannot be released without the express consent of the individual. Currently, the VCCS may charge reduced tuition to any person enrolled in one of the System's institutions who lives within a 30-mile radius of a Virginia institution, is domiciled in, and is entitled to, in-state

tuition charges in the institutions of higher learning in any state that is contiguous to Virginia and that has similar reciprocal provisions for persons domiciled in Virginia.

Patron - Darner

FHB1610 In-state tuition for certain alien students. Provides eligibility for in-state tuition, but not classification as a Virginia resident, upon a showing of clear and convincing evidence that such alien (i) attended a public or private high school in the Commonwealth for two or more years; (ii) received a high school diploma or a general educational development certificate from a public or private high school in the Commonwealth; (iii) registers as an entering student in a public institution of higher education in the Commonwealth not earlier than the 2003-2004 academic year; and (iv) files an affidavit with the enrolling public institution of higher education in the Commonwealth stating that the individual will file an application to become a permanent resident within 90 days of the date such individual becomes eligible to do so. Individuals eligible for reduced tuition would also be entitled to the same rights and benefits as other in-state students, including eligibility for state financial aid, scholarships, and grants. The State Council, in consultation with the governing board of the Virginia Community College System, shall develop guidelines for the grants of eligibility for reduced tuition and state financial aid, scholarships, and grants for these individuals. Unless otherwise required by federal or state law, any information submitted to any of the System's institutions by such students will remain confidential and cannot be released without the express consent of the student. The measure addresses "individuals" rather than a specific class of immigrant or alien students, as the federal Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. § 1623 (a)) provides that an alien "who is not lawfully present in the United States shall not be eligible for ... any post-secondary benefit unless a citizen or national of the United States is eligible for such a benefit...without regard to whether the citizen or national is such a resident." Section 23-7.4 is cross-referenced throughout the Code of Virginia for purposes of defining "domicile," "domiciliary status," "bona fide resident," and other similar terms. The grant of eligibility for in-state tuition provided by this measure does not confer domicile on the alien student; the only other provision referencing students who are granted in-state tuition under this section is § 23-7.4:2, which permits a community college to charge in-state tuition to "[a]ny student from a foreign country who is enrolled in a foreign exchange program approved by the state institution during the same period that an exchange student from the same state institution, who is entitled to in-state tuition pursuant to § 23-7.4, is attending the foreign institution." This bill is similar to legislation enacted in Texas.

Patron - Darner

FHB1891 Higher education; reduction in force. Prohibits public institutions of higher education terminating the employment of or failing to renew the employment contracts of individuals in full-time faculty positions within a particular academic discipline or department on the grounds of reduction in force due to lack of funding, regardless of whether such positions may provide eligibility for tenure, from hiring additional "replacement" full- or part-time faculty within the same academic discipline or department for three calendar years from the date of each such nonrenewal or termination of employment without first offering such position, at the same salary and under the same terms as offered to other applicants, to the terminated faculty employee.

Patron - Albo

FHB1971 Consolidation of The Science Museum of Virginia and the Virginia Museum of Natural History.

Transfers the administration and operations of the Virginia Museum of Natural History to the board of trustees of The Science Museum of Virginia. 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 - Athey

FHB2030 Higher education; vegetation buffer zones. Requires the governing boards of each four-year public institution of higher education, in entering into any contracts for construction or expansion projects on and after July 1, 2003, unless otherwise required by any applicable local zoning regulation or as may be otherwise required by agreement with the relevant local governing body, to include in any such contracts provisions ensuring the maintenance of a minimum buffer zone of trees, shrubs, or other vegetation of at least 100 feet in depth where such projects are adjacent to private communities that are zoned for single-family residential housing.

Patron - Petersen

FHB2421 Virginia War Orphans Education Act. Adds the children of parents who are killed or disabled as a result of service in military operations against terrorism, a peace-keeping mission, or a terrorist act subsequent to December 6, 1941, to the list of children eligible to attend public institutions of higher education or other accredited postsecondary institutions granting a certificate, diploma, or degree, free of tuition and required fees. Clarifies that the children of members of the United States Armed Services Reserves and the Virginia National Guard Reserve called to active military duty and who are killed in action or are totally and permanently disabled are also eligible for such benefits. Tuition, institutional charges and required fees, and books and supplies are waived for eligible children. Eligible children of such parents must be between 16 and 25 years of age. The parent, upon whom eligibility for these benefits is based, (i) must have been a citizen of the Commonwealth at the time of entering active military service; (ii) must have been a citizen of the Commonwealth for at least five years prior to the submission of the child's application for admission to college; (iii) must have been a citizen of the Commonwealth on the date of his death and had been a citizen for at least five years prior to his death; (iv) the surviving parent has been a citizen of the Commonwealth for at least five years prior to marrying the deceased parent; or (v) the surviving parent has been a citizen of the Commonwealth for at least five years immediately prior to the date on which the child's application for college admission was submitted to any public institution of higher education or other accredited postsecondary institution granting a certificate, diploma, or degree. This bill also makes the benefits consistent between eligible children of members of the military and eligible children and spouses of persons who are killed in the line of duty while employed or serving as law-enforcement officers, firefighters, correctional officers, local and regional jail farm superintendents, sheriffs, deputy sheriffs, and emergency medical services. Further, this bill provides technical amendments to clarify for whom tuition and required fees are waived.

Patron - Janis

FHB2450 Annual reports; university-related foundations. Requires the governing board of university-related foundations operating auxiliary enterprises, such as on-campus bookstores and food and vending services, to annually report to the General Assembly and the State Council of Higher Education, in a form to be prescribed by the State Council of Higher Education in consultation with the State Treasurer and the Auditor of Public Accounts, its stated mission; a description of programs, activities, and initiatives developed and imple-

mented to fulfill such mission; and audited financial and development activities. Section 23-9.2 articulates the policy of the Commonwealth to "encourage the state-supported institutions of higher education in Virginia in their attempts to increase their endowment funds and unrestricted gifts from private sources" and that state funding for these institutions is not to be altered based upon the availability of endowment resources.

Patron - Griffith

FHB2736 Faculty representatives to boards of visitors, the State Board for Community Colleges, and local community college boards. Requires the boards of visitors of four-year public institutions of higher education, the State Board for Community Colleges, and local community college boards to appoint a nonvoting, advisory faculty representatives to their boards. In the case of the State Board for Community Colleges, the representative must be appointed from among persons elected by the Chancellor's Faculty Advisory Committee. Faculty representatives to boards of visitors and local community college boards must be appointed from among those individuals elected by the faculty, faculty senate, or other equivalent group of the institution. All representatives must serve terms of not less than one 12-month period, which is coterminous with the institution's fiscal year, or for terms mutually agreed to by (i) the State Board for Community Colleges and the Chancellor's Faculty Advisory Committee, or, (ii) as the case may be, the local community college board or the board of visitors and the institution's faculty senate or other equivalent group. The State Board for Community Colleges, local community college boards, and boards of visitors may exclude faculty representatives from discussions of faculty grievances, faculty or staff disciplinary matters, or salaries.

Patron - Shuler

FSB752 Reporting of serious campus crime to Attorney General. Requires the governing body of each public and private institution of higher education in Virginia to annually report to the Office of the Attorney General all incidents involving violent crime occurring on the campus of the relevant institution. The reports are to be based on data collected from any criminal incident information from campus police departments at public and private institutions of higher education, as provided in § 23-232.1, and such other records and materials as the Attorney General may designate for the purpose of recording the frequency of such incidents and making such information available to the public. The Office of the Attorney General is to develop and implement procedures to implement this subsection that address those violent crimes required to be reported, which shall include, but may not be limited to, violent felony offenses as defined in § 19.2-297.1 and any crime ancillary thereto (such as murder, kidnapping, certain sexual assaults, and other serious crimes); reporting dates; report formats; confidentiality of personal identifying information; the withholding of information whose release may jeopardize an ongoing investigation or individual safety; and such other matters as the Attorney General deems necessary.

Patron - O'Brien

FSB753 Eligibility for in-state tuition. Eliminates current eligibility for in-state tuition to aliens holding an immigration visa and denies eligibility for in-state tuition and other state-issued postsecondary school benefits to any person deemed a foreign national--a non-U.S. citizen--under federal law. An exception is included to acknowledge federal immigration law and regulation that may confer state resident status on certain aliens. Also eliminated are (i) the authority of public institutions of higher education to grant in-state tuition to any student from a foreign country who is enrolled in a foreign exchange program approved by the state institution during the

same period that an exchange student from the same state institution, who is entitled to in-state tuition is attending the foreign institution; and (ii) complete waivers of tuition and required fees for a student from a foreign country enrolled in a public institution of higher education through a student exchange program. Again, grants of in-state tuition would continue only if federal law conferred state residency status on these individuals. The U.S. Code defines a "national of the United States" as "a citizen of the United States, or a person who, though not a citizen of the United States, owes permanent allegiance to the United States" (8 U.S.C. § 1101(a)(23)). "Alien" is defined as "any person not a citizen or national of the United States" (8 U.S.C. § 1101(a)(3)). A "national" is "a person owing permanent allegiance to a state" (8 U.S.C. § 1101(a)(21)).

Patron - O'Brien

FSB754 False or misleading applications for college admission or employment; civil penalty. Creates a civil penalty for any person to intentionally include false or misleading information in any application or supporting documents for admission or employment at a public institution of higher education in the Commonwealth or in any documents submitted in support thereof. Any person who violates any provisions of this section may be assessed a civil penalty not to exceed \$5,000 for each violation. All civil penalties paid to the Commonwealth pursuant to this section shall be deposited into the Literary Fund. The Office of the Attorney General, on behalf of the governing board of the relevant institution, may bring a cause of action in the circuit court having jurisdiction where the person resides or where the institution is located for a civil penalty against any person who knowingly submits such false or misleading information.

Patron - O'Brien

FSB787 Certain reports on student progress required. Requires, at the conclusion of each academic year, the board of visitors or other governing body of every four-year public institution of higher education to provide to the chairman of each school board in this Commonwealth and to the division superintendent of each school division a progress report on the full-time, first-year students enrolled in the relevant institution who received diplomas during the prior school year from any of the relevant school division's high schools. The progress report must indicate the number of students who took remedial or compensatory classes and shall indicate the retention status and grade point average of each student who graduated from high schools in the division during the prior school year. The State Council of Higher Education must define "remedial" or "compensatory" classes, which may include, but need not be limited to, noncredit courses within the four-year institution of higher education, courses provided in community colleges that do not transfer for credit to four-year institutions, or courses provided through public school adult education programs. The State Council of Higher Education and the Board of Education shall develop a procedure for implementation of the requirements of this section.

Patron - Deeds

FSB1035 Faculty representatives to boards of visitors, the State Board for Community Colleges, and local community college boards. Requires the boards of visitors of four-year public institutions of higher education, the State Board for Community Colleges, and local community college boards to appoint one or more nonvoting, advisory faculty representatives to their boards. In the case of the State Board for Community Colleges, the representatives must be appointed from among persons elected by the Chancellor's Faculty Advisory Committee. Faculty representatives to boards of visitors and local community college boards must be appointed from among those individuals elected by the faculty, faculty senate,

or other equivalent group of the institution. All representatives must serve terms of not less than one 12-month period, which is coterminous with the institution's fiscal year, or for terms mutually agreed to by (i) the State Board for Community Colleges and the Chancellor's Faculty Advisory Committee, or, (ii) as the case may be, the local community college board or the board of visitors and the institution's faculty senate or other equivalent group. The State Board for Community Colleges, local community college boards, and boards of visitors may exclude faculty representatives from discussions of faculty grievances, faculty or staff disciplinary matters, or salaries.

Patron - Trumbo

FSB1061 Consolidation of The Science Museum of Virginia and the Virginia Museum of Natural History. Transfers the administration and operations of the Virginia Museum of Natural History to the board of trustees of The Science Museum of Virginia. 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 - O'Brien

FSB1110 Virginia Exemplary Academic Performance Admission Program. Creates the Virginia Exemplary Academic Admission Program to provide opportunities for higher education to students with exceptional academic performance. The bill provides that any student who is a citizen of Virginia, and graduates from an accredited public school in the Commonwealth in the top five percent of his graduating class, must be admitted to any public institution of higher education, if application is made within two years of his graduation from high school. Public institutions of higher education are required to verify the student's class rank and review his scholastic record to determine whether he may benefit from enrichment courses and programs to enhance his academic abilities and achievement. After admitting any student who graduates in the top five percent of his graduating class, the institution must admit other undergraduate students in the manner required by the institution's admission policy. In admitting students who graduate in the top five percent of their class, institutions may consider any or all, or a combination of certain socioeconomic and other factors that will enable the institution to satisfy its stated mission. Each public institution must submit an annual report to the State Council of Higher Education that describes the composition of the entering class of students admitted to the institution under this program. The State Council of Higher Education must administer the program and must disseminate information concerning the program to students and their parents, secondary school guidance counselors, and admissions officers and academic advisors at institutions of higher education through existing mechanisms designed to inform students and their parents of higher education opportunities, academic requirements for college entrance, the admissions process, and financial aid in the Commonwealth. The Council is also authorized to adopt rules and regulations governing the program. This bill was favorably considered by the Commission on Access and Diversity in Higher Education.

Patron - Whipple

FSB1353 The University of Virginia's Board of Visitors; emergency. Requires the appointment of a rector to preside at the meetings, and a vice-rector to preside in the absence of the rector. The terms of the rector and vice-rector will be for two years, commencing on July 1 of the year of appointment and expiring on June 30 of the year of the expiration of their terms. The board will also appoint, from among its members, a secretary for such term and with such duties as the board prescribes. The board may also appoint a substitute pro

tempore, as provided in its bylaws, to preside in the absence of the rector on the vice-rector. The membership of the executive committee, appointed to transact business in the recess of the board, must consist of not less than three nor more than six members, i.e., a possible increase of one member. Three enactment clauses at the end of the bill provide that (i) the rector appointed to succeed the rector whose term expires on or before April 1, 2003, and the first vice-rector appointed pursuant to this act will serve for terms that will expire on June 30, 2005; (ii) upon passage of this act, the board of visitors of the University of Virginia must appoint a vice-rector and must provide in its bylaws that a vice-rector will be appointed every two years and will automatically succeed the rector, upon the expiration of the rector's term; and (iii) an emergency exists and this act will be in force from its passage.

Patron - Stolle

Elections

Passed

PHB1422 Elections; assistants to and employees of general registrars; officers of election. Provides that an unpaid or paid assistant registrar or an officer of election must be a qualified voter of the Commonwealth but does not need to be a qualified voter of the locality in which he serves as an assistant registrar or officer of election. Under current law, only paid assistant registrars are not required to be qualified voters of the locality in which they serve.

Patron - Callahan

PHB1437 Printing ballots after the death, withdrawal, or disqualification of a political party nominee. Provides that notice of the withdrawal or disqualification of a party nominee must be given to election officials at least 60, rather than 45, days before the general election in order to have ballots for the election either printed or reprinted with the names of any replacement party candidate or new candidates who qualify for the ballot.

Patron - Cosgrove

PHB1508 Voter petition requirements for independent candidates, primary candidates, and groups supporting presidential candidates. Deletes the requirement now applicable to petitions for candidates for statewide offices that a voter's signature on the petition must be witnessed by a qualified voter who is a resident of the same or a contiguous congressional district as the voter signing the petition. With this change, the witness may be a qualified voter and resident in any congressional district in the Commonwealth.

Patron - Callahan

PHB1542 Campaign finance disclosure; separate candidate committee account to comply with federal campaign finance law requirements. Permits a candidate to maintain a separate account from his campaign account to demonstrate compliance with federal law requirements such as contribution limits and prohibitions against corporate donations. The proposal is designed to allow federal candidates and officeholders to support state and local candidates and establish their compliance with federal law restrictions on campaign contributions. The bill requires the filing of all state-required campaign finance disclosure reports on a consolidated basis for both the basic campaign account and the special federal activity account.

Patron - Marshall, R.G.

PHB1586 Basic requirements for political campaign advertisements. Modifies the size requirement for the disclosure statement that must be printed on "print media" political campaign advertisements under the "Stand by Your Ad" law enacted in 2002. The law as enacted requires that the disclosure statement must constitute five percent of the height of any "print media" advertisement. The bill provides that the disclosure statement shall be "displayed in a conspicuous manner." The bill also specifically includes bumper stickers in the definition of "print media" and exempts novelty items such as pens, pencils, magnets, and buttons from the disclosure statement requirement. This bill contains an emergency clause and incorporates HBs 1551, 1692, and 2464.

Patron - Cole

PHB1587 Retention of cancelled voter registration records. Reduces the current four-year retention requirement to two years except for registrations cancelled because the voter has moved to another state or because of changes submitted by the voter.

Patron - Cole

PHB1589 Absentee ballot applications and procedures. Provides that an applicant for an absentee ballot who applies in person when the printed ballot for the election is available may choose, if at least five days remain before the election, to have the absentee ballot mailed to him rather than voting the absentee ballot in person at the general registrar's office or other authorized site. Current law specifies that an applicant who applies in person for an absentee ballot must vote in person at that time and does not allow election officials to mail the ballot to the applicant.

Patron - Cole

PHB1590 Notice of times and locations for registration. Deletes the requirement that the general registrar shall give notice each January of the schedule for voter registration times and locations for the calendar year by posting the notice at the courthouse and publishing it in a newspaper with general circulation in the county or city. The bill retains the requirements for published notice of the registration times and locations on the final day to register before each election. The bill adds publication on the official website for the county or city as a means of giving notice for certain additional registration sites and times.

Patron - Cole

PHB1643 Polling places; prohibited area; emergency situations. Permits the local electoral board, with the concurrence of the State Board, to modify the distance requirements that define the prohibited area around a polling place in the event of a state of emergency declared by the Governor or President.

Patron - Marshall, R.G.

PHB1644 Federal campaign and political committees; comity. Provides for the regulation of federal campaign and political committees to the extent that federal law regulates Virginia campaign and political committees. The State Corporation Commission and the state Department of Taxation are given responsibilities for the enforcement of this law.

Patron - Marshall, R.G.

PHB1693 Campaign Finance Disclosure Act; mandatory electronic filing of reports; political committees. Requires political committees (including PACs and political party committees subject to the Act's reporting requirements) to file campaign finance reports electronically in accordance with State Board of Elections standards. Exceptions are made

for county or city political party committees that file reports locally and for political committees that do not accept contributions or make expenditures in excess of \$10,000 in any calendar year. The bill provides for a filing deadline extension in the event of a failure in the computer and electronic filing system.

Patron - McQuigg

PHB1854 Absentee ballot procedures. Clarifies instructions on the absentee ballot return envelope regarding the absentee voter's full name and Virginia residence address.

Patron - Lingamfelter

PHB1862 Campaign Finance Disclosure Act; certain forms, filings, and reporting requirements. Provides that candidates who seek reelection to the same office are not required to close out their campaign account and file new papers for their campaign for reelection to the same office but shall file their reports for each election cycle. An election cycle approximates the term of office.

Patron - O'Bannon

PHB2145 National Voter Registration Act Coordinating Committee. Abolishes the National Voter Registration Act Coordinating Committee. The Committee was formed in 1999 as a result of a JLARC study of the State Board of Elections. No recommendation has ever emerged from the Committee because of the independent action initiated by the State Board of Elections and other agencies to resolve problems relating to implementation of the National Voter Registration Act. The duties previously envisioned for the Committee are currently being carried out by staff in the Department of Motor Vehicles and the Office of the Secretary of Health and Human Resources. This bill is identical to legislation recommended by the Joint Subcommittee Studying the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities pursuant to HJR 159 (2002). This bill is identical to SB 750.

Patron - Rust

PHB2196 Campaign finance disclosure reports; filing schedule for certain persons and political committees. Revises current filing schedule for political committees. In lieu of the present schedule of six reports per year, the bill requires semi-annual reports and requires pre-election and large contribution reports, if the committee is active with respect to the specific election.

Patron - Jones, S.C.

PHB2197 House of Delegates districts. Makes technical adjustments in the House of Delegates lines to conform legislative lines to new election district and precinct lines in several localities. All districts remain within the 2.0 percent population deviation standard followed in the 2001 redistricting. Adjustments are made within the Counties of Albemarle, Amherst, Bedford, Brunswick, Caroline, Fluvanna, Hanover, King William, and Prince William and the Cities of Chesapeake, Franklin, Hopewell, Norfolk, and Suffolk. Districts 19, 22, 23, 24, 25, 31, 51, 54, 55, 57, 58, 59, 61, 62, 64, 74, 75, 76, 77, 79, 87, 89, 97, 98, and 99 are affected. This bill contains an emergency clause and incorporates HBs 1773 and 2240.

Patron - Jones, S.C.

PHB2198 Conditional votes; identification requirement. Provides that a voter who is not listed on the precinct registered voter list and seeks to cast a conditional ballot must provide any one of the following forms of identification: his Commonwealth of Virginia voter registration card, his social security card, his valid Virginia driver's license, or any

other identification card issued by a government agency; or any valid employee identification card containing a photograph of the voter. It shall not be sufficient for the person to sign a statement that he is the named registered voter who he claims to be, in lieu of presenting one of the listed forms of identification. The bill also covers procedures for electoral board action and election contests with respect to such ballots.

Patron - Jones, S.C.

PHB2304 Political committees advocating passage or defeat of referenda; disclosure. Requires a political committee to comply with the requirements of the Campaign Finance Disclosure Act and file a statement of organization and contribution and expenditure reports if the committee makes expenditures in a calendar year to advocate the passage or defeat of (i) a statewide referendum in excess of \$10,000, (ii) a referendum held in two or more counties and cities in excess of \$5,000, and (iii) a referendum held in a single county or city in excess of \$1,000. The bill modifies the requirements for the statement of organization, requires a separate account be maintained for expenditures related to a referendum, and exempts advertisements by such committees from certain disclosure statement requirements.

Patron - Devolites

PHB2568 Presidential primaries. Sets the presidential primary date as the second, rather than the last, Tuesday in February. This bill is identical to SB 959.

Patron - Van Landingham

PHB2635 Recounts and contests of elections; presidential elections. Revises the procedures for a recount and contest following a presidential election to shorten the timetable for both proceedings. The revised timetable will permit completion of the proceedings in time to comply with the federal law deadline for states to complete such procedures. Under that federal law, if the state law provides for a final decision on a presidential election at least six days before the date the electors are to meet, the state's determination is conclusive and cannot be challenged. The bill does not affect recount and contest proceedings in other elections.

Patron - Marshall, R.G.

PHB2710 Solicitation of signatures for nominating petitions by electoral board members and staff. Prohibits the solicitation of signatures for nominating petitions for candidates for public office by electoral board members and staff in any building owned or leased by the county or city served by the electoral board.

Patron - Hugo

PHB2835 Nominations and ballots for presidential elections. Extends the statutory deadline for a political party to file the names of its presidential and vice-presidential candidates and electors with the State Board of Elections if its national convention is being held after the deadline. The present deadline is the seventy-fourth day before the election (August 20, 2004).

Patron - Jones, S.C.

PHB2836 Campaign finance disclosure reports, failure to file and late filings, and exceptions. Authorizes the Secretary of the State Board of Elections to extend filing deadlines for a reasonable period for any candidate who serves as his own treasurer and is called to active duty during a reporting period.

Patron - Crittenden

PSB702 Special elections to fill vacancies in offices; notice of election. Provides that the secretary of the electoral

board of each county or city participating in a special election to fill a vacancy may provide public notice of the special election by posting the writ on the official website for the locality as an additional, alternative means of public notice in lieu of either posting copies of the writ in 10 public places or publishing the writ in a newspaper.

Patron - Howell

PSB750 National Voter Registration Act Coordinating Committee. Abolishes the National Voter Registration Act Coordinating Committee. The Committee was formed in 1999 as a result of a JLARC study of the State Board of Elections. No recommendation has ever emerged from the Committee because of the independent action initiated by the State Board of Elections and other agencies to resolve problems relating to implementation of the National Voter Registration Act. The duties previously envisioned for the Committee are currently being carried out by staff in the Department of Motor Vehicles and the Office of the Secretary of Health and Human Resources. This bill is a recommendation of the Joint Subcommittee Studying the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities pursuant to HJR 159 (2002). This bill is identical to HB 2145.

Patron - O'Brien

PSB792 Senatorial districts. Makes adjustments in certain senatorial district boundaries in order to conform the Senate lines to new local election precinct and district lines and avoid splitting the new local precincts between senatorial districts. The bill continues to name 2000 census precincts in order to be consistent with the district descriptions for all other districts as found in § 24.2-303.1. Boundary line adjustments are made within Brunswick, Buckingham, Fairfax, Goochland, and York Counties and the Cities of Franklin, Hampton, Hopewell, and Suffolk. Technical adjustments affect the First, Second, Third, Tenth, Twelfth, Thirteenth, Fifteenth, Sixteenth, Eighteenth, Twenty-fifth, Thirty-fifth, Thirty-seventh, and Thirty-ninth Districts. All districts are within the plus or minus 2 percent deviation from total population equality standard used in drawing new districts in 2001. The bill contains an emergency clause.

Patron - Miller, K.G.

PSB959 Presidential primaries. Sets the presidential primary date as the second, rather than the last, Tuesday in February. This bill is identical to HB 2568.

Patron - Lambert

PSB1107 Elections; administration of elections and election procedures; penalties. Incorporates numerous clarifications and revisions in the election laws, including changes in the process for filling vacancies, financing local electoral boards and staffs, registering voters, nominating candidates, conducting elections, merging the registered voter lists and pollbooks, and voting absentee. This bill incorporates SB 793.

Patron - Whipple

PSJ350 Help America Vote Act of 2002. Encourages the Secretary of the State Board of Elections to lead Virginia's efforts to meet the requirements of the Help America Vote Act and obtain funds available through the Act for improving the voter registration and election process, including the development of a state plan for use of funds to improve voter registration procedures and the conduct of elections.

Patron - O'Brien

Failed

FHB1405 Party designations on the ballot. Extends to local elections, other than school board and soil and water conservation district elections, the identification of candidates by party name on the ballot. Current law provides for party identification of candidates on ballots only for federal, state-wide, and General Assembly elections. The bill also allows any locality to provide by charter or by ordinance for nonpartisan elections for the governing body without any party identification on the ballot for governing body candidates. The bill explicitly provides that an endorsement by a political party of a candidate who qualifies for the ballot through the petition process is not grounds for identifying that candidate by the party's name. This bill is identical to SB 769.

Patron - Black

FHB1468 Residence addresses for purposes of voter registration and Department of Motor Vehicles applications and records. Requires individuals to provide the same residence address for purposes of voter registration and for obtaining licenses, permits, and identity cards from the Department. The bill also directs the State Board of Elections and Department to implement procedures to verify the same residence address is shown on the voter registration system and Department records. The bill will become law on January 1, 2005.

Patron - Purkey

FHB1551 Basic requirements for political campaign advertisements. Modifies the size requirement for the disclosure statement that must be printed on "print media" political campaign advertisements under the "Stand by Your Ad" law enacted in 2002. The law as enacted requires that the disclosure statement must constitute five percent of the height of any "print media" advertisement. The bill provides that mass mailings, fliers, or small signs may show the disclosure statement in 12 point or larger type size as an alternative to the five percent height requirement. Signs between one and 16 feet in size may show the disclosure statement in 18 point or larger type size as an alternative. The five percent height requirement would continue to apply to other print media advertisements such as those in newspapers, in magazines, and on billboards. This bill is incorporated into HB 1586.

Patron - Marshall, R.G.

FHB1588 Central absentee voter precincts; counting ballots. Permits the officers of election at a central absentee voter precinct to begin counting ballots as soon as the polls open on election day. The bill prohibits any announcement of the results until after the polls have closed. Current law prohibits any counting of ballots until the polls have closed.

Patron - Cole

FHB1608 Campaign finance disclosure; special reports of large contributions received by candidates for local offices. Requires any candidate for a constitutional or local office to report any contribution of more than \$1,000 within one business day of its receipt to the local electoral board where the candidate resides.

Patron - Darner

FHB1614 Electoral College. Provides that the Commonwealth's votes in the electoral college shall be allocated by the popular vote statewide and in each congressional district. The candidates for President and Vice President who win the popular statewide vote will receive the votes of the two statewide electors and the candidate who wins the popular vote in each congressional district will receive the vote of that dis-

trict's elector. Maine and Nebraska allocate electoral college votes in this manner.

Patron - Scott

FHB1692 Basic requirements for political campaign advertisements. Modifies the size requirement for the disclosure statement that must be printed on "print media" political campaign advertisements under the "Stand by Your Ad" law enacted in 2002. The law as enacted requires that the disclosure statement must constitute five percent of the height of any "print media" advertisement. The bill provides that print media other than billboards or outdoor advertising facilities may show the disclosure statement in 12 point or larger type size as an alternative to the five percent height requirement. The bill also exempts novelty items such as pens, buttons, magnets, and balloons from the disclosure statement requirement. This bill is incorporated into HB 1586.

Patron - McQuigg

FHB1773 House of Delegates districts. Makes technical adjustments in the House of Delegates lines dividing Albemarle County among the Twenty-fifth, Fifty-seventh, Fifty-eighth, and Fifty-ninth Districts in order to have the House lines coincide with the County's new magisterial district and precinct lines. The split precincts named in the bill are 2000 census precincts that technically must be split in order to pick up the new precinct lines. The respective district population deviations remain within the plus or minus 2.0 percent population deviation used in the 2001 redistricting. This bill is incorporated into HB 2197.

Patron - Van Yahres

FHB1810 Securing of election equipment and disposition of election materials following the election. Modifies current law provisions for those localities where the officers of election deliver election materials after the election to the general registrar rather than the clerk of the circuit court. The modifications provide (i) that the general registrar must retain the materials in a locked location, (ii) that the materials will be delivered to the clerk of the circuit court on the first business day following the electoral board's completion of its ascertainment of the results of the election, and (iii) that the sealed envelopes containing voting equipment keys will be delivered to the clerk with the other election materials.

Patron - Welch

FHB1818 Virginia Clean Election Act and Fund; penalties. Establishes an alternative, publicly financed, campaign financing option for candidates for Governor, Lieutenant Governor, and Attorney General. A candidate may volunteer to participate and be certified for public funds after a qualifying process. A participating candidate may not accept or spend private contributions and must abide by the campaign contribution and spending restrictions set out in the Act. The bill establishes the Virginia Clean Election Commission to administer the Act and Fund. The bill sets a contribution limitation of \$500 for elections for Governor, Lieutenant Governor, and Attorney General. The bill is based on the Maine Clean Election Act.

Patron - Scott

FHB1855 Prohibited use of public funds to support or oppose candidates or referendum questions. Prohibits state and local governmental agencies, and their officers and employees, from spending public funds to pay for advertisements to support or oppose candidates or referendum questions. The bill contains an exception to allow the use of public funds to provide neutral explanations of referendum questions pursuant to certain statutory provisions.

Patron - Lingamfelter

FHB2078 November elections for mayors and councils of cities and towns; related elections and filing deadlines. Provides that all elections for city mayors and councils will be held at the November general election. The bill modifies current law, which gives cities and towns an option whether to elect governing bodies in May or November. Towns retain that option. City and town governing body elections may be held in November in either even-numbered or odd-numbered years.

Patron - Gear

FHB2126 State Board of Elections; powers and duties; removal of local election officials. Provides (i) for 10 days' written notice and a hearing by the State Board to remove a registrar from office, (ii) for five days' written notice and a hearing to remove an electoral board member, registrar, or other election official from office because of disqualification on constitutional or statutory grounds, including failure to relinquish an incompatible office, (iii) for an immediate hearing if necessary to avoid irreparable harm to a pending election, and (iv) for an appeal by the removed party by petition to the City of Richmond Circuit Court. The bill also amends the law on court proceedings for removal of electoral board members to refer to the State Board's authority to initiate proceedings and to require removal on proof by "clear and convincing evidence of the member's failure to discharge the duties of his office in accordance with law." This bill is identical to SB 1252.

Patron - Reid

FHB2136 Electoral college. Provides that the Commonwealth's votes in the electoral college shall be allocated by the popular vote statewide and in each congressional district. The candidates for President and Vice President who win the popular statewide vote will receive the votes of the two statewide electors and the candidates who win the popular vote in each congressional district will receive the vote of that district's elector. Maine and Nebraska allocate electoral college votes in this manner.

Patron - Brink

FHB2139 Pilot program for certain uniformed and overseas citizens to transmit absentee ballots electronically and by the Internet. Permits the State Board of Elections to establish a pilot program for implementation in 2004 to allow certain uniformed and overseas voters to cast absentee ballots for federal elections via the Internet.

Patron - Brink

FHB2142 Campaign Finance Disclosure Act, record retention requirements and reviews of campaign finance disclosure reports. Provides (i) that the State Board of Elections shall review the campaign finance reports of all candidates for Governor, Lieutenant Governor, Attorney General, of candidates for the General Assembly from 10 House of Delegates districts and four Senate districts, and of 10 percent of political committees reporting activity in an odd-numbered year November election; (ii) that the review shall be for the purpose of ensuring compliance with the Campaign Finance Disclosure Act; (iii) that the Board shall meet publicly to select on a random basis by a drawing the General Assembly districts and political committees to be reviewed; and (iv) that the campaign committee or political committee treasurer shall retain, and provide on request by the Board, the bank statements and copies of checks issued on committee depositories and receipts for campaign fund expenditures greater than \$500. The bill takes effect January 1, 2005.

Patron - Brink

FHB2143 Vacancies in the House of Representatives; timing and notice requirements for special elections.

Permits the Governor to call for a special election to fill two or more vacancies in the House caused by a catastrophe and to modify statutory timing and notice requirements for the special election. The bill reflects action taken by the House of Representatives calling for states to review their statutes to assure the prompt filling of vacancies in the House in the event of a catastrophe. See, H. Res. 559 (2002), United States House of Representatives.

Patron - Brink

FHB2168 House of Delegates districts. Changes a segment of the boundary between the First and Second Districts in Wise County to conform the House line to new County election district and precinct lines. The First District would be minus 2.3 percent below the ideal population. The population deviation range for the 2001 redistricting was plus or minus 2.0 percent.

Patron - Phillips

FHB2169 House of Delegates districts. Changes a segment of the boundary between the Second and Third Districts in Russell County to conform the House line to new County election district and precinct lines. The precinct line splits census blocks, contrary to the practice of not splitting blocks during the 2001 redistricting. Because of the split blocks, the exact population impact of the change cannot be determined. The Second District would be at least 2.4 percent below ideal, and could be as much as 3.3 percent below ideal. The population deviation range for the 2001 redistricting was plus or minus 2.0 percent.

Patron - Phillips

FHB2194 Campaign Finance Disclosure Act; mandatory electronic filing of reports. Requires General Assembly candidates, who receive more than \$10,000 in contributions, to file campaign finance reports electronically in accordance with State Board of Elections standards; and requires political committees (including PACs and political party committees subject to the Act's reporting requirements) that receive more than \$25,000 in contributions to file campaign finance reports electronically in accordance with State Board of Elections standards. This proposal incorporates recommendations of the Joint Subcommittee Studying Campaign Finance Reform pursuant to SJR 393 (2001).

Patron - Jones, S.C.

FHB2195 Campaign Finance Disclosure Act; record retention requirements and reviews of campaign finance disclosure reports. Provides that (i) the State Board of Elections shall review the campaign finance reports of candidates for Governor, Lieutenant Governor, Attorney General and 10 percent of the candidates for the General Assembly selected at random; (ii) the review shall be for the purposes of (a) reconciling the balance in the campaign depository with the amounts reported in the candidate's reports of receipts and expenditures and (b) reviewing the reports for mathematical accuracy and facial completeness including the reporting of specific information required by law; (iii) the Board shall meet publicly to select by a random drawing the General Assembly candidate campaigns to review; (iv) a campaign committee shall be exempt from review if it has received less than \$25,000 in contributions; and (v) the campaign treasurer shall retain, and provide on request by the Board, the bank statements and copies of checks issued on campaign depositories and receipts for campaign fund expenditures greater than \$500. The bill will take effect July 1, 2004. This proposal was a recommendation

of the Joint Subcommittee Studying Campaign Finance Reform pursuant to SJR 393 (2001).

Patron - Jones, S.C.

FHB2199 Absentee ballot procedures; verification of voter's signature. Requires the electoral board member or general registrar who receives an absentee ballot to compare the signature of the voter on the sealed absentee ballot envelope with his signature on his voter registration application on file with the registrar. If the board member or registrar finds that the signatures are reasonably comparable, the ballot is processed. If the board member or registrar finds that the signatures are not reasonably comparable, the envelope and ballot are held for review by the electoral board at its meeting to review conditional ballots on the day after the election. If the board finds that the signatures are reasonably comparable, the ballot is counted. If the board finds that the signatures are not reasonably comparable, the ballot is not counted, the voter is notified, and the attorney for the Commonwealth is notified.

Patron - Jones, S.C.

FHB2200 Voter registration cards. Directs the State Board of Elections, by July 1, 2005, to develop and provide to every registered voter with active status on the Virginia voter registration system a new voter identification card that will contain the voter's picture, signature, and other appropriate information.

Patron - Jones, S.C.

FHB2240 House of Delegates districts. Makes technical adjustments in the House of Delegates lines dividing Caroline County among the Fifty-fourth, Ninety-seventh, and Ninety-ninth Districts in order to have the House lines coincide with the County's new magisterial district and precinct lines. The split precincts named in the bill are 2000 census precincts that technically must be split in order to pick up the new precinct lines. The adjustments shift 271 total population from the Fifty-fourth to the Ninety-seventh, 87 total population from the Fifty-fourth to the Ninety-ninth, and 44 total population from the Ninety-seventh to the Ninety-ninth. The respective district population deviations remain within the plus or minus 2.0 percent population deviation used in the 2001 redistricting. This bill is incorporated into HB 2197.

Patron - Pollard

FHB2337 Voter registration; indication of political party affiliation. Adds party affiliation to the information that an applicant is asked to provide when registering to vote. The applicant may indicate that he is an independent. Voters registered prior to July 1, 2003, will be designated as independent unless they provide a political party designation in writing to the general registrar. Voters may change their party affiliation or independent status by written notice at any time except the 28 days before an election when the registration records are closed. The bill does not change Virginia's present primary laws, and all registered voters remain eligible to participate in the primaries of any political party.

Patron - Reese

FHB2350 Hours that polls are open for voting. Adds one hour to the time that the polls are open for voting by moving the closing time from 7:00 p.m. to 8:00 p.m. The bill also makes conforming changes to absentee voting laws.

Patron - Hull

FHB2382 Redistricting commission and process. Establishes a redistricting commission to prepare state legislative and congressional redistricting plans; spells out standards for developing plans; and provides for General Assembly

action on plans submitted by the commission. This bill is identical to SB 872.

Patron - Moran

FHB2464 Basic requirements for political campaign advertisements. Modifies the size requirement for the disclosure statement that must be printed on "print media" political campaign advertisements under the "Stand by Your Ad" law enacted in 2002. The law as enacted requires that the disclosure statement must constitute five percent of the height of the printed space in any "print media" advertisement. The bill provides that the disclosure statement shall be in a font at least 12-point size for print media 11 inches by 14 inches or smaller and five percent of the height for larger print media items. The size measure applies to one page, fold, or face on multiple page, fold, or face items. The bill also exempts novelty items such as pens, buttons, and balloons from the disclosure statement requirement. This bill is incorporated into HB 1586.

Patron - O'Bannon

FHB2566 Announcement of results in presidential elections. Prohibits election officials and persons present in the polling place to observe the ascertainment of the results from making any public announcement of precinct results in a presidential election until the polls are closed in the 48 contiguous states and the District of Columbia. A violation of the prohibition is a Class 3 misdemeanor. The bill's provisions will expire July 1, 2004, unless approximately two-thirds of the states and of the population east of the Mississippi River have passed a like prohibition.

Patron - Scott

FHB2584 House of Delegates districts. Makes technical adjustments in the boundary between the Tenth and Fourteenth Districts within Henry County in order to conform the House line to the new county election district lines and the new Fontaine Precinct line and eliminate splits of the election district and precinct. (Because the House Districts are described in terms of 2000 voting precincts, the bill refers to a split of the Fontaine Precinct, meaning the old precinct.) A shift of 346 total population from the Fourteenth to the Tenth District creates a population deviation of plus two and one-half percent for the Tenth District, exceeding the 2.0 percent deviation followed in the 2001 redistricting.

Patron - Armstrong

FHB2643 House of Delegates districts. Makes a technical adjustment in the House of Delegates line dividing Prince William County between the Thirteenth and Thirty-first Districts in order to have the House line coincide with the County's true precinct lines and eliminate a split precinct. The split Park Precinct named in the bill is a 2000 census "pseudo" or adjusted precinct that technically must be split in order to pick up the true precinct line. However, the County's precinct line does not follow a census block boundary. The County estimates that 260 population would shift from the Thirty-first to the Thirteenth District; the exact number cannot be determined because of the split census block. If the County's estimate is correct, both districts would remain within the plus or minus 2.0 percent population deviation used in the 2001 redistricting. This would be the only instance in which the state legislative district lines split a census block rather than follow block boundaries.

Patron - Marshall, R.G.

FHB2739 Instant runoff voting to elect candidates to office. Implements the instant runoff voting method of determining winners in elections. The method produces a majority winner in a single election by simulating a series of runoff elec-

tions. All first choices are counted, and if any candidate receives a majority of first choices, that candidate is elected. If no candidate receives a majority, the candidate with the fewest votes is eliminated, and all ballots are recounted as one vote for each voter's highest-ranked candidate who has not been eliminated. The process of eliminating candidates and recounting ballots continues until one candidate receives a majority.

Patron - Barlow

FSB769 Party designations on the ballot. Extends to local elections, other than school board and soil and water conservation district elections, the identification of candidates by party name on the ballot. Current law provides for party identification of candidates on ballots only for federal, statewide, and General Assembly elections. The bill also allows any locality to provide by charter or by ordinance for nonpartisan elections for the governing body without any party identification on the ballot for governing body candidates. The bill explicitly provides that an endorsement by a political party of a candidate who qualifies for the ballot through the petition process is not grounds for identifying that candidate by the party's name. This bill is identical to HB 1405.

Patron - Cuccinelli

FSB793 Pollbooks and precinct registered voter lists. Implements the program to merge the pollbook and precinct registered voter list into a single document, the "pollbook." Following a number of successful pilot projects to test a merged list, Chapters 66 and 216 of the 2002 Acts of Assembly provided that the precinct registered voter list (showing who is registered to vote) and the pollbook (showing who has voted) would be merged for elections held on and after July 1, 2003. The Acts also directed the State Board of Elections to prepare legislation to accomplish a permanent merger of these lists. The bill incorporates this legislation, allows the pollbook to be in a paper or electronic format, and authorizes additional pilot programs to test electronic pollbooks. This bill is incorporated into SB 1107.

Patron - Miller, K.G.

FSB872 Redistricting commission and process. Establishes a redistricting commission to prepare state legislative and congressional redistricting plans; spells out standards for developing plans; and provides for General Assembly action on plans submitted by the commission. This bill is identical to HB 2382.

Patron - Deeds

FSB902 Senatorial and House of Delegates districts. Makes technical adjustments in certain Senatorial and House of Delegates districts within the Cities of Franklin and Hopewell in order to follow new City ward and precinct lines. The Thirteenth, Sixteenth, and Eighteenth Senatorial districts and the Sixty-second, Sixty-fourth, Seventy-fourth, and Seventy-fifth House of Delegates districts are affected. Each district remains within the 2.0 percent population deviation standard followed in the 2001 redistricting. Since the Code of Virginia describes districts in terms of 2000 census precincts, the bill refers to splits of several of the 2000 census precincts. These splits are technically necessary in order to move Senatorial and House of Delegates lines to the new precinct lines.

Patron - Quayle

FSB937 Effective date of decennial redistricting measures; elections following decennial redistricting. Provides (i) that decennial redistricting measures for congressional, General Assembly, and local districts are to be implemented for the first general election for the office following enactment of the redistricting measure; (ii) that members in office when the redistricting measure is enacted continue in

office, complete their terms of office, and continue to represent the district from which they were elected; and (iii) that a vacancy in the office will be filled from the district as it existed when the member whose vacancy is being filled was last elected to office.

Patron - Edwards

FSB1059 Effective date of decennial redistricting measures; elections following decennial redistricting. Provides (i) that decennial redistricting measures for congressional, General Assembly, and local districts are to be implemented for the first general election for the office following enactment of the redistricting measure; (ii) that members in office when the redistricting measure is enacted continue in office, complete their terms of office, and continue to represent the district from which they were elected; and (iii) that a vacancy in the office will be filled from the district as it existed when the member whose vacancy is being filled was last elected to office.

Patron - O'Brien

FSB1237 Senatorial districts. Makes technical adjustments in the boundary between the Nineteenth and Twenty-third Districts in Campbell County in order to conform to the County's new election district and precinct lines. The adjustment places the Nineteenth District at 2.4 percent population deviation, greater than the 2.0 percent deviation used in the 2001 redistricting.

Patron - Hawkins

FSB1252 State Board of Elections; powers and duties; removal of local election officials. Provides (i) for 10 days' written notice and a hearing by the State Board to remove a registrar from office, (ii) for five days' written notice and a hearing to remove an electoral board member, registrar, or other election official from office because of disqualification on constitutional or statutory grounds, including failure to relinquish an incompatible office, (iii) for an immediate hearing if necessary to avoid irreparable harm to a pending election, and (iv) for an appeal by the removed party by petition to the City of Richmond Circuit Court. The bill also amends the law on court proceedings for removal of electoral board members to refer to the State Board's authority to initiate proceedings and to require removal on proof by "clear and convincing evidence of the member's failure to discharge the duties of his office in accordance with law." This bill is identical to HB 2126.

Patron - Bolling

FSB1286 Absentee voting by students attending Virginia universities, colleges, and community colleges. Authorizes the State Board of Elections to conduct a pilot program for voting absentee through the Internet for students attending Virginia universities, colleges, and community colleges who are qualified to vote in Virginia. The program will be conducted in those localities whose electoral boards choose to participate. The application will be the usual absentee ballot application with the addition of space for the student's e-mail address. The application may be filed on line with the local general registrar's office. The program will provide that the absentee ballot and instructions for creating the requisite envelopes to seal the ballot and return it by mail will be forwarded to the student by e-mail. The student must complete the ballot and return it by mail in compliance with current law provisions. This pilot program extends a program established by the State Board for certain military and overseas voters to receive absentee ballots through the Internet.

Patron - Norment

Eminent Domain

Passed

PSB995 Eminent domain; copy of title report. Requires any condemnor to provide to property owners a copy of the report of status of title prepared in connection with the acquisition of property. The condemnor is required to conduct a title examination of the property prior to making an offer to acquire it. If the Commonwealth Transportation Commissioner is the condemnor, the owner is currently entitled to receive a copy of the title report.

Patron - Mims

PSB1007 Recodification of Title 25; eminent domain; condemnation. Recodifies Title 25 as Title 25.1. In accordance with § 30-152, the Virginia Code Commission, in 2002, undertook the recodification of Title 25. Title 25 establishes the general procedure pursuant to which authorized entities exercise the power to acquire property pursuant to the exercise of the power of eminent domain. Title 25 has not been recodified since the adoption of the Code of Virginia of 1950. The Virginia Code Commission has rewritten and combined sections or parts of sections to clarify provisions and to eliminate archaic, obsolete or redundant language. Additionally, certain substantive changes are made, many of which reflect current practices or eliminate inconsistencies between provisions. Title 25.1 consists of four chapters. Chapter 1 contains general provisions applicable to the entire title, including certain definitions. Chapter 2 sets forth the general eminent domain procedure. Chapter 3 establishes in this title a "quick-take" procedure, under which defeasible title vests in the condemnor upon the filing of a certificate or the deposit of funds with the court. This procedure is based on one in Title 33.1. Currently, several types of condemnors are authorized to use the process to be followed by the Commonwealth Transportation Commissioner, and the Code Commission concurred that a better course was to establish a separate provision in Title 25.1 to be followed by those entities that now can use such process. Chapter 4 sets out statutory provisions that generally comport with the federal Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1972. Existing Chapter 2 of Title 25, which deals with the acquisition of waterworks systems by local governments, is relocated to Title 15.2. Changes to the Commonwealth Transportation Commissioner's "quick-take" procedure incorporate clarifying and technical changes that are reflected in the parallel provision in proposed Chapter 3 of Title 25.1.

Patron - Mims

Fiduciaries Generally

Passed

PHB1919 Failure to file inventory. Requires a commissioner of accounts to report to the Virginia State Bar any fiduciary who is also an attorney and who fails to file a proper inventory or account of a foreclosure after being summonsed to do so. This is consistent with the current obligation of a commissioner to report a fiduciary who is also an attorney and who does not file a proper account for an estate, trust, guardianship, or conservatorship. The bill also updates language in § 26-20. This bill is a recommendation of the Judicial Council.

Patron - Almand

PHB1920 Commissioners of accounts. Requires that a commissioner of accounts, deputy commissioner of accounts and assistant commissioner of accounts be an attorney. The Judicial Council, which recommended this bill, is not aware of any persons currently holding such positions who are not attorneys.

Patron - Almand

PHB2096 Commissioner of accounts; vouchers and statement of assets. Provides that when a fiduciary seeks to use a check as a voucher or receipt, a copy of the front side of the check and the periodic statement from the financial institution showing the check number and amount that coincides with the copy shall be sufficient evidence, in lieu of a copy of both sides of the check showing that it has been negotiated, provided the copy meets the requirements of the exception to the best evidence rule in § 8.01-391. The bill also allows the commissioner of accounts to require a fiduciary to exhibit the original check or proper voucher for a specific payment or for distributions to beneficiaries or distributees.

Patron - Joannou

Failed

FHB1380 Fees of commissioners of accounts. Provides for the refund or crediting of the amount of any overpayment of a fee paid to a commissioner of accounts.

Patron - Janis

FHB1979 Fiduciaries; legal investments. Limits the use of the legal list of investments, which affords the fiduciary immunity from the "prudent investor rule," to those funds within a trust or an estate with an actual value of not more than \$100,000. A delayed effective date is proposed to give fiduciaries time to modify investment approaches.

Patron - Athey

Fire Protection

Failed

FHB2573 Disability benefits; firefighters. Requires localities to provide cost of living adjustments to firefighters' disability allowances.

Patron - Darner

Fisheries and Habitat of the Tidal Waters

Passed

PHB1504 Harvesting of oysters from private oyster beds. Allows Virginia Marine Resources Commission to grant a special exemption to allow harvesting of oysters from private oyster beds one hour, prior to sunrise from June 15 to September 1, with 24 hours notice. Currently, oysters may be harvested from sunrise to sunset, except on Sunday.

Patron - Pollard

PHB1661 Private piers. Establishes size specifications for the Virginia Marine Resources Commission private pier permit exemption. No permit will be required if (i) the

piers do not extend beyond the navigation line or private pier lines established by the Commission or the United States Army Corps of Engineers, (ii) the piers do not exceed six feet in width, (iii) any L or T head construction at the end of a pier does not exceed 25 feet in length and six feet in width, and (iv) the piers are determined not to be a navigational hazard by the Commission.

Patron - Pollard

PHB2239 Haul seine nets. Changes the definition of a haul seine net. The current definition is ambiguous and has resulted in confusion in the proper setting and use of the gear. It has also forced haul seiners to work in shallow waters where submerged aquatic vegetation (SAV) beds are located. Changing the definition will allow the Virginia Marine Resources Commission to prepare a haul seine fishery management plan that recognizes a more appropriate use of the gear, which will minimize the impact of the net on the SAV beds.

Patron - Pollard

PSB786 Admittance, parking and use at Department-owned facilities; penalty. Allows the Department of Game and Inland Fisheries to establish admittance, parking, or other use fees at Department-owned facilities. Any daily fee established by regulation cannot exceed three dollars; any annual fee cannot exceed the cost of an annual state resident fishing or hunting lounge. Such fees will not be assessed for the use of Department-owned boat ramps. Anyone violating this section may be assessed a civil penalty of \$50 by the Department, to be paid into the Game Protection Fund. Any person 16 years old or younger, or any person holding a valid hunting, trapping, or fishing permit, or a current certificate of boat registration issued by the Department does not have to pay these fees.

Patron - Deeds

PSB1186 State water safety zones and restricted areas; penalty. Allows the Virginia Marine Resources Commission after consultation with the U.S. Coast Guard and U.S. Corps of Engineers to establish, by regulation, state water safety zones or restricted areas in the tidal waters of the Commonwealth wherein public access shall be restricted or prohibited in the interest of public safety. Such zones or areas shall be consistent with federal law and become effective immediately upon establishment by the Commission. The regulations are exempted from the Administrative Process Act, and shall be enforced by the Virginia Marine Police. In times of official state or national emergency, the Governor is authorized to adjust the boundaries of safety zones or restricted areas by executive order. Violations of these regulations are Class 1 misdemeanors. This bill has an emergency clause.

Patron - Wagner

Failed

FHB1490 Fishing Class II guide license. Creates a fishing Class II guide license for owners of recreational headboats or charterboats, and includes fees and other requirements for obtaining such a license. An applicant for a Class II guide license must complete an apprenticeship program under a captain holding a Virginia guide license. An identical bill passed into law in 2002, except it contained a reenactment clause for the 2003 Session of the General Assembly in order for it to take effect.

Patron - Pollard

FHB2154 Virginia Department of Game and Marine Resources; established. Combines the Department of Game and Inland Fisheries and the Virginia Marine Resources

Commission to form the Virginia Department of Game and Marine Resources. Existing regulations are to remain in effect until the new agency amends such regulations.

Patron - Hamilton

FSB917 License fees for commercial and recreational saltwater fisheries. Increases the annual license fees for: registering a commercial fisherman from \$150 to \$175; a saltwater recreational fishing license from \$7.50 to \$12.50; and registering a recreational boat used for saltwater recreational fishing from \$30 to \$50. This bill also raises the temporary license fee from \$5 to \$10.

Patron - Wampler

FSB961 Protection of certain female crabs; penalty. Makes it unlawful to catch, possess, or sell an egg-bearing female crab or a female crab from which the egg pouch, sponge, or bunion has been removed. This restriction only applies for 14 working days between July 1 and August 15 each year. Annually and at least 30 days prior to the first day of the crab harvesting season, the Virginia Marine Resources Commission shall determine by regulation the specific restriction days. Violations shall be punishable by a Class 4 misdemeanor.

Patron - Chichester

Game, Inland Fisheries and Boating

Passed

PHB1481 Waterfowl sanctuaries and blinds. The bill repeals an Act of Assembly that established wildlife sanctuary in areas of what was then Princess Anne County and now is Virginia Beach. This local act is no longer needed because Virginia Beach has adopted an ordinance that prevents hunting in these areas. The bill also repeals the authority of Accomack and Northampton Counties to issue duck blind stamps.

Patron - Cox

PHB1491 Use of rifles in King George County. Repeals the law that prohibits an individual from hunting any wild bird or animal in King George County with a rifle capable of shooting any cartridge more powerful than commercially loaded .22 caliber rifle cartridges.

Patron - Pollard

PHB1525 Waterway "pass-through" zones; local ordinances; penalties. Allows localities, after notifying the Department of Game and Inland Fisheries, to enact ordinances establishing "pass-through" zones in portions of waterways within their territorial limits where watercraft traffic congestion routinely poses a significant safety risk to persons in the designated area. The ordinance must require watercraft operators to maintain reasonable and safe speeds and must prohibit them from anchoring, loitering or engaging in recreational activities while in such zone. The locality must clearly mark pass-through zones with buoys or other markers, and may provide for enforcement and penalties not exceeding a Class 4 misdemeanor.

Patron - Purkey

PHB1526 Personal watercraft; local ordinances; penalty. Allows the City of Virginia Beach, by population bracket, to enact ordinances establishing minimum distances from the shoreline that personal watercraft may be operated in

excess of the slowest possible speed required to maintain steerage and headway. Such distances shall be at 100 feet from the shoreline and 200 feet from swimmers in ocean waters. The bill provides for local enforcement and penalties not to exceed Class 4 misdemeanors.

Patron - Purkey

PHB1663 Nonresident hunting fees. Increases fees for a nonresident statewide hunting license from \$60 to \$80 and increases three-day nonresident hunting licenses from \$30 to \$40.

Patron - Pollard

PHB1765 Deer kill permit. Authorizes the Director of the Department of Game and Inland Fisheries to issue a deer kill permit to landowners whose residential plants have been damaged by deer. The Director may charge a permit fee not to exceed the actual costs.

Patron - Nutter

PHB1874 Voluntary contributions by hunters. Directs the Department of Game and Inland Fisheries to allow persons, when they purchase hunting licenses and permits, to voluntarily contribute two dollars to Hunters For The Hungry. This bill is identical SB 808.

Patron - Thomas

PHB2113 Authorization to kill deer or bear. Prohibits a person who has been convicted of violating any hunting or trapping law or regulation from being designated as a shooter authorized to kill deer or bear found damaging fruit trees, crops, livestock, or personal property or creating a hazard to aircraft or motor vehicles. The Director of the Department of Game and Inland Fisheries shall impose this restriction for at least two and up to five years after the applicant's most recent conviction, depending upon the nature and severity of recent and past violations. No person shall be authorized as the shooter during a period of license suspension or revocation. Currently, any person found guilty of violating any provision of Title 29.1, Game, Inland Fisheries and Boating, is forever prohibited from being an authorized shooter.

Patron - Barlow

PHB2157 Damage stamp program. Allows property owners to collect funds from the Damage Stamp Program to compensate them for damage to their crops, fruit trees, commercially grown Christmas trees, nursery stock, livestock, or farm equipment caused by elk. Currently, funds are made available to property owners whose land has been damaged by either deer or bear. The bill reduces the percentage of damage stamp funds that a local government can expend for firefighting and volunteer rescue squad operations from 50 to 25 percent.

Patron - Phillips

PHB2419 Lifetime trapping license. Establishes a special lifetime trapping license for residents age 65 or over. The fee for the license is \$10.

Patron - Nixon

PHB2752 Nonindigenous Aquatic Nuisance Species Act. Creates the Nonindigenous Aquatic Nuisance Species Act within the Department of Game and Inland Fisheries. This bill declares the zebra mussel, the quagga mussel, and northern snakehead fish as nonindigenous aquatic nuisance species. This bill authorizes the Board of Game and Inland Fisheries to declare other nonindigenous aquatic nuisance species if it finds that the presence of such nonindigenous aquatic species in state waters poses or is likely to pose a significant threat of harm. This bill makes it illegal to knowingly import, possess, transport, sell, purchase, give, receive, or introduce into state waters,

any nonindigenous aquatic nuisance species without a permit from the Director. Permits may be issued for research by recognized academic institutions or government agencies upon receiving satisfactory assurance that adequate safeguards will be maintained to prevent the escape or introduction of any such species into state waters. Any person who violates this Article or who knowingly obstructs the Director in carrying out his duties, shall (i) be subject to a civil penalty of not more than \$25,000, and (ii) be liable for the costs of investigation, control, and eradication incurred by any state agency or local government of the Commonwealth as a result of such unlawful conduct. This bill contains an emergency clause and incorporates HB 2814.

Patron - Plum

PSB726 Sale of hunting and fishing licenses. Relieves a clerk of a circuit court from the responsibility of selling hunting and fishing licenses if the Board of Game and Inland Fisheries has designated an agent to sell hunting and fishing licenses in the county or city in which the clerk is located. Currently, it is within the discretion of the Board whether to relieve the clerk from the responsibility of selling such licenses.

Patron - Deeds

PSB808 Voluntary contributions by hunters. Directs the Department of Game and Inland Fisheries to allow persons, when they purchase hunting licenses and permits, to voluntarily contribute two dollars to Hunters For The Hungry. This bill is identical to HB 1874.

Patron - Stolle

Failed

FHB1660 Personal flotation devices required for children; civil penalty. Requires all children under the age of seven to wear a Type I, II, III, or Type V U.S. Coast Guard-approved personal flotation device on recreational vehicles under 21 feet in length. The Director of Game and Inland Fisheries shall assess any recreational vessel operator who violates or permits the violation of this provision a civil penalty of up to \$250. All penalties collected are to be paid to the Motorboat and Water Safety Fund of the Game Protection Fund. The bill does not apply to a recreational vessel that is moored or anchored, or to children below deck or in an enclosed cabin. The bill defines "recreational vessel" as a vessel manufactured or operated for leisure or recreational purposes, or a vessel leased, rented or chartered for noncommercial use. "Recreational vessel" includes motorboats, sailboats, canoes, kayaks, rowboats, and any other vessel capable of being used for transportation on water, when the vessel is being used for other than commercial purposes.

Patron - Wardrup

FHB1901 Damage stamp program. Allows property owners to collect funds from the Damage Stamp Program to compensate them for damage to their crops, fruit trees, commercially grown Christmas trees, nursery stock, livestock, or farm equipment caused by elk. Currently, funds are made available to property owners whose land has been damaged by either deer or bear.

Patron - Stump

FHB1996 Recreational boat freshwater fishing license. Establishes a recreational boat freshwater fishing license. Any Virginia resident owner or operator of a recreational boat used for inland waters recreational fishing may purchase this license, which covers himself and his resident passengers while fishing from such boat, in lieu of the other

fishing license requirements. The license costs \$50 a year per boat. If the owner or operator of the boat does not purchase this license, then individuals on the boat are required to purchase a fishing license as otherwise required by law. A recreational boat freshwater fishing license does not apply to designated waters stocked with trout, in waters where the Department imposes a daily fishing fee, or to nonresidents.

Patron - Ware

FHB2103 Privilege to hunt or trap. Adds suspension or revocation of hunting or trapping privileges to all sections of the Code where hunting or trapping licenses may be suspended or revoked by the court or by the Department of Game and Inland Fisheries. The purpose of this bill is to remove the existing "loophole" that allows people to hunt or trap on land they own, even if their hunting or trapping licenses have been suspended or revoked for violations of law.

Patron - Hogan

FHB2814 Nonindigenous Aquatic Nuisance Species Act. Creates the Nonindigenous Aquatic Nuisance Species Act within the Department of Game and Inland Fisheries. This bill declares the zebra mussel and northern snakehead fish as nonindigenous aquatic nuisance species. This bill authorizes the Board of Game and Inland Fisheries to declare other nonindigenous aquatic nuisance species if it finds that the presence of such nonindigenous aquatic species in state waters poses or is likely to pose a significant threat of harm. This bill makes it illegal to knowingly import, possess, transport, sell, purchase, give, receive, or introduce into state waters, any nonindigenous aquatic nuisance species without a permit from the Director. Permits may be issued for research by recognized academic institutions or government agencies upon receiving satisfactory assurance that adequate safeguards will be maintained to prevent the escape or introduction of any such species into state waters. Any person who violates this Article or who knowingly obstructs the Director in carrying out his duties, shall (i) be subject to a civil penalty of not more than \$25,000, and (ii) be liable for the costs of investigation, control, and eradication incurred by any state agency or local government of the Commonwealth as a result of such unlawful conduct. This bill is incorporated into HB 2752.

Patron - Scott

FSB760 Personal watercraft education course. Requires all owners or operators of personal watercraft to successfully complete a boating safety education course approved by the Director of the Department of Game and Inland Fisheries or an equivalent course in another state or country. Currently this is only required of operators 14 or 15 years old, and of all persons renting personal watercraft to others.

Patron - Wampler

FSB1120 Personal flotation devices required for children; civil penalty. Requires all children under the age of seven to wear a Type I, II, III, or Type V U.S. Coast Guard-approved personal flotation device on recreational vehicles under 21 feet in length. The Director of Game and Inland Fisheries shall assess any recreational vessel operator who violates or permits the violation of this provision a civil penalty of up to \$250. All penalties collected are to be paid to the Motorboat and Water Safety Fund of the Game Protection Fund. The bill does not apply to a recreational vessel that is moored or anchored, or to children below deck or in an enclosed cabin. The bill defines "recreational vessel" as a vessel manufactured or operated for leisure or recreational purposes, or a vessel leased, rented or chartered for noncommercial use. "Recreational vessel" includes motorboats, sailboats, canoes, kayaks, rowboats, and any other vessel capable of being used for trans-

portation on water, when the vessel is being used for other than commercial purposes.

Patron - Lucas

General Assembly

Passed

PHB1506 Capitol Hostesses. Changes the name of the Capitol Hostesses to the Capitol Tour Guides. The new name is intended to be gender neutral and inclusive of current staff.

Patron - Callahan

PHB1563 Capitol Police. Authorizes the Legislative Support Commission to assign the jurisdiction of any property of the Commonwealth to the Capitol Police. The jurisdiction of the Capitol Police is also clarified to include all property leased by the Commonwealth.

Patron - Callahan

PHB2471 Dr. Martin Luther King, Jr. Memorial Commission. Authorizes the Dr. Martin Luther King, Jr. Commission to seek, receive, and expend gifts, grants, donations, bequests, and other funds in connection with its duties as directed by the Joint Rules Committee. This bill also establishes the Dr. Martin Luther King, Jr. Fund into which gifts, grants, donations, and other funds obtained by the Commission will be deposited to provide financial support for its work, including private funds to support the King Living History and Public Policy Center, which is also established by this bill. The Commission is required by law to establish a memorial to Dr. King in the Commonwealth, which the Center fulfills. The Center, among other things, will (i) perform public policy analysis and scholarly inquiry and writing; (ii) acquire and preserve records, oral histories, and memorabilia documenting Dr. King's relationship with and impact on the Commonwealth; (iii) make the programs, activities, and resources of the Center available to public and private schools and the public; and (iv) provide support for undergraduate and graduate study at the participating public and private institutions of higher education that comprise the Center. In addition, the bill contains several technical amendments that conform the statute to the new legislative guidelines adopted by the Joint Rules Committee, and an emergency clause to allow the Commission to receive and expend pending donations and contributions. This bill is a recommendation of the Dr. Martin Luther King, Jr. Memorial Commission and is identical to SB 827.

Patron - Crittenden

PHB2507 Journals and documents of the Senate and House of Delegates. Removes the requirement for the binding of the Senate and House of Delegates documents. The bill also requires that persons eligible to receive copies of the House and Senate Journals must submit a written request for them. The number of copies of the Journals reserved for the Division of Legislative Automated Systems and The Library of Virginia has been changed to reflect the current practice and other controlling laws.

Patron - Griffith

PHB2515 General Assembly Conflicts of Interests Act; disclosure form. Requires disclosure by General Assembly members of certain relationships with lobbyists. The bill provides that such disclosure (i) does not constitute a waiver of the attorney-client or other privilege for third parties, (ii) require a waiver of any attorney-client or other privilege for a

third party, or (iii) is not necessary for nonfinancial indirect associations.

Patron - McDonnell

PHB2654 Ethics Advisory Panel. Provides that the Division of Legislative Services may assist the Panel during its preliminary investigation stage to save the need for outside counsel. Clarifies that the Panel must advise the complainant, if the complaint is disposed of during the preliminary investigatory stage.

Patron - Drake

PHB2666 Report of the Auditor of Public Accounts. Requires the Auditor of Public Accounts to report annually on all audits and oversight responsibilities performed for the most recently ended fiscal year to a joint meeting of the Senate Finance, House Finance and House Appropriations Committees on the same day that the Governor presents the Executive Budget to the General Assembly or at the direction of the respective chairman during an earlier scheduled committee meeting.

Patron - Welch

PHR28 Compensation of members of the House of Delegates. Provides for a voluntary reduction of 15 percent in compensation for members of the House of Delegates when attending interim meetings between adjournment sine die of the 2003 Regular Session of the General Assembly and the convening of the 2004 Regular Session.

Patron - Callahan

PHR39 Standards of conduct; House Rules 23 and 24. Directs the House Rules Committee to develop amendments for House Rules 23 and 24 relating to the standards of conduct of members of the House of Delegates. The amendments shall address the establishment and enforcement of a code of conduct for members of the House of Delegates, including procedures for the filing, investigation, and disposition of complaints of alleged violations of the code of conduct.

Patron - Drake

PSB827 Dr. Martin Luther King, Jr. Memorial Commission. Authorizes the Dr. Martin Luther King, Jr. Commission to seek, receive, and expend gifts, grants, donations, bequests, and other funds in connection with its duties, as directed by the Joint Rules Committee. This bill establishes the Dr. Martin Luther King, Jr. Fund into which gifts, grants, donations, and other funds obtained by the Commission will be deposited to provide financial support for its work, including private funds to support the King Living History and Public Policy Center, which is also established by this bill. The Commission is required by law to establish a memorial to Dr. King in the Commonwealth, which the Center fulfills. The Center, among other things, will (i) perform public policy analysis and scholarly inquiry and writing; (ii) acquire and preserve records, oral histories, and memorabilia documenting Dr. King's relationship with and impact on the Commonwealth; (iii) make the programs, activities, and resources of the Center available to public and private schools and the public; and (iv) provide support for undergraduate and graduate study at the participating public and private institutions of higher education that comprise the Center. In addition, the bill contains several technical amendments that conform the statute to the new legislative guidelines adopted by the Joint Rules Committee, and an emergency clause to allow the Commission to receive and expend pending donations and contributions. This bill is a recommendation of the Dr. Martin Luther King, Jr. Memorial Commission. This bill is identical to HB 2471.

Patron - Marsh

PSB889 Commission on Unemployment Compensation. Codifies the study of unemployment compensation, which has existed by resolution since 1977. The Commission shall have eight members, three from the Senate and five from the House, and staffing shall be provided by the Division of Legislative Services. The Commission shall have the power and duty to (i) evaluate the impact of existing statutes and proposed legislation on unemployment compensation and the Unemployment Trust Fund, (ii) assess the Commonwealth's unemployment compensation programs and examine ways to enhance effectiveness, (iii) monitor the current status and long-term projections for the Unemployment Trust Fund, and (iv) report annually its findings and recommendations to the Governor and the General Assembly.

Patron - Watkins

PSB1036 General Assembly; submission of reports and executive summaries. Establishes a recordkeeping system for reports required or requested by statute or resolution to be submitted to the legislative branch. For reports submitted only to the General Assembly, the Division of Legislative Automated Systems is designated as the recipient for the General Assembly. For reports submitted to specific persons or entities within the legislative branch, the reporting entity must submit a copy of the report to the Division. The reports to the Division must contain a separate executive summary and will be posted on the General Assembly's website.

Patron - Trumbo

PSB1253 Joint Commission on Health Care. Adds the responsibilities of the Joint Commission on Behavioral Health Care, which will sunset on July 1, 2003, to the Joint Commission on Health Care. To ensure continuity, the bill increases the membership of the Joint Commission on Health Care by two, adding one member of the House of Delegates and one member of the Senate who were previous members of the Joint Commission on Behavioral Health Care. The bill also provides for a special task force of the Commission to consider issues related to behavioral health care. Provisions relating to the membership, payment of the compensation and expenses, meetings, chairmanship, and reporting requirements have been modified to incorporate standardize language for legislative commissions as recommended in the legislative guidelines adopted by the Joint Rules Committee.

Patron - Martin

PSB1315 Clarifications for certain collegial bodies. Conforms certain collegial bodies on which legislative members serve to meet the legislative guidelines adopted by the Joint Rules Committees. These bodies include: the Virginia-Israel Advisory Board, the Special Advisory Commission on Mandated Health Insurance Benefits, the Virginia Advisory Commission on Intergovernmental Relations, the Council on Indians, the Virginia Military Advisory Council, Virginia War Memorial Foundation, the Southern States Energy Board, the Tobacco Indemnification and Community Revitalization Commission, the Virginia Land Conservation Board of Trustees, the Commission on the Virginia Alcohol Safety Action Program, the Child Support Guidelines Review Panel, the Education Commission of the States, the Western Virginia Public Education Consortium, the Virginia State Crime Commission, the Commission of Senate and Commission of House of Delegates on Interstate Cooperation, the Small Business Commission, the Legislative Transition Task Force and Consumer Advisory Board, the Virginia Office for Protection and Advocacy, the Virginia Roanoke River Basin Advisory Committee, the Roanoke River Basin Bi-State Commission, and the Tax Administration Delegation. The World Trade Alliance of the Blue Ridge is repealed due to inactivity.

Obsolete cross references to the Virginia Chesapeake Bay Partnership Council and the Virginia Council on Coordinating Prevention are removed from the Code because these entities were abolished in 2001. This bill is a recommendation of the year-long study by the Subcommittee on Legislative Guidelines of the Joint Rules Committee.

Patron - Trumbo

PSB1343 Attendance of witnesses before and production of evidence to certain legislative bodies. Provides that the chief officer of the Virginia Capitol Police may serve process for compelling (i) witnesses for appearance before or (ii) documents to be produced to, the Senate or House of Delegates or committees or commissions thereof.

Patron - Stolle

PSR25 Senate Rules changes. Removes the requirement that engrossed legislation must be printed on separate color paper; corrects references to the obsolete Title 2.1; and requires the majority of each house on conference committees to approve the conference report before the Senate considers the report. Under the current Rules of the Senate, only a majority of the conferees is necessary to approve the conference report. The House of Delegates amended its Rules in 2002 to make this change.

Patron - Trumbo

Failed

FHB1707 Virginia Housing Development Authority Review Commission; report. Creates the Virginia Housing Development Authority Review Commission in the legislative branch of state government to conduct an annual review of the operations of the Virginia Housing Development Authority.

Patron - Purkey

FHB1947 Joint Legislative Audit and Review Commission; term of appointment of director. Changes the term of the director of Joint Legislative Audit and Review Commission from six years to two years.

Patron - Drake

FHB1959 General Assembly; consolidation of commissions. Consolidates the Joint Commission on Health Care, the Joint Commission on Behavioral Health Care, and the Virginia Commission on Youth into a new legislative commission titled the Commission on Youth, Family Services, and Health Care. The new legislative commission retains the responsibilities of each commission for a coordinated approach in the study of the delivery of youth, family services, and health care services to the citizens of the Commonwealth. Term limits of members have been removed and the act expires on July 1, 2007.

Patron - Hamilton

FHB2100 General Assembly; sexual harassment. Establishes a sexual harassment policy for the members of the General Assembly and legislative branch employees. The bill sets forth procedures for filing complaints, conducting investigations, and taking appropriate disciplinary actions.

Patron - Baskerville

FHB2134 General Assembly; office allowances. Changes the nonvouchered office expense allowance arrangement for members of the General Assembly to an accountable plan within the meaning of the Internal Revenue Code regulations. Members are required to substantiate their business expenditures on a quarterly basis and return any amount in excess of the substantiated expenses. The bill also provides a

separate office equipment allowance not to exceed \$2,000 during a two-year period. Members are required to submit a voucher and accompanying receipts prior to receiving payment for equipment expenses. The Clerk of the House of Delegates and the Clerk of the Senate, under the direction of their respective Rules Committee, are required to establish a policy in their houses regarding the transfer of office equipment purchased with the allowance to the Commonwealth when the equipment falls into disuse or the member leaves office.

Patron - Brink

FHB2201 General Assembly; office allowance. Converts the nonvouchered office allowance paid to members of the General Assembly into an accountable plan within the meaning of the Internal Revenue Code regulations. Members will be required to substantiate their business expenses on a quarterly basis and return any amount in excess of the substantiated expenses.

Patron - Jones, S.C.

FHJ563 General Assembly; television coverage of legislative sessions. Endorses television coverage of the sessions of the House of Delegates and the Senate and its accessibility to public and private broadcasting interests for transmission to the citizens of the Commonwealth.

Patron - Petersen

FHJ639 Tax restructuring special session. Applies to the Governor to call a tax restructuring special session after adjournment of the 2003 Regular Session.

Patron - Crittenden

FHJ647 General Assembly; session coverage. Directs the Joint Rules Committee to adopt procedures governing live television coverage of the sessions of the House of Delegates and the Senate beginning with the 2004 Regular Session of the General Assembly.

Patron - Armstrong

FHR27 Complaints against members of the House of Delegates. Establishes a formal procedure for any citizen of the Commonwealth to bring a complaint against a member of the House of Delegates before the Committee on Privileges and Elections for conduct that does not reflect creditably on the House of Delegates. This is the standard of conduct members of the United States House of Representatives are held to by their respective body.

Patron - Marshall, R.G.

FHR29 Code of Conduct for members of the House of Delegates. Amends the Rules of the House of Delegates to require the Clerk, under the direction of the Subcommittee on the Standards of Conduct, to publish and distribute a Code of Conduct for members of the House of Delegates. In drafting and revising the Code of Conduct, the chairman of the Rules Committee must designate at least two members and two non-members of the majority caucus to serve as ad hoc members of the subcommittee. The Code of Conduct shall reflect the laws and regulations of the Commonwealth governing the professional conduct of employers and employees.

Patron - Marshall, R.G.

FHR30 House Rules; spending limits in the Budget Bill. Restricts the standing committees from reporting any appropriation bill that increases state spending by more than inflation plus the percentage change in the state population in the prior calendar year. In the event that actual revenues exceed expenditures for any fiscal year, the committee can only report

a bill that appropriates such excess for transportation and education.

Patron - Marshall, R.G.

FSB777 Restriction on unfunded local mandates. Provides that no law shall be enacted by the General Assembly that results in an unfunded net additional expenditure, as defined in § 30-19.03:1, by any county, city, or town.

Patron - Blevins

FSB948 Local Taxpayer Protection Act. Provides that any new program or mandate requiring a net additional expenditure by any locality shall not become effective unless an annual appropriation is made from the general fund to affected localities by the General Assembly at its next Session, such appropriation being sufficient to fund such program or mandate. However, notwithstanding such requirement, a new program or mandate requiring a net additional expenditure shall become effective if the General Assembly (i) passes such legislation with an emergency clause and provides an estimated amount to fund such mandate or program in the current budget, or (ii) affirmatively votes by a four-fifths vote to pass such legislation without sufficient funding. This bill does not apply to legislation that impacts traditional or constitutionally required local government responsibilities and functions.

Patron - Houck

FSB1089 Commission on the Future of Virginia's Environment. Establishes the Commission on the Future of Virginia's Environment as a permanent commission in the legislative branch. The purpose of the Commission is to continue to review, evaluate, and formulate recommendations concerning Virginia's environment and natural resources. The Commission will also monitor the implementation of its recommendations and create educational opportunities for the Commission's 15 legislative members to become familiar with environmental issues that may require legislative action.

Patron - Bolling

FSB1105 General Assembly; sexual harassment. Establishes a sexual harassment policy. The policy states that the General Assembly is committed to providing a work environment free from intimidation and coercion in any form, and sexual harassment is a form of intimidation and coercion and shall not be tolerated.

Patron - Whipple

FSB1268 General Assembly; office expense allowance. Changes the nonvouchered office expense allowance arrangement for members of the General Assembly to an accountable plan within the meaning of the Internal Revenue Code regulations. Members will be required to substantiate their business expenses on a quarterly basis and return any amount in excess of the substantiated expenses.

Patron - Cuccinelli

FSB1287 General Assembly; sworn testimony before legislative committees. Permits legislative committees and other legislative bodies comprised of General Assembly members to require sworn oral or written testimony. A person testifying before a committee may execute the oath or affirmation by signing a statement of truthfulness at each committee meeting. Persons who anticipate providing testimony at multiple committee meetings during a calendar year may file a single sworn statement with either the Clerk of Senate or Clerk of the House who shall issue a testimony card that may be presented during committee meetings. Persons who may administer oaths and affirmations before the houses and committees

has been revised to include the President pro tempore of the Senate and to remove committee clerks.

Patron - Wagner

FSB1352 **Television or other electronic signals generated by the Senate of Virginia.** Prohibits the use of certain video or audio signals generated by the Senate for political or commercial purposes, including campaigns for elective office and bond referenda. Specifically, the bill excludes certain nonprofit educational and public affairs programming pursuant to a written contract with the Senate and authorized unedited video feeds. A person who is convicted for a violation of these restrictions will be guilty of a Class 1 misdemeanor.

Patron - Trumbo

FSJ323 **Designating dates.** Places a one-year moratorium on the consideration of legislation that designates special days, weeks, months, and years and directs the Joint Rules Committee to develop guidelines on the designation and continued observance of such dates in the future. Each year legislation is introduced to recognize special dates previously designated by the General Assembly in perpetuity or proclaimed by the Governor or designated by the General Assembly for other times. Multiple and conflicting designations make it difficult for citizens to coordinate their commemorative activities to coincide with the Commonwealth's official date.

Patron - Trumbo

General Provisions of Virginia Code

Failed

FHB1633 **Opt-out provisions.** Declares the opt-out provisions that require some action by a person in order to avoid paying a fee are void in Virginia.

Patron - Cosgrove

FHB1849 **Taxes; include certain fees; rule of construction.** Provides, as a rule of construction, that the term "tax" when used in the Code of Virginia includes a monetary amount or fee that is charged by the Commonwealth or any agency thereof for a permit or application that must be submitted or granted to lawfully engage in a business activity.

Patron - Lingamfelter

Health

Passed

PHB1450 **Health; Certificate of Birth Resulting in Stillbirth.** Requires, upon the request of either individual listed as the mother or father on a report of fetal death in the Commonwealth, the issuance of a Certificate of Birth Resulting in Stillbirth for unintended, intrauterine fetal deaths occurring after a gestational period of 20 weeks or more. The requesting mother or father may provide a name for the stillborn child on the Certificate. The Board of Health is required to prescribe a reasonable fee to cover the administrative costs and preparation of the Certificate. This provision will apply retroactively to any circumstances that would have resulted in the issuance of a

Certificate of Birth Resulting in Stillbirth, as prescribed by the Board. This bill is identical to SB 1267.

Patron - Byron

PHB1524 **Reporting radioactive materials.** Requires immediate reporting to the State Departments of Health and Police when radioactive materials, including sources of ionizing radiation approved by the Federal Food and Drug Administration for the treatment of foods pursuant to the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq.), cannot be accounted for within 24 hours. Authorizes the Department to share this information with the Department of Emergency Management, United States Nuclear Regulatory Commission, United States Food and Drug Administration, and state, local and federal law-enforcement agencies, as appropriate.

Patron - Purkey

PHB1535 **State Emergency Medical Services Advisory Board.** Clarifies the membership of the State Emergency Medical Services Advisory Board, provides that any person appointed to the Advisory Board must be a member of the organization or group that he represents, changes the name of the State Fire Chiefs Association to the Virginia Fire Chief's Association, and makes technical corrections. In addition, provisions pertaining to the compensation and reimbursement of members and staff support for the Advisory Board have been added, pursuant to the new legislative guidelines adopted by the Joint Rules Committee.

Patron - Cox

PHB1621 **Certificate of public need; regulations authorizing a single application for all proposed cancer care center services.** Requires the Board of Health to include in the radiation therapy batch, applications, either combined or separate, for computed tomographic (CT) scanning, magnetic resonance imaging (MRI), positron emission tomographic (PET) scanning, radiation therapy or nuclear imaging. A single application for a combination of radiation therapy and any or all of the other named services may be filed. This bill is identical to SB 1226.

Patron - Hamilton

PHB1685 **Medicaid; preadmission screening.** Allows a team of licensed physicians, nurses, and social workers to provide preadmission screening for clients of the Woodrow Wilson Rehabilitation Center for determination of need for nursing facility services. Currently, only the Departments of Health or Social Services or hospitals may perform this assessment. Woodrow Wilson Rehabilitation Center performed this function when it was designated as a hospital; however, it is licensed currently as a comprehensive outpatient rehabilitation facility and is, therefore, not recognized under law to do the assessment.

Patron - Landes

PHB1695 **Health; local health partnership authorities.** Extends the sunset provision from July 1, 2003, to July 1, 2006, for local health partnership authorities. The bill also would require any local health partnership authority to report on an annual basis any programmatic initiatives to the Joint Commission on Health Care. This bill is identical to SB 1068.

Patron - McQuigg

PHB1697 **Certified nursing facility education initiative.** Repeals the expiration date of July 1, 2003, that would have sunsetted this program; makes some technical or clarifying amendments; and declares the records, reports, and communications of any staff member, employee, consultant, or other person, acting on behalf of the nonprofit organization that

is contracted to conduct the nursing facility education initiative, to be privileged and not to be disclosed or obtained by legal discovery proceedings unless a circuit court, after a hearing and a showing of good cause arising from extraordinary circumstances, orders the disclosure. This declaration will not, however, provide any privilege for the records of the facilities with respect to any patient or any facts or information contained in the records or preclude or affect discovery of or production of evidence relating to the treatment of any patient by a health care provider. Technical amendments are also included.

Patron - McQuigg

PHB1718 Date and time of death. Provides that, when the date of death is unknown, it must be determined by approximation, taking into consideration all relevant information, including, but not limited to, information provided by the immediate family regarding the date and time that the deceased was last seen alive if the individual died in his home.

Patron - Johnson

PHB1743 Notification of cancer patients of reports to the statewide cancer registry. Revises the requirements for notification of cancer patients of reports to the statewide cancer registry that must currently be implemented by the Commissioner of Health to require the physician diagnosing a malignant tumor or cancer, at such time and in such manner as considered appropriate by the physician, to notify each patient whose name and record abstract is required to be reported to the cancer registry that personal identifying information about him has been included in the registry as required by law. This provision authorizes the physician to notify, when the notice would be, in the opinion of the physician, injurious to the patient's health or well being, the patient's authorized representative or next of kin in lieu of notifying the patient. In addition, upon request to the statewide cancer registry, the patient whose personal identifying information has been submitted to such registry has a right to know the identity of the reporter of his information to such registry. This bill is identical to SB 1010.

Patron - Byron

PHB1747 Certificate of public need; authorization of certain amendment. Authorizes, notwithstanding the provisions of the moratorium on nursing home bed construction/additions that was in effect until July 1, 1996, or the provisions of a previous authorization for amendments to the relevant certificate, the Commissioner of Health to accept and approve a request to amend the conditions of a certificate of public need issued as an exception to the former restriction on filing applications for nursing home bed projects. Many of the facilities provided exceptions to the moratorium, including the one that is the subject of this bill, and had strict conditions imposed by the law concerning acceptance of private pay patients directly into their nursing homes. This bill will authorize the facility to ask the Commissioner of Health for an amendment to its previous certificate of public need to continue, for three years from the issuance of an occupancy permit for the third-midrise residential unit building associated with such facility or until June 30, 2006, whichever occurs first, to admit persons, other than residents of the cooperative units, to its nursing facility beds. The facility must be (i) operated by an association described in § 55-458 (an association for the management of real estate cooperatives); (ii) created in connection with a real estate cooperative; and (iii) providing its residents a level of nursing services consistent with the definition of continuing care in Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 (a continuing care facility). This bill applies to one facility to which the original certificate of public need was issued prior to October 3, 1995.

Patron - Suit

PHB1756 Health; emergency services. Expands the State Emergency Medical Services Advisory Board by one member and adds a Virginia professional firefighter.

Patron - Amundson

PHB1814 Health; protection of complainants. Applies to hospitals the same confidentiality and protection already available in nursing facilities regarding complainants who in good faith complain or provide information to any entity having responsibility for protecting the rights of patients of hospitals.

Patron - Welch

PHB1822 Medicaid-Buy-In. Requires the Board of Medical Assistance Services to prepare and seek a § 1115 waiver to implement one of the options for a Medicaid Buy-In program for up to 200 working families with disabilities. Such option must be designed to provide working persons with disabilities, who, because of their higher earnings, were not eligible for medical assistance services in Virginia, with access to coverage under the Virginia medical assistance services program. The provision for a Medicaid Buy-In must provide such working persons with disabilities access to this comprehensive health care when they meet the Board's established income and resource or other eligibility criteria. Any Medicaid Buy-In Program for which a waiver is granted shall not become effective until an appropriation of moneys effectuating such benefits is included in a general appropriation and passed during a regular session of the General Assembly.

Patron - Morgan

PHB1823 Prescriptions for therapeutically equivalent drugs; Virginia Voluntary Formulary repealed. Repeals the Virginia Voluntary Formulary---the Commonwealth's generic drug statutes---and replaces these archaic requirements with Drug Control Act provisions relating to the prescribing and dispensing of "therapeutically equivalent" (generic) drug products. This bill updates the law relating to prescribing and dispensing generic drugs, but provides few changes in prescribing and dispensing requirements.

Patron - Morgan

PHB1860 Automated external defibrillators; public-access defibrillation. Eliminates the requirement for registration of automated external defibrillators by repealing § 32.1-111.14:1 and amends existing immunity provisions to be consistent with this deregulation of ownership and use of automated external defibrillators. The last subsection of the Good Samaritan statute (§ 8.01-225) is also amended to require that the public be urged to receive training on how to use cardiopulmonary resuscitation (CPR) and automated external defibrillators (AED) in order to acquire the skills and confidence to respond to emergencies using both CPR and an AED.

In October 2002, the New England Journal of Medicine published a study of the use of automated external defibrillators by users with no prior training or duty to act in emergency situations. This study found that the untrained public can effectively use the automated external defibrillators. An automated external defibrillator is a medical device combining a heart monitor and a defibrillator that is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia and of determining, without intervention by an operator, whether defibrillation should be performed and, upon determining that defibrillation should be performed, automatically charging and requesting delivery of an electrical impulse to an individual's heart. These instruments have become so sophisticated and user-friendly that even young children have been reported as using them to successfully save lives.

Patron - O'Bannon

PHB1869 Medicaid; prohibited acts. Clarifies that exceptions provided in the federal anti-kickback law, i.e., the Medicare and Medicaid Patient Protection Act of 1987, as amended, and in the implementing regulations promulgated by the Secretary of Health and Human Services are also exceptions to Virginia's Medicaid self-referral statute. The federal law and regulations relate to Medicare and Medicaid reimbursable services and provide for criminal penalties for violations of its anti-kickback provisions. Numerous and complex exceptions, known as "safe harbors," are provided.

Patron - O'Bannon

PHB1961 Health; practice of midwifery. Repeals Article 4 (§ 32.1-145 et seq.) of Chapter 5 of Title 32.1 and amends § 54.1-2901 to eliminate the registration and permitting to practice midwifery of individuals who are not registered nurses and were registered and permitted to practice midwifery in compliance with this law prior to January 1, 1977.

Patron - Hamilton

PHB1972 Health; water quality analysis. Adds Warren and Goochland Counties to the list of localities that may, by ordinance, establish testing requirements for compliance with existing federal or state drinking water quality standards for building permit applicants that propose to use private ground water wells. This bill also authorizes any local governing body allowed to have such an ordinance that also has well abandonment ordinance to require property owners to close and cap abandoned or inactive wells pursuant to such ordinance.

Patron - Athey

PHB2013 The University of Virginia Medical Center; deemed licensure. Deems the University of Virginia Medical Center to be a licensed hospital for purposes of other law relating to the operation of hospitals licensed by the Board of Health, for so long as the Medical Center maintains its accreditation by the Joint Commission on Accreditation of Health Care Organizations or any successor in interest thereof. The Medical Center will not be deemed to be a licensed hospital to the extent any law relating to licensure of hospitals specifically excludes the Commonwealth or its agencies. As an agency of the Commonwealth, the Medical Center will remain exempt from licensure by the Board of Health and subject to the provisions of the Virginia Tort Claims Act. The bill states that deemed licensure must not be construed as a waiver of the Commonwealth's sovereign immunity.

Patron - Bell

PHB2106 Health; vital statistics. Deletes any statement as to racial designation from marriage and adoption records. Similar designations were removed from divorce records in the 2002 Session.

Patron - Van Landingham

PHB2183 Administering or dispensing of drugs; disaster or emergency. Permits the Commissioner to authorize unlicensed persons to administer or dispense drugs or devices in accordance with protocols established by the Commissioner when (i) the Governor has declared a disaster or a state of emergency caused by an act of terrorism or the United States Secretary of Health and Human Services has issued a declaration of an actual or potential bioterrorism incident or other actual or potential public health emergency; (ii) it is necessary to permit the provision of needed drugs or devices; and (iii) such persons have received the training necessary to safely administer or dispense the needed drugs or devices. These persons shall administer or dispense all drugs or devices under the direction, control and supervision of the Commissioner. The

bill requires the Commissioner to develop protocols, in consultation with the Department of Health Professions, that address the required training of persons and procedures for them to use in administering or dispensing drugs or devices. Also, the bill creates an exception to the Drug Control Act for this purpose. Finally, the bill permits the Board of Pharmacy to waive certain requirements when the Governor has declared a disaster or a state of emergency and it is necessary to permit the provision of needed drugs, devices and pharmacy services to the citizens of the Commonwealth. This bill is a recommendation of the Secure Virginia Panel.

Patron - O'Bannon

PHB2225 Prescription assistance mechanisms. Creates a special, nonreverting fund to be known as the Healthy Lives Prescription Fund, under the auspices of the Secretary of Health and Human Resources, to accept appropriations, donations, grants, and in-kind contributions to develop and implement programs that will enhance current prescription programs for citizens of the Commonwealth who are without insurance or the ability to pay for prescription drugs and to develop innovative programs to make such prescription drugs more available. The Commissioner of Health must create links from the Department of Health's website to the Department for the Aging's website and its affiliated sites pertaining to pharmaceutical assistance programs and pharmaceutical discount purchasing cards. The Commissioner of the Department for the Aging must cooperate with the Commissioner of Health by ensuring that such information is available on the Department for the Aging's website. The Commissioner of Health must also ensure that all clinical sites administered by local health Departments are provided with adequate information concerning the services of the Virginia Department for the Aging, including, but not limited to, the toll-free telephone number and website information on pharmaceutical assistance programs and pharmaceutical discount purchasing cards. Both commissioners must coordinate the dissemination of information to the public regarding any pharmaceutical discount purchasing card programs while maintaining a neutral posture regarding such programs. The Commissioner of Health must establish a toll-free number to be administered by the Department of Health that will provide recorded information concerning services provided by the Department for the Aging, the Virginia Area Agencies on Aging, and other appropriate organizations for senior citizens. A second enactment clause requires the Joint Commission on Health Care or any successor in interest thereof to prepare a plan to establish the Health Lives Prescription Assistance Program to provide prescription drug benefits for low-income senior citizens and persons with disabilities, which must include consideration of the resources of both the public and private sectors. The plan will be prepared in cooperation with the Secretary of Health and Human Resources, the Virginia Health Care Foundation, pharmaceutical manufacturers, health care provider organizations, advocacy groups, and other interested parties. In preparing the plan, the Joint Commission on Health Care must review and incorporate, to the maximum extent possible, the conclusions of the Joint Commission on Prescription Drug Assistance. The plan must coordinate state, federal and private programs providing prescription assistance, including any programs the federal government may implement. The plan will be reported to the Governor and the Chairmen of the House Committee on Appropriations, the Senate Committee on Finance, the House Committee on Health, Welfare and Institutions, and the Senate Committee on Education and Health by October 15, 2003. This bill is identical to SB 1341.

Patron - Cline

PHB2287 Children's health insurance. Establishes a program incorporating both Medicaid and the Family Access

to Medical Insurance Security (FAMIS) Plan in order to provide coordinated services to individuals defined as children in these programs. The Medicaid portion is named FAMIS Plus. The bill codifies practice by requiring the use of a single application to determine eligibility for both Medicaid coverage for children and FAMIS. Coverage for the mental health services currently provided for children enrolled in Medicaid is extended to individuals eligible for FAMIS. The bill reduces the waiting period from six to four months between the time that a child was covered by private health insurance and when eligibility for FAMIS can be established. [The cost-sharing requirements are amended to clarify that the annual aggregate cost-sharing for all eligible children in a family between 100 percent and at or below 150 percent of the federal poverty level will be limited to nominal copayments and the annual aggregate cost-sharing will not exceed 2.5 percent of the family's gross income. The nominal copayments for all eligible children in a family will not be less than those in effect on January 1, 2003.] This bill is identical to SB 1218.

Patron - Devolites

PHB2297 Children's health insurance through employer-sponsored health insurance programs. Changes the provision in FAMIS on minimum employer contribution from 50 percent towards the cost of dependent or family coverage for an employer's comprehensive health insurance program to be considered employer-sponsored health insurance (ESHI) to a percentage defined in the Virginia Plan for Title XXI of the Social Security Act. Under the current Family Access to Medical Insurance Security Plan, if a family chooses to participate in ESHI and ESHI is deemed cost-effective, the Department of Medical Assistance Services must contribute to the cost of ESHI for eligible dependent children for those program participants that have access to ESHI.

Patron - Devolites

PHB2300 Health; State Emergency Medical Services Advisory Board. Revises and clarifies the required and discretionary representation on the State Emergency Medical Services Advisory Board. The members of the Advisory Board are appointed by the Governor in accordance with this statute. Technical amendments are also provided.

Patron - Devolites

PHB2302 Administration of controlled substances by nurses. Provides that prescribers may authorize registered nurses or licensed practical nurses under the immediate and direct supervision of a registered nurse to possess and administer tuberculin purified protein derivative (PPD) in accordance with policies and guidelines established by the Department of Health. The bill also provides that the State Health Commissioner or his designee may authorize registered nurses, acting as agents of the Department, at the nurse's discretion, to possess and administer PPD to those persons in whom tuberculin skin testing is indicated based on protocols and policies established by the Department.

Patron - Devolites

PHB2310 Health; perinatal depression. Requires each licensed nurse midwife and hospital providing maternity care to make available to each patient and relevant family members information on postpartum blues and perinatal depression (formerly called postpartum depression) prior to discharge. This information will be discussed with the maternity patient.

Patron - Alexander

PHB2321 Health; radon testing. Requires that radon professionals conducting or offering radon screening, testing or mitigation must comply with the radon mitigation

and testing standards outlined in the Environmental Protection Agency's publication, EPA 402-R-93-078, as revised, or the American Society for Testing and Materials (ASTM International) Standard, E-2121-02, or any other radon testing and mitigation standards accepted by the Environmental Protection Agency and the Board of Health. The Environmental Protection Agency recognizes the ASTM Standard as equal to or exceeding its standards for radon testing or mitigation.

Patron - Plum

PHB2402 Nursing home, home care organization and hospice program criminal records checks. Expands the list of crimes that are barriers to employment in home care organizations and hospice programs to be consistent with the barrier crimes currently provided for employment in nursing homes and assisted living facilities.

Patron - Van Yahres

PHB2463 Patient health records privacy; subpoenas duces tecum; emergency. Revises the subpoena provisions in the patient records law to provide consistency between the existing Virginia provisions and federal regulations promulgated pursuant to the Health Insurance Portability and Accountability Act (HIPAA) of 1996 relating to standards for security and privacy of protected health information. This bill requires that the return date for a subpoena duces tecum will be 15 days unless a court or administrative agency directs an earlier day and that a motion to quash must be filed within 15 days of the notice to the patient or the provider. The language of the notice that must be given to providers acknowledges that the patient or the patient's counsel has received a copy of the subpoena; that either the patient or the provider has the right to file a motion to quash; and as HIPAA requires, that the provider must not respond to the subpoena until he has received written certification from the party on whose behalf the subpoena was issued that the time for filing a motion to quash has elapsed and that no motion was filed or any filed motion has been resolved and the disclosures are consistent with this resolution. As provided in present law, upon receiving a notice that the patient has filed a motion to quash or if the provider files such motion, the provider must send the records to the court or administrative agency in a sealed envelope with a cover letter stating that confidential health records are enclosed and are to be held pending the court's ruling on the motion to quash. The sealed envelope and the cover letter must be placed in an outer envelope or package for transmittal. Explicit instructions are provided for the resolutions of motions to quash in terms of the disposition of the records and the certification that must be given to the provider, as follows: full disclosure and no records submitted under seal to the court or administrative agency to be returned or, if the provider has not responded to the subpoena, that he must respond with the records within 15 days of the subpoena or five days of the certification, whichever is later; no disclosure and return of all records submitted under seal to the court or, if the provider has not submitted records to the court or agency, that the provider must not respond to the subpoena; or limited disclosure and return of a portion of the records submitted under seal to the court or administrative agency or if the provider has not responded to the subpoena, that he must respond with the portion of the records that have been authorized to be disclosed within 15 days of the subpoena date or the five days of the certification. "Certification" is defined as "a written representation that is delivered by hand, by first-class mail, by overnight delivery service, or by facsimile if the sender obtains a facsimile-machine-generated confirmation reflecting that all facsimile pages were successfully transmitted." This bill contains an emergency clause providing that the act will be in force from its passage, i.e., on such date as may

be consistent with the constitutional requirements for passage of legislation that does not become effective in due course.

Patron - O'Bannon

PHB2594 Health; Family Access to Medical Insurance Security Plan eligibility. Provides 12 continuous months of coverage for eligible children residing in Virginia whose family income does not exceed 200 percent of the federal poverty level during the enrollment period as permitted by Title XXI of the Social Security Act.

Patron - Brink

PHB2602 Construction and operation of treatment works. Gives the State Water Control Board (SWCB) and the Department of Environmental Quality sole authority to regulate the construction and operation of sewage treatment plants, including the review and approval of the plans and specifications for such facilities. This means that the SWCB will issue the certificates to construct and operate the facility. Currently, this is the joint responsibility of the Board of Health and the SWCB.

Patron - Bryant

PHB2772 Licensure of hospice programs and facilities. Provides that any entity licensed as a hospice may concurrently hold a license as an assisted living facility and may provide hospice care to such residents. An entity licensed as an assisted living facility may concurrently hold a license as a hospice and provide hospice care.

Patron - Morgan

PHB2810 Department of Health; regulation of bedding and upholstered furniture. Provides that the Health Department is authorized to inspect the premises of the holder of a license or permit who deals in the sale of bedding and upholstered furniture only upon a complaint. In addition to the penalties provided for a violation under the Health Department, it shall also be a prohibited practice under the Consumer Protection Act.

Patron - Athey

PHR42 Medical Equipment Recovery of Clean Inventory (MERCI) program. Encourages all hospitals in Virginia to adopt the MERCI program to eliminate the disposal of usable medical supplies and provide such supplies to missions and programs in need.

Patron - Van Yahres

PSB763 Home Care Services Advisory Committee. Abolishes the Home Care Services Advisory Committee. The Committee advises and makes recommendations to the State Board of Health regarding the regulations of home care organizations. The Committee has been inactive and has not met since 1994. An advisory committee convened by the State Department of Health carries out the functions of the Home Care Services Advisory Committee, including the provision for public participation. This bill is a recommendation of the Joint Subcommittee Studying the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities pursuant to HJR 159 (2002).

Patron - Ruff

PSB805 AIDS Advisory Committee. Abolishes an advisory committee to the State Board of Health known as the AIDS Services and Education Grants Program Advisory Committee. The Committee was established in 1989 to assist the Board in awarding acquired immunodeficiency syndrome services and education grants. The Committee is constituted on an ad hoc basis when there are new grants to award. The State

Department of Health would continue to seek the advice of experts knowledgeable in HIV issues to assist with the administration of the grants process. 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

PSB831 Suspicious deaths. Provides that reports and autopsies of the medical examiner performed for suspicious deaths must be given to the appropriate law-enforcement agency investigating the death. Currently, copies of these documents must be delivered to the appropriate attorney for the Commonwealth and are often supplied to law-enforcement officials, upon request.

Patron - Marsh

PSB966 Certain private waterworks; appointment of receiver. Grants the Commissioner of Health the authority, in addition to the other civil and criminal penalties and injunctive or other relief, to petition the circuit court for the jurisdiction in which any private waterworks is located for the appointment of a receiver. The Commissioner must find that the waterworks is unable or unwilling to provide adequate and safe service for any of the following reasons: (i) the waterworks can no longer be depended upon to furnish pure water; (ii) the waterworks has inadequate capacity to furnish pure water to its customers; (iii) the owner has failed to comply with an order issued by the Commissioner; (iv) the owner has abandoned the waterworks and has discontinued supplying pure water to his customers; (v) the owner is subject to a forfeiture order on his bond; or (vi) the Commissioner has issued an emergency order because there is an imminent danger to the public health and welfare resulting from the operation of the waterworks or the source of the water supply. Upon the filing of a petition for appointment of a receiver for a private waterworks, the court must hold a hearing within 10 days, at which time the Commissioner and the owner of the waterworks may present evidence. The court may grant the petition if it finds any one or more of the named conditions and the court further finds that the conditions will not be remedied and that the health and welfare of the owner's customers will not be protected unless the petition is granted. Upon appointment, the receiver will take possession of the assets of the waterworks and operate the waterworks in the best interests of the customers. The receiver will have such powers and duties to operate and manage the waterworks as the court may grant and direct, including the filing of such reports as the court may direct and the power to receive, conserve, protect, and disburse funds. The court may grant injunctive relief as it deems appropriate to the Commissioner or the receiver either in conjunction with or subsequent to the granting of a petition for appointment of a receiver under this section. Control of and responsibility for the waterworks will remain in the receiver until the waterworks can, in the best interest of the customers, be returned to the owner, transferred to a new owner, or otherwise configured as the court may determine to be in the best interests of the public and the customers. The court may terminate the receivership on the motion of the Commissioner, the receiver, or the owner, upon finding, after a hearing, that the conditions initiating the petition for the appointment of a receiver have been eliminated or resolved. Within 30 days after such termination, the receiver shall file a complete report of his activities with the court, including an accounting for all property of which he took possession and all funds collected. A receiver appointed pursuant to this provision will be an officer of the court, will not be liable for the conditions of the waterworks that existed prior to his receivership, and will not be personally liable, except for his own gross negligence or intentional acts, to injuries or damage

to property relating to the waterworks, during his receivership. This immunity provision cannot, however, be construed to relieve any owner of any duty imposed by law or of any civil or criminal liability incurred by reasons of any act or omission of such owner.

Patron - Watkins

PSB1008 Medical assistance services; consumer-directed care. Requires the Department of Medical Assistance Services to prepare, and authorizes the Department to seek approval of, an application for (i) a revision of the consumer-directed personal care services waiver to allow spouses, parents, adult children, and guardians to direct care on behalf of the waiver recipient, when such recipient is incapable of directing such care on his own behalf and (ii) a new waiver for home- and community-based services, as soon as such waiver template becomes available. Any such waiver revision or new waiver must be cost-neutral and must expand consumer-directed care in so far as practicable. Any such waiver application must protect the health and safety of recipients as well as the fiscal integrity of the Commonwealth. Such waiver will provide for a fiscal agent to handle tax issues and payment of personal attendants on the part of recipients. In addition, any such waiver application will (a) provide recipients with flexible choices and personal independence in so far as possible and (b) include provisions for family members to deliver the covered services when consistent with and not prohibited by federal law and regulation. This provision or any new or revised project that may be, but is not required to be, implemented must not be construed as creating any legally enforceable right or entitlement to consumer-directed care, the Virginia Plan for Medical Assistance Services, or Title XIX of the Social Security Act, as amended, on the part of any person or to create any legally enforceable right or entitlement to participation in any consumer-directed care by any person. A second enactment clause authorizes the Board of Medical Assistance Services to promulgate emergency regulations, upon the approval by the Centers for Medicare and Medicaid Services of any application for revision of the consumer-directed personal care services waiver or for any new waiver that may be submitted by the Department of Medical Assistance Services pursuant to this act. Further, a third enactment clause authorizes the Board of Medical Assistance Services to use, when in compliance with the Administrative Process Act (§ 2.2-4000 et seq.), electronic media as much as possible during the promulgation of the regulations, including, but not limited to, posting documents to and receiving comments via the Department's website, by e-mail and fax. The Board must, however, continue to provide public notice and participation to those persons who do not have access to the Internet or other forms of electronic media. This bill incorporates SB 1216.

Patron - Potts

PSB1010 Notification of cancer patients of reports to the statewide cancer registry. Revises the requirements for notification of cancer patients of reports to the statewide cancer registry that must currently be implemented by the Commissioner of Health to require the physician diagnosing a malignant tumor or cancer, at such time and in such manner as considered appropriate by the physician, to notify each patient whose name and record abstract is required to be reported to the cancer registry that personal identifying information about him has been included in the registry as required by law. This provision authorizes the physician to notify, when the notice would be, in the opinion of the physician, injurious to the patient's health or well being, the patient's authorized representative or next of kin in lieu of notifying the patient. In addition, upon request to the statewide cancer registry, the patient whose personal identifying information has been submitted to such

registry has a right to know the identity of the reporter of his information to such registry. This bill is identical to HB 1743.

Patron - Potts

PSB1068 Health; local health partnership authorities. Extends the sunset provision from July 1, 2003, to July 1, 2006, for local health partnership authorities. The bill also would require any local health partnership authority to report on an annual basis any programmatic initiatives to the Joint Commission on Health Care. The bill is identical to HB 1695.

Patron - Puller

PSB1082 Protocol for testing children for elevated blood-lead levels. Mandates that the Board of Health require, in its protocol for testing children for elevated blood-lead levels, testing at appropriate ages and frequencies, when indicated. The present protocol provides criteria to determine that a child is not at risk of lead poisoning and testing is not required. Currently, the protocol also notes that testing "should" be conducted at certain intervals. Lead poisoning causes permanent neurological injury, particularly to young children, which can result in mental retardation and even death. During the past year, controversy concerning the effectiveness of merely recommending the testing has arisen. This bill is a recommendation of the Joint Subcommittee Studying Lead Poisoning Prevention.

Patron - Lambert

PSB1083 Sharing of protected health information between state agencies. Expands the authority to share protected health information to include the Department of Rehabilitative Services and the Departments for the Aging, the Blind and Vision Impaired, and the Deaf and Hard-of-Hearing or any successors in interest thereof. Present law, enacted in 2002, was intended to clarify the authority of various state departments to obtain and the discretion of health care providers to disclose protected health information in compliance with the regulations promulgated by the federal Department of Health and Human Services pursuant to the Health Insurance Portability and Accountability Act of 1996, as amended. The present statute covers the Departments of Health, Medical Assistance Services, Mental Health, Mental Retardation and Substance Abuse Services, and Social Services. This provision extends this protection and authority to the other agencies within the purview of Virginia's Secretary of Health and Human Resources. The implementation of the 2002 provision has been estimated by the relevant auditors within the presently covered agencies to have saved the Commonwealth more than \$1 million since July 1, 2002. This provision is a recommendation of the Joint Subcommittee Studying Lead Poisoning Prevention.

Patron - Lambert

PSB1088 Land application of sewage sludge; requirements and regulations; study; report. Amends current biosolids land application law by establishing standard complaint and investigation procedures, including the maintenance of a searchable electronic database of complaints by the Virginia Department of Health (VDH). The bill requires nutrient management plans (NMPs) prepared by persons certified by the Virginia Department of Conservation and Recreation (DCR) for all land application sites, regardless of the frequency of application. Under current VDH regulations, only sites where biosolids are applied more than once every three years are required to prepare NMPs prior to permit issuance. The bill also requires DCR approval of all NMPs for sites where the permit authorizes land application more than once every three years at greater than 50 percent of agronomic rates, and certain sites operated by the owner or lessee of a Confined Animal Feeding Operation or Confined Poultry Feeding Operation.

The bill allows VDH to incorporate into the permit reasonable site-specific special conditions to protect the environment or the health, safety and welfare of persons residing in the vicinity of the proposed application site. VDH must also include in its notice of special conditions such site-specific conditions recommended by the locality. The permit applicant will have at least 14 days to respond to the proposed conditions and any objections shall be heard by the Health Commissioner. The bill requires permit holders to provide VDH with evidence of financial responsibility, to be established regulation, which shall be available to pay claims for cleanup costs, personal injury and property damage. The bill creates a land application certification program to be established by VDH pursuant to which all future land application sites must have a certified land applicator on location at all times during the application process. The bill grants localities that have adopted a biosolids testing and monitoring ordinance the authority to order the abatement of land application activity for violations of relevant laws and regulations. Finally, the bill requests that VDH review certain reports of the National Research Council and the United States Environmental Protection Agency, report its findings to the Virginia Board of Health by June 30, 2004, and if requested by the Board, initiate rulemaking proceedings by September 1, 2004.

Patron - Bolling

PSB1091 Health care data reporting. Requires licensed dentists who are registered as oral and maxillofacial surgeons and certified to perform certain procedures by the Board of Dentistry pursuant to § 54.1-2709.1, to submit required outpatient surgery data relating to several procedures. Only those procedures requiring certification under § 54.1-2709.1 will be reported.

Patron - Bolling

PSB1218 Children's health insurance. Establishes a program incorporating both Medicaid and the Family Access to Medical Insurance Security (FAMIS) Plan in order to provide coordinated services to individuals defined as children in these programs. The Medicaid portion is named FAMIS Plus. The bill codifies current practice of requiring the use of a single application to determine eligibility for both Medicaid coverage for children and FAMIS. Coverage for the mental health services currently provided for children enrolled in Medicaid is extended to individuals eligible for FAMIS. The bill reduces the waiting period from six to four months between the time that a child was covered by private health insurance and when eligibility for FAMIS can be established. [The cost-sharing requirements are amended to clarify that the annual aggregate cost-sharing for all eligible children in a family between 100 percent and at or below 150 percent of the federal poverty level will be limited to nominal copayments and the annual aggregate cost-sharing will not exceed 2.5 percent of the family's gross income. The nominal copayments for all eligible children in a family will not be less than those in effect on January 1, 2003.] This bill is identical to HB 2287.

Patron - Lambert

PSB1224 Emergency medical services technician (EMTs) authorization to possess and administer epinephrine. Requires the Board of Health's regulations on certification of emergency medical services technicians to authorize certain levels of EMTs to possess and administer epinephrine in emergency cases of anaphylactic shock. Clarifying amendments are added to the Good Samaritan law and to the Drug Control Act to reinforce this authorization.

Patron - Williams

PSB1226 Certificate of public need; regulations authorizing a single application for all proposed cancer

care center services. Clarifies that, in any structured batching process established by the Board of Health for certificate of public need, applications, combined or separate, for computed tomographic (CT) scanning, magnetic resonance imaging (MRI), positron emission tomographic (PET) scanning, radiation therapy or nuclear imaging will be considered in the radiation therapy batch. A single application may be filed for a combination of (i) radiation therapy and (ii) any or all of the CT scanning, MRI, PET scanning, and nuclear medicine imaging. This bill is identical to HB 1621.

Patron - Williams

PSB1250 Prehospital patient care reports; disclosure. Authorizes licensed emergency medical services agencies to disclose prehospital patient care reports to law-enforcement officials upon request (i) when the patient is the victim of a crime or (ii) when the patient is in the custody of the law-enforcement officials and has received emergency medical services or has refused emergency medical services. This bill also includes technical amendments.

Patron - Quayle

PSB1264 Health care data reporting. Revises the fee structure for processing, verification, and dissemination of reported health care data. The limitation on the Board's authority to prescribe a reasonable fee that does not exceed one dollar per discharge is removed. The Board continues to be authorized to prescribe a reasonable fee for each affected health care provider to cover the costs of the reasonable expenses of establishing and administering the data processing methodology and to establish a tiered-fee structure. The nonprofit organization's authorization to charge and collect fees prescribed by the Board and to charge a fee of up to one dollar for records that it determines are not processed, verified data is removed. A specific prohibition against the nonprofit organization assessing any fee against any health care provider that submits processed, verified, and timely data is stated. The Board of Health is required to establish penalties for submission of data in a manner that is inconsistent with its standards. The requirement for the Board to maintain records of its activities; collect and account for all fees and deposit the moneys in a special fund; and enforce all regulations is moved to a new subsection.

Patron - Bolling

PSB1267 Health; Certificate of Birth Resulting in Stillbirth. Requires, upon the request of either individual listed as the mother or father on a report of fetal death in the Commonwealth, the issuance of a Certificate of Birth Resulting in Stillbirth for unintended, intrauterine fetal deaths occurring after a gestational period of 20 weeks or more. The requesting mother or father may provide a name for the stillborn child on the Certificate. The Board of Health is required to prescribe a reasonable fee to cover the administrative costs and preparation of the Certificate. This provision will apply retroactively to any circumstances that would have resulted in the issuance of a Certificate of Birth Resulting in Stillbirth, as prescribed by the Board. This bill is identical to HB 1450.

Patron - Newman

PSB1341 Prescription assistance mechanisms. Creates a special, nonreverting fund to be known as the Healthy Lives Prescription Fund, under the auspices of the Secretary of Health and Human Resources, to accept appropriations, donations, grants, and in-kind contributions to develop and implement programs that will enhance current prescription programs for citizens of the Commonwealth who are without insurance or the ability to pay for prescription drugs and to develop innovative programs to make such prescription drugs more available. The Commissioner of Health must create links from the Department of Health's website to the Department for

the Aging's website and its affiliated sites pertaining to pharmaceutical assistance programs and pharmaceutical discount purchasing cards. The Commissioner of the Department for the Aging must cooperate with the Commissioner of Health by ensuring that such information is available on the Department for the Aging's website. The Commissioner of Health must also ensure that all clinical sites administered by local health Departments are provided with adequate information concerning the services of the Virginia Department for the Aging, including, but not limited to, the toll-free telephone number and website information on pharmaceutical assistance programs and pharmaceutical discount purchasing cards. Both commissioners must coordinate the dissemination of information to the public regarding any pharmaceutical discount purchasing card programs while maintaining a neutral posture regarding such programs. The Commissioner of Health must establish a toll-free number to be administered by the Department of Health that will provide recorded information concerning services provided by the Department for the Aging, the Virginia Area Agencies on Aging, and other appropriate organizations for senior citizens. A second enactment clause requires the Joint Commission on Health Care or any successor in interest thereof to prepare a plan to establish the Health Lives Prescription Assistance Program to provide prescription drug benefits for low-income senior citizens and persons with disabilities, which must include consideration of the resources of both the public and private sectors. The plan will be prepared in cooperation with the Secretary of Health and Human Resources, the Virginia Health Care Foundation, pharmaceutical manufacturers, health care provider organizations, advocacy groups, and other interested parties. In preparing the plan, the Joint Commission on Health Care must review and incorporate, to the maximum extent possible, the conclusions of the Joint Commission on Prescription Drug Assistance. The plan must coordinate state, federal and private programs providing prescription assistance, including any programs the federal government may implement. The plan will be reported to the Governor and the Chairmen of the House Committee on Appropriations, the Senate Committee on Finance, the House Committee on Health, Welfare and Institutions, and the Senate Committee on Education and Health by October 15, 2003. This bill is identical to HB 2225.

Patron - Potts

PSJ325 Long-term care. Recognizes the problems affecting the provision of long-term care services to Virginia citizens. Some of these problems include increasing long-term care costs, decreased Medicaid reimbursement, lack of nursing personnel, increasing liability costs, and the low incidence of long-term care insurance purchase. The Clerk of the Senate is directed to forward a copy of this resolution to the Joint Commission on Health Care for consideration during its deliberations.

Patron - Martin

Failed

FHB1469 Department of Medical Assistance Services; Virginia Insurance Plan for Seniors (VIPS). Establishes the VIPS to provide assistance in the purchase of prescription drugs for those persons who are dually eligible for Medicaid and Medicare but who do not qualify for prescription assistance. Payment assistance is limited to \$80 per month per eligible person, but unused amounts may be rolled over and credited to that person for future use. However, no direct cash payment will be made to any eligible person. Participants must pay a \$10 co-payment for each prescription. They are also required to use generic drugs unless they are willing to pay the difference between the generic and name-brand drug.

Approved drugs in the Plan are those manufactured by pharmaceutical companies that agree to provide manufacturer rebates equal to the rebate required by the Medicaid program and to make the drug product available to the Plan for the best price that the manufacturer makes the drug available in the Medicaid program. Any licensed pharmacist may participate according to the rules adopted for the program and shall be paid a reasonable reimbursement to cover the cost of the drug and costs for dispensing; payments to pharmacists shall not vary based on the size of the entity dispensing the prescription. Beneficiary cost-sharing amounts shall not vary based on the source of dispensing or method of distribution of the prescription.

Patron - Purkey

FHB1470 Health; reports by hospitals. Requires the Board to collect and hospitals licensed by the Board to report on infections contracted by patients while in the hospital. Information, while ensuring the anonymity of the patients, shall be shared with the Division of Consumer Counsel and the Administrator of Consumer Affairs for appropriate action.

Patron - Purkey

FHB1591 Onsite sewage evaluations and septic system permits. Provides that, when a field analysis is necessary to protect the public health and integrity of the Commonwealth's environment, the Department of Health must conduct the field analysis prior to issuing a letter, permit or approval. If a field analysis is conducted, for any reason, after initiation of construction and the system design or site evaluation is found to be out of compliance with the Board's regulations, the permit shall remain valid and shall not be revoked. For the purposes of the Onsite Sewage Indemnification Fund, no negligence shall be impugned to the Department of Health if a system having a negative field analysis after initiation of construction fails within three years of construction.

Patron - Louderback

FHB1596 Medical assistance services; circumcision. Provides that infant circumcision shall be covered under the Commonwealth's Medicaid program only if it is medically necessary.

Patron - Morgan

FHB1645 Definition of hospitals; certain facilities to be regulated as hospitals. Defines "hospital," for the purposes of the Board of Health's regulatory requirements, to include "any clinic or other facility performing 25 or more abortions per year."

Patron - Marshall, R.G.

FHB1973 Health; location and testing of water. Adds Warren County to the list of those localities that may, by local ordinance, adopt standards consistent with the Board of Health for location and testing of water from private wells and that are more stringent than those adopted by the Board for construction and abandonment.

Patron - Athey

FHB2105 Medicaid; buy-in. Requires the Department of Medical Assistance Services to apply for a Section 1115 waiver from the federal Center for Medicare and Medicaid Services to implement a Medicaid buy-in for those working persons with disabilities whose earnings are too high to qualify for traditional Medicaid comprehensive health care services. Eligible individuals would include those who have (i) income not in excess of 175 percent of the federal poverty level, (ii) minimum gross monthly earnings of at least \$400; and (iii) maximum unearned income per month not exceeding 80 per-

cent of the federal poverty level. This bill is a recommendation of the Disability Commission.

Patron - Van Landingham

FHB2256 Health; nursing home standards.

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

Patron - Watts

FHB2312 Health; Virginia Prescription Drug Payment Assistance Plan.

Establishes a program to be administered by the Department of Medical Assistance Services (DMAS), modeled on Delaware's Prescription Drug Payment Assistance Program, to assist eligible elderly and disabled Virginians in paying for prescription drugs. DMAS may contract with third-party administrators to provide administrative services that include enrollment, outreach, eligibility determination, data collection, financial oversight, and reporting. The benefit is limited to prescription drugs manufactured by pharmaceutical companies that agree to provide manufacturer rebates. Eligible persons must have incomes at or below 150 percent of the federal poverty level or have prescription drug expenses that exceed 40 percent of their annual income, as set forth in the appropriation act. They must also be age 65 or older or eligible for Federal Old-Age Survivors and Disability Insurance Benefits, not be receiving a prescription drug benefit through a Medicare supplemental policy or other third-party payor prescription benefit as of July 1, 2003, and be ineligible for Medicaid prescription benefits. However, nothing shall prohibit the enrollment of a person in the program during the period in which his Medicaid eligibility is determined. Eligible enrollees will receive an identification card to be presented to pharmacists and will start receiving the benefit the month after their eligibility is determined. Benefits will be paid to pharmacies under a point-of-service claims procedure to be established by DMAS. Participants are required to make a copayment for each prescription, which in general will not exceed 25 percent of the cost, but not less than five dollars. Money to pay the claims will come from the newly established Prescription Assistance Fund, which is to be financed by an increase to 50 cents per pack of cigarettes sold in the state and any federal funds available for this purpose. Administrative costs are to be paid from the pharmaceutical manufacturer rebates to the extent available and the \$20 annual enrollment fees. The Board shall develop a comprehensive statewide community-based outreach plan to enroll eligible persons and DMAS shall report annually on the program's implementation. No entitlement to prescription drug coverage on the part of any eligible person or any right or entitlement to participation is created and such coverage shall only be available to the extent that funds are appropriated therefor.

Patron - Plum

FHB2365 Regulation and licensure of abortion clinics.

Requires abortion clinics, defined as any facility other than a hospital in which 25 or more first trimester abortions are performed in any calendar year, to be licensed. Abortion is defined as "an act of using or prescribing RU 486 or its equivalents, or any instrument, machine or device with the intent to terminate a woman's pregnancy for reasons other than to increase the probability of a live birth, to preserve the life or health of a child, after a live birth, to treat an ectopic pregnancy or to remove a dead fetus." The Board is required to regulate minimum standards for abortion clinics including, among other matters, structural requirements, supplies and equipment standards, requirements for abortion personnel, standards for medical screening and evaluation of patients, requirements for abortion procedures, minimum recovery room standards, fol-

low-up visit requirements, and incident reporting. Violations of the provisions on licensure of abortion clinics may result in denial, suspension, or revocation of a license or the civil or criminal penalties already set out in the Board's statutes, including injunction, mandamus, civil penalties and criminal fines, and a Class 1 misdemeanor. Each day of violation will constitute a separate offense for the purposes of civil penalties and criminal fines and various factors concerning the violation must be considered in assessing the penalty. This provision is modeled after Louisiana legislation.

Patron - Marshall, R.G.

FHB2366 Human Embryo Research Act.

Prohibits "destructive research," which is defined as "medical procedures, scientific or laboratory research, or other kinds of investigation that kill or injure the embryo subject of such research." Certain procedures are not included in this definition, i.e., (i) in vitro fertilization and accompanying embryo transfer to a woman's uterus or (ii) any diagnostic procedure that may benefit the human embryo that is the subject of such tests. This bill prohibits (a) intentional or knowing conduct of destructive research on a human embryo; (b) buying, selling, receiving, or otherwise transferring a human embryo with the knowledge that such embryo will be subjected to destructive research; or (c) buying, selling, receiving, or otherwise transferring gametes with the knowledge that human embryos will be produced from such gametes to be used in destructive research. Violations are punishable as Class 1 misdemeanors under the present general penalty statute in Title 32.1.

Patron - Marshall, R.G.

FHB2367 Licensure of abortion clinics.

Requires all abortion clinics, defined as any facility, other than a hospital or an ambulatory surgery center, in which 25 or more first trimester abortions are performed in any 12-month period, to be licensed and to comply with the requirements currently in place for ambulatory surgery centers.

Patron - Marshall, R.G.

FHB2368 Regulation and licensure of abortion clinics.

Requires abortion clinics, defined as any facility other than a hospital or ambulatory surgery center, in which 25 or more first trimester abortions are performed in any 12-month period, to be licensed. Each clinic will be assigned a unique licensure number that must be noted in any advertisement, with a listing in any directory as well as more traditional forms of advertisement, defined as "abortion advertisements." The Board is required to regulate minimum standards to protect the health and safety of patients, including, among other matters, a requirement that only physicians may perform an abortion in an abortion clinic, and standards for personnel, supervision, medical treatment and medical services, coordination of treatment and services, sanitary and hygienic conditions, essential equipment, clinical records, and the management, ownership, and control of the facility. Each abortion clinic is required to annually report to the Board on each abortion performed in the clinic, including the patient's birth date, race, marital status, and state or country of residence, the date on which the abortion was performed, whether the patient survived, and if not, the cause of death; the period of gestation at the time of the procedure; the date, if known, of the patient's last menstrual cycle; the number of previous live births; and the number of previous induced abortions. The Board must also include patient privacy protections in its regulations that comply with state and federal laws and regulations relating to protected health information. The Department of Health is required to maintain a toll-free hot line to provide the public information on abortion clinics. Each clinic must provide the number for the hot line to a patient upon her initial visit and must inform her in writing of the availability of information on abortion

clinics at the number, that her identity will remain anonymous, and the call will verify the licensure status, any citations for violations of state law or regulations or inspection citations. Violations of the provisions on licensure of abortion clinics may result in denial, suspension, or revocation of a license of the civil or criminal penalties already set out in the Board's statutes, including a possible Class 1 misdemeanor. Licensure fees will be used to support the licensure and inspection program. This provision is modeled after Texas law.

Patron - Marshall, R.G.

FHB2369 Regulation and licensure of abortion clinics. Requires abortion clinics, defined as any facility other than a hospital, in which first trimester abortions are performed, to be licensed and to comply with specific requirements that the Board of Health must include in its regulations. The Board's regulations must include standards for the facilities, supplies and equipment, personnel, medical screening and evaluation, medical procedures, recovery rooms, follow-up visits, and incident reporting. The Board must also promulgate regulations to protect the privacy of patients and provide for disclosure of protected health information in compliance with state and federal laws and regulations. The regulations will not limit the ability of a physician or other health professional to advise a patient on any health issue. This provision is modeled after Arizona law.

Patron - Marshall, R.G.

FHB2370 Licensure and regulation of certain facilities. Requires the Board and Department of Health to license as abortion clinics any facility, other than a hospital as defined in the law, in which any second trimester or five or more first trimester abortions per month are performed. Each facility so licensed will be required to comply with requirements relating to facility safety and patient protection, including cleanliness, sterilization, fire protection, evacuation, staff credentials, equipment, maintenance of facilities and equipment, allowable procedures, and facility procedures and policies. This provision is modeled after South Carolina law.

Patron - Marshall, R.G.

FHB2371 Systematic reporting of abortion. Requires physicians performing abortions or treating the complications of induced abortions to report detailed information on forms prepared and distributed by the Board of Health. In addition, the Board must issue a public report annually providing the same detailed information for the most recent year and all previous calendar years, adjusted to reflect any additional information from late or corrected reports. Physicians failing to report in a timely manner will be subject to a late fee of \$500 for each additional 30 days that the forms are overdue and the Board may pursue the penalties or other relief provided in § 32.1-27 in any case in which a physician has failed to file the required forms within one year or has filed incomplete forms.

Patron - Marshall, R.G.

FHB2565 Board of Health; regulations; waterworks. Provides for the regulations of the Board of Health pertaining to waterworks to require new water meters up to two inches installed after January 1, 2005, to conform to American National Standards Institute/National Sanitation Foundation (ANSI/NSF) Standard 61, Drinking Water System Components. This ANSI/NSF standard provides for the certification of devices as lead-free.

Patron - Morgan

FHB2569 Health; vital statistics. Requires the Department of Health to utilize one uniform form of birth certificate that has a space for the names of both the father and the mother. If the father is unknown, the space shall be left blank.

Currently, the state uses two birth certificates, one for a birth where the parents are married, and one for births to unmarried persons. The bill also allows a father who voluntarily acknowledges paternity to have his name placed on the birth certificate without the consent of the mother. The bill also provides that a person who voluntarily acknowledges paternity and is paying child support shall have his name on the birth certificate.

Patron - Darner

FHB2592 Health; Virginia Prescription Drug Payment Assistance Plan. Establishes a program to be administered by the Department of Medical Assistance Services (DMAS), modeled on Delaware's Prescription Drug Payment Assistance Program, to assist eligible elderly and disabled Virginians in paying for prescription drugs. DMAS may contract with third-party administrators to provide administrative services that include enrollment, outreach, eligibility determination, data collection, financial oversight, and reporting. The benefit is limited to prescription drugs manufactured by pharmaceutical companies that agree to provide manufacturer rebates. Eligible persons must have incomes at or below 150 percent of the federal poverty level or have prescription drug expenses that exceed 40 percent of their annual income, as set forth in the appropriation act. They must also be age 65 or older or eligible for federal Old-Age, Survivors and Disability Insurance Benefits, not be receiving a prescription drug benefit through a Medicare supplemental policy or other third-party payor prescription benefit as of July 1, 2003, and be ineligible for Medicaid prescription benefits. However, nothing shall prohibit the enrollment of a person in the program during the period in which his Medicaid eligibility is determined. Eligible enrollees will receive an identification card to be presented to pharmacists and will start receiving the benefit the month after their eligibility is determined. Benefits will be paid to pharmacies under a point-of-service claims procedure to be established by DMAS. Participants are required to make a co-payment for each prescription, which in general will not exceed 25 percent of the cost, but not less than five dollars. Money to pay the claims will come from the newly established Prescription Assistance Fund, which is to be financed by 10 percent of the proceeds received by the Commonwealth under the Master Tobacco Settlement Agreement and any federal funds available for this purpose. Administrative costs are to be paid from the pharmaceutical manufacturer rebates to the extent available and the \$20 annual enrollment fees. The Board shall develop a comprehensive statewide community-based outreach plan to enroll eligible persons and DMAS shall report annually on the program's implementation. No entitlement to prescription drug coverage on the part of any eligible person or any right or entitlement to participation is created and such coverage shall only be available to the extent that funds are appropriated therefor.

Patron - Christian

FHB2593 Medical assistance coverage for certain preventive and rehabilitative services. Provides Medicaid coverage for membership in wellness clubs prescribed by a licensed physician as a part of the treatment plan for physically disabled persons, who are Medicaid eligible, to assist such persons in maintaining mobility and health.

Patron - Christian

FHB2595 Medicaid; eligibility for medically indigent children. Provides for 12-month continuous eligibility for children enrolled in the medically indigent category as permitted by Title XIX of the Social Security Act.

Patron - Brink

FHB2597 Medicaid; presumptive eligibility. Provides for presumptive eligibility of children applying in the

medically indigent category for Medicaid and the Family Access to Medical Insurance Security Plan, as permitted by Titles XIX and XXI of the Social Security Act, through qualified entities, including hospitals, health departments and federally qualified health centers.

Patron - Brink

FHB2751 Virginia Medevac Authority. Directs the Board of Health, with input from the State Emergency Services Advisory Board, to organize the Virginia Medevac Authority to ensure that all regions of the Commonwealth have access to medevac services. The Board must hold at least two public hearings and receive input of the Advisory Board before organizing the Authority. The Authority will be governed by a 15-member organization that consists predominantly of participants, i.e., public or private entities currently operating medevac services in Virginia. The Authority is given broad powers, including contracting, hiring, suing and being sued, and charging fees, etc., for its services. The revenues raised by the Authority must be geared to cover the expenses of its operation. The Board of Health is required to promulgate emergency regulations by a second enactment clause.

Patron - Orrock

FHB2776 Health; certificate of public need. Amends Chapter 912 of the 2000 Acts of Assembly that was issued to a continuing care provider that operates a facility operated for the care of retired military personnel and their families. The bill allows the facility to extend nursing or extended care services to persons other than contract holders until the continuing care contract holders constitute 85 percent of the occupancy or until July 1, 2008, whichever comes first, to comply with changes in the facility's bond and to utilize those beds until contract holders need them.

Patron - Black

FHB2784 Wastewater and drinking water programs. Transfers the Sewage Disposal program, the State Health Department Sewage Handling and Disposal Appeal Review Board, the Public Water Supplies program, the Private Well Construction program, and the gray water program from the Department of Health to the Department of Environmental Quality.

Patron - Griffith

FHB2819 Diabetes on death certificates. Requires death certificates for any person who dies in the Commonwealth to indicate whether diabetes was the immediate or underlying cause of death. Diabetes mellitus, a group of diseases characterized by high levels of blood glucose resulting from defects in insulin production, insulin action, or both, is associated with serious complications and premature death. With proper medical care, the disease can be controlled, and associated complications and other adverse health consequences can be lowered. The inclusion of this information on the death certificate will allow the State Health Department to better understand and more accurately report the prevalence of diabetes and its impact on diverse populations in the Commonwealth, and to effectively and efficiently target health interventions to high risk populations.

Patron - Christian

FHJ611 Contraceptives. Urges hospitals, health care facilities, health care providers, pharmacists, and pharmacies in the Commonwealth to provide patients and the public with complete, accurate, and objective information about the full range of contraceptives, including emergency contraception, to enable women to make responsible and informed health care decisions.

Patron - Baskerville

FSB731 Medical Assistance Services. Provides an exception to the Medicaid prospective payment system for rural nursing facilities experiencing increased direct care costs because of staffing shortages. This bill allows a mid-cost report period increase in the direct care component of the rural nursing facility's prospective payment rate that may exceed the reimbursement limits or ceilings or both for the nursing facility under the prospective payment system. The mid-cost report period increase will be triggered by costs resulting from local staffing shortages, i.e., contract direct care staff have been hired at higher salary rates than regularly employed staff. The rural nursing facility will have the right to submit adjustments to its previous cost report immediately upon incurring these additional staffing costs and the adjusted prospective payment rate will begin on the date of submission of the adjusted cost report.

Patron - Reynolds

FSB757 Registered nurses performing infusion services; medical assistance services. Requires the Board of Medical Assistance Services to provide for reimbursement for infusion care rendered by registered nurses to patients in long-term care facilities, hospitals or home- and community-based care, including, but not limited to, peripheral IV catheters, Advanced Vascular Access Devices, such as Hickman, Mediport, Peripherally Inserted Central Catheters, and midlines, and IV access care and maintenance of peripheral and central catheters, when such registered nurses have met the requirements of the Board of Nursing for experience and training in such care. This bill provides an exception to the medical practice act for such registered nurses and requires the Board of Nursing to develop, in coordination with the Board of Medicine, guidelines for experiential and training requirements for registered nurses to render infusion care.

Patron - Miller, Y.B.

FSB758 Medical efficacy of health care services. Removes the determination of the medical efficacy of health care services.

Patron - Miller, Y.B.

FSB772 Definition of hospitals; certain facilities to be regulated as hospitals. Defines "hospital," for the purposes of the Board of Health's regulatory requirements, to include "any clinic or other facility performing 25 or more abortions per year."

Patron - Cuccinelli

FSB785 Health; Virginia Prescription Drug Payment Assistance Plan. Establishes a program to be administered by the Department of Medical Assistance Services (DMAS), modeled on Delaware's Prescription Drug Payment Assistance Program, to assist eligible elderly and disabled Virginians in paying for prescription drugs. DMAS may contract with third-party administrators to provide administrative services that include enrollment, outreach, eligibility determination, data collection, financial oversight, and reporting. The benefit is limited to prescription drugs manufactured by pharmaceutical companies that agree to provide manufacturer rebates. Eligible persons must have incomes at or below 150 percent of the federal poverty level or have prescription drug expenses that exceed 40 percent of their annual income, as set forth in the appropriation act. They must also be age 65 or older or eligible for federal Old-Age, Survivors and Disability Insurance Benefits, not be receiving a prescription drug benefit through a Medicare supplemental policy or other third-party payor prescription benefit as of July 1, 2003, and be ineligible for Medicaid prescription benefits. However, nothing shall prohibit the enrollment of a person in the program during the

period in which his Medicaid eligibility is determined. Eligible enrollees will receive an identification card to be presented to pharmacists and will start receiving the benefit the month after their eligibility is determined. Benefits will be paid to pharmacies under a point-of-service claims procedure to be established by DMAS. Participants are required to make a co-payment for each prescription, which in general will not exceed 25 percent of the cost, but not less than five dollars. Money to pay the claims will come from the newly established Prescription Assistance Fund, which is to be financed by 10 percent of the proceeds received by the Commonwealth under the Master Tobacco Settlement Agreement and any federal funds available for this purpose. Administrative costs are to be paid from the pharmaceutical manufacturer rebates to the extent available and the \$20 annual enrollment fees. The Board shall develop a comprehensive statewide community-based outreach plan to enroll eligible persons and DMAS shall report annually on the program's implementation. No entitlement to prescription drug coverage on the part of any eligible person or any right or entitlement to participation is created and such coverage shall only be available to the extent that funds are appropriated therefor.

Patron - Deeds

FSB868 Medicaid; buy-in. Requires the Department of Medical Assistance Services to apply for a Section 1115 waiver from the federal Center for Medicare and Medicaid Services to implement a Medicaid buy-in for those working persons with disabilities whose earnings are too high to qualify for traditional Medicaid comprehensive health care services. Eligible individuals would include those who have (i) income not in excess of 175 percent of the federal poverty level; (ii) minimum gross monthly earnings of at least \$400; and (iii) maximum unearned income per month not exceeding 80 percent of the federal poverty level. This bill is a recommendation of the Disability Commission.

Patron - Puller

FSB899 Medical assistance services; circumcision. Provides that infant circumcision shall be covered under the Commonwealth's Medicaid program only if it is medically necessary.

Patron - Quayle

FSB921 Requirements for nursing home licensure; Medicaid reimbursement. Establishes, as a condition of licensure, staffing standards for all nursing homes as follows: (i) each nursing home must have a full-time director of nursing who must be a professional registered nurse; (ii) each nursing home must have designated nursing supervisors on duty at all times who must be professional registered nurses; (iii) each nursing home with 100 beds or more must employ a full-time assistant director of nursing who must be a professional registered nurse; (iv) each nursing home with fewer than 100 beds must employ a part-time professional registered nurse as assistant director of nursing; (v) each nursing home with 100 beds or more must employ a full-time director of in-service education; and (vi) each nursing home with fewer than 100 beds must employ a part-time director of in-service education. In addition, each nursing home must maintain a minimum staffing ratio of registered nurses or licensed practical nurses to residents of at least one to 15 during the day shift, at least one to 20 during the evening shift, and at least one to 30 during the night shift. A nursing home must maintain a minimum staffing ratio of certified nurse aides to residents of at least one to five during the day shift, at least one to five during the evening shift, and at least one to 10 during the night shift. Further, in order to meet the individual needs of residents with extensive nursing care requirements or higher acuity levels, each nursing home must decrease the established caregiver to resident ratios. On a form

provided by the Board, each nursing home must post, in a manner easily visible and readily accessible to residents, families, caregivers, and others on each wing and floor of its facility, the actual staffing ratios, according to the most recently completed cost reporting period, grouped by categories of employees and shifts and a list, in at least 48-point type, of the names of the nursing staff on duty at the beginning of each shift on each such wing or floor. This information must be expressed in actual numbers and as staffing ratios, and must include the actual numbers of additional staff employed to meet the additional needs of residents with extensive nursing care requirements or higher acuity levels. The Commissioner of Health is required to ensure that the nursing home staffing requirements are enforced and, in the case of any violations, the Commissioner may evoke various penalties and remedies and must report compliance and survey citations to the Department of Medical Assistance Services. The Board of Medical Assistance Services must develop a state plan provision for increasing payment for medical assistance services when such facilities are found in compliance with the staffing ratios set forth in subdivision B 12 of § 32.1-127 and for reducing payment of medical assistance for long-term care facilities when such facilities receive citations for violations of the staffing ratios set forth in subdivision B 12 of § 32.1-127. Such provision must provide for 20 percent increases in reimbursement for complying facilities and 20 percent reductions in such reimbursement for facilities receiving survey citations for noncompliance with such staffing ratios. Reimbursement to complying facilities shall be increased by 20 percent for so long as the relevant facility remains in compliance with the staffing ratios. Reimbursement to any facility receiving a citation for staffing ratio violations shall be reduced by 20 percent until the next succeeding survey finds the facility in compliance with the staffing ratio requirements.

Patron - Byrne

FSB922 Electronic monitoring in nursing homes to detect abuse and neglect of the elderly and disabled residents. Requires the Board of Health to include, in its regulations to license nursing homes, provisions to authorize the use of electronic monitoring devices in the room of a resident of a nursing home or certified nursing facility for the purpose of detecting abuse or neglect of elderly or disabled persons that take into consideration Virginia law relating to nonconsensual interception of wire or electronic communications, privacy rights, notice requirements, covert and noncovert placements of such devices, and potential violations of existing civil and criminal law. Such regulations must include, but need not be limited to, (i) a description of appropriate electronic monitoring devices that may be used; (ii) a consent form recognizing the sole right of a resident who is capable of making an informed decision to make such request and, in the case of a resident who is not capable of making an informed decision, the resident's legally authorized representative; (iii) a form releasing the nursing home or nursing facility from civil liability for violation of the privacy rights of the resident who is the subject of the request as well as any other residents in the same room; (iv) a form to provide other residents in the same room the opportunity to consent to such electronic monitoring devices or to be provided privacy protections from the electronic monitoring devices or to be moved to another room, in so far as possible; (v) a procedure to cease any electronic monitoring upon another resident being moved into the room with the subject resident; (vi) the size and location outside the subject resident's room of conspicuous signs to notify the staff, other residents, and the public of the presence of electronic monitoring devices; (vii) timelines for all procedures that include adequate notice of the commencing of electronic monitoring to the subject resident, all residents, the public and the staff; (viii) the responsibility for reporting abuse and neglect

detected via electronic monitoring to adult protective services; (ix) instructions to protect the safety of all residents, staff and the public in the placement, size, and stability of the electronic monitoring devices; (x) protections for the privacy of residents who do not wish to be the subjects of or who object to electronic monitoring; and (xi) penalties for nursing home or certified nursing facility failure to comply with the electronic monitoring requirements. Amendments are provided to the law on Rights and Responsibilities of Patients in Nursing Homes to ensure that residents are notified of the right to request electronic monitoring and to prohibit the transfer or discharge of a patient who requests or indicates that he will request electronic monitoring. A second enactment clause requires the Office of the Attorney General to advise and assist the Board of Health in the development and implementation of the regulations relating to the use of electronic monitoring devices in nursing homes and certified nursing facilities for the purpose of detecting abuse and neglect of the elderly or disabled residents.

Patron - Byrne

FSB926 State plan for medical assistance services; administrative hold days of nursing facility beds during inpatient hospitalization of recipient. Requires the Board of Medical Assistance Services to include, in the state plan that is submitted to the United States Secretary of Health and Human Services, a provision for payment of medical assistance for reserving beds for up to 12 administrative hold days per year in long-term care facilities for recipients during inpatient hospital admissions at reduced rates when such provision is in compliance with federal law and regulation and approved by the Centers for Medicare and Medicaid Services and agreed to by the participating provider; such provision shall be in addition to and not in lieu of the present regulatory provision for reserving beds in long-term care facilities for recipients during their temporary absences for up to 18 days per year for any reason other than inpatient hospital admissions.

Patron - Byrne

FSB1106 Sale of liquid mercury fever thermometers prohibited. Requires a ban on the sale of liquid mercury fever thermometers in Virginia. Any person violating the prohibition against the sale of liquid mercury fever thermometers will be subject to the general penalties for violations of Title 32.1 statutes and Board of Health regulations, for example, Class 1 misdemeanor and fines of up to \$10,000 per violation. A second enactment clause requires the Department of Health, in cooperation with the Department of Environmental Quality, to provide information on the proper disposal of liquid mercury fever thermometers to local governments and other landfill operators for the purpose of informing the public about the proper disposal of liquid mercury fever thermometers.

Patron - Whipple

FSB1216 Medical assistance services; consumer-directed care. Requires the Department of Medical Assistance Services to prepare and submit to the Centers for Medicare and Medicaid Services, as soon as such waiver template shall become available, an application for a new waiver for home- and community-based services that is cost effective and expands consumer-directed care to the maximum extent allowable under federal law and regulation while protecting the health and safety of recipients. Such waiver shall provide for a fiscal agent to handle tax issues and payment of personal attendants on the part of recipients. The waiver application shall provide recipients with flexible choices and personal independence in so far as possible and shall include provisions for family members to deliver the covered services when consistent with and not prohibited by federal law and regulation. This bill is incorporated into SB 1008.

Patron - Newman

FSB1303 Diseases to be reported to the Board of Health; sepsis and septicemia-related diseases. Requires the Board of Health to include in its list of reportable diseases, sepsis and septicemia-related diseases. In recent years, the incidence of sepsis appears to have increased; however, reliable statistics on this disease may not be readily available. Sepsis is a pathologic condition that results from the presence of microorganisms or their byproducts in the bloodstream. Severe sepsis is commonly known to the layperson as "blood poisoning" and to medical personnel as bacteriemia and septicemia and related diseases, including multiple organ dysfunction syndrome. Physicians and laboratories are required to report the Board's listed diseases. This system of disease reporting is well developed and of long standing in Virginia. Various technical amendments are made to several related statutes to ensure the reporting of the frequently severe illnesses caused by sepsis and septicemia-related diseases and to provide immunity from liability for the reporting of sepsis and septicemia-related diseases and from liability for failure to identify these illnesses when exercising judgement consistent with the competence of a reasonable person practicing the same profession.

Patron - Miller, Y.B.

FSB1331 Certificate of Public Need. Authorizes the application for and the issuance of a certificate of public need for the conversion of 34 assisted living facility beds to nursing facility or extended care services beds in an existing facility when (i) the application is filed by an existing 134-bed nursing facility located in Orange County within Planning District 9; (ii) the 34 assisted living beds in the existing facility were built to nursing home standards; (iii) the existing facility is operated by a health center commission; and (iv) the existing facility has plans to build a new, more home-like, assisted living facility on adjacent property to replace the current medical model assisted living facility beds.

Patron - Houck

FSJ307 Hospital-acquired infections. Recognizes the need to ensure the continued quality of the Commonwealth's hospital care and prevent needless hospital-acquired infections among patients. This resolution notes that hospitals are an essential component of health care, providing life-saving inpatient care and important testing and imaging for outpatient care. Further, warm hospital environments, with sick people, contaminated biological materials, and the constant going and coming of the public, encourage the growth of germs. The rates of hospital-acquired infections, commonly referred to as nosocomial infections, have reportedly increased significantly in recent years. The reasons for this increase are many, including the development of antibiotic-resistant bacteria, the nursing shortage and its attendant increased workloads and delegation, budget cuts that postpone needed building maintenance relating to air and water quality, and the failure of many doctors and nurses to scrupulously wash their hands, to only wear scrubs in the hospital, and to always wear clean scrubs. The Clerk of the Senate is directed to forward a copy of this resolution to the Joint Commission on Health Care for consideration during its deliberations.

Patron - Deeds

Highways, Bridges and Ferries

Passed

PHB1381 World War II Veterans Memorial Highway; World War II Veterans Memorial Bridge; Judith

Stewart Dresser Memorial Bridge. Designates Virginia Route 288 the "World War II Veterans Memorial Highway," designates the Virginia Route 288 bridge across the James River the "World War II Veterans Memorial Bridge," and designates the Virginia Route 5 bridge across the Chickahominy River the "Judith Stewart Dresser Memorial Bridge."

Patron - Janis

PHB1447 Secondary highway system construction allocations. Allows counties to use secondary highway system construction allocations for primary highway system construction projects.

Patron - Pollard

PHB1487 Arterial network of highways. Eliminates references in the Code to the arterial network of highways and repeals the Acts of Assembly that designate certain highways as part of the arterial network. The bill provides that its provisions are not to be deemed to alter state funding of maintenance, maintenance replacement, construction, or reconstruction of former arterial network projects within the boundaries of any city.

Patron - Rollison

PHB1488 Use of federal revenue-sharing funds by localities for certain highway-related purposes. Removes references to use of federal revenue-sharing by localities for highway-related purposes. The program under which federal revenue-sharing funds were available to localities has long since been terminated.

Patron - Rollison

PHB1857 Removal of illegal signs from highway rights-of-way. Provides greater flexibility in the provisions of agreements between Fairfax County and the Commonwealth Transportation Commissioner for the removal of illegal signs from highway rights-of-way.

Patron - Scott

PHB1884 Rural Rustic Road Program. Encourages use of the Rural Rustic Road Program by counties to pave qualifying road segments.

Patron - May

PHB1946 Commonwealth Transportation Commissioner condemnations; delays in filing proceedings. Requires the Commonwealth Transportation Commissioner, unless an agreement with the property owner as to compensation for the taking of or damage to property has been reached, to file a condemnation proceeding within 30 days after recording a certificate with respect to the property. If the Commissioner fails to institute a proceeding within this 30-day period, the owner may file a proceeding in circuit court.

Patron - Drake

PHB1949 Commonwealth Transportation Commissioner condemnations; evidence of value. Prohibits the Commonwealth Transportation Commissioner, in a condemnation proceeding, from offering evidence of the value of the property taken or damaged that is less than the amount that was either previously deposited with the court or represented by a certificate of deposit filed with the court with respect to that property.

Patron - Drake

PHB1950 Commonwealth Transportation Commissioner condemnations; rate of interest. Provides that interest on certain obligations of the Commonwealth Transportation Commissioner to owners of property acquired through condemnation proceedings will accrue at the rate of interest

established pursuant to § 6621 (a) (2) of the Internal Revenue Code. Currently, interest accrues at the general account composite rate as compiled by the Department of the Treasury.

Patron - Drake

PHB2066 Interstate Route 73. Reenacts 2002 legislation establishing a pilot program to provide for early acquisition of certain property in connection with the construction of Interstate Route 73 in Virginia. The "reenactment clause" in last year's legislation is stricken in this bill.

Patron - Dudley

PHB2152 Advertising on transit passenger shelters. Allows placement of advertising on certain transit passenger shelters.

Patron - Rust

PHB2259 Commonwealth Transportation Board (CTB). Imposes a statutory requirement (i) for a financial plan with minimum specified content for projects valued at more than \$100 million; (ii) for a periodic report with specific information for every project in the Six-year Improvement Plan; (iii) for the CTB to offer technical assistance and coordination work with local governments in developing sound transportation planning components to their local comprehensive plans; and (iv) that the CTB adopt the Six-year Improvement Plan by July 1 of each year. The bill also specifies the parameters and criteria that must be used to adopt a new Six-year Improvement Plan. This bill is the same as SB 869 except that the sentence, "Project specific information posted on the Internet shall be updated as information is available" does not appear at the end of subdivision (6) of § 33.1-12 in SB 869.

Patron - Rollison

PHB2316 High-occupancy vehicle (HOV) lanes. Extends the "sunset" on use of HOV lanes by vehicles bearing clean fuel vehicle license plates, regardless of the number of their occupants, (from July 1, 2004, to July 1, 2006). This bill incorporates HB 2383. The provisions of the bill "sunset" if found to contravene federal laws.

Patron - Plum

PHB2361 Madison E. Marye Highway. Designates a portion of U.S. Route 460 in Montgomery County the "Madison E. Marye Highway." This bill is the same as SB 930.

Patron - Shuler

PHB2543 U.S. Route 460 improvements. Requires the Department of Transportation, within 90 days of the receipt of federal approval of the relevant Draft Environmental Impact Statement, to solicit proposals for improvements to U.S. Route 460 between Hampton Roads and the Richmond-Petersburg metropolitan area (and related projects) under the Public-Private Transportation Act of 1995.

Patron - McDonnell

PHJ594 Roundabouts. Encourages the Department of Transportation to build more roundabouts instead of signalized intersections.

Patron - Van Yahres

PHJ607 Resolution; upgrade the Route 58 corridor. Requests the Secretary of Transportation and the Commonwealth Transportation Board to use every available means to quickly complete the upgrade of the entire Route 58 corridor.

Patron - Carrico

PSB713 Condemnation; interest. Provides for calculating interest in highway-related condemnation cases using the IRS's underpayment rate (§ 6621 (a)(2) of the Internal Rev-

enue Code) instead of the general account's composite rate. This bill contains an emergency clause, and its provisions are retroactive to condemnation awards rendered or certificates of deposit recorded on or after October 1, 2002.

Patron - Colgan

PSB747 Old Colchester Road. Designates Old Colchester Road in Fairfax County between U.S. Route 1 and the old town of Colchester on the Occoquan River a Virginia byway.

Patron - Puller

PSB837 Family restrooms. Requires the Virginia Department of Transportation to construct family restrooms at rest stops along interstate highways. The bill applies only to rest stops constructed on or after July 1, 2003.

Patron - Howell

PSB852 Urban highway system. Allows the governing body of any city or town to expend urban system construction funds for the design, land acquisition, and construction of transportation projects that have been included in the Commonwealth Transportation Board's Six-year Improvement Program.

Patron - Miller, Y.B.

PSB869 Commonwealth Transportation Board (CTB). Imposes a statutory requirement (i) for a financial plan with minimum specified content for projects valued at more than \$100 million; (ii) for a periodic report with specific information for every project in the Six-year Improvement Plan; (iii) for the CTB to offer technical assistance and coordination work with local governments in developing sound transportation planning components to their local comprehensive plans; and (iv) that the CTB adopt the Six-year Improvement Plan by July 1 of each year. The bill also specifies the parameters and criteria that must be used to adopt a new Six-year Improvement Plan. This bill is the same as HB 2259 except that the sentence, "Project specific information posted on the Internet shall be updated as information is available" does not appear at the end of subdivision (6) of § 33.1-12 in this bill.

Patron - Williams

PSB930 Madison E. Marye Highway. Designates a portion of U.S. Route 460 in Montgomery County the "Madison E. Marye Highway." This bill is identical to HB 2361.

Patron - Edwards

PSB974 Removal of outdoor advertising. Provides that no billboard sign subject to Chapter 7 of Title 33.1 (Outdoor Advertising in Sight of Public Highways) may be removed by action of a county, city, or town without the payment of just compensation unless the billboard sign cannot remain on the property due to the site constraints of the property and removal of the billboard sign is therefore necessary for development on the property.

Patron - Trumbo

PSB977 Commonwealth Transportation Board (CTB), etc. Allows the CTB to let all contracts for the construction, maintenance, and improvement of the roads comprising systems of state highways and for all activities related to passenger and freight rail and public transportation improvements in excess of two million dollars. The bill also allows the Commonwealth Transportation Commissioner to let contracts for construction, maintenance, and improvements up to two million dollars and allows the Director of the Department of Rail and Public Transportation to let contracts for passenger and freight rail and public transportation improvements up to two million dollars. Similarly, it allows the Commonwealth

Transportation Commissioner to enter into agreements with localities, authorities, and transportation districts to let contracts up to two million dollars for highway construction, maintenance, and improvements within their jurisdictions and allows the Director of the Department of Rail and Public Transportation to enter into agreements with localities, authorities, and transportation districts to let contracts up to two million dollars for passenger and freight rail and public transportation improvements within their jurisdictions. The Commonwealth Transportation Commissioner and the Director of the Department of Rail and Public Transportation are required to report on their respective transportation contracting activities at least quarterly to the Board.

Patron - Trumbo

PSB1004 Darrell Green Boulevard. Designates the portion of Virginia Route 28 located within Loudoun County as the "Darrell Green Boulevard."

Patron - Mims

PSB1093 Highway safety corridors. Provides for the designation of primary and interstate highways as highway safety corridors. The minimum penalty for motor vehicle moving violations committed in these corridors would be not less than \$200.

Patron - Edwards

PSB1177 D. Woodrow Bird Memorial Highway. Designates I-77 in Bland County the "D. Woodrow Bird Memorial Highway."

Patron - Puckett

PSB1222 Urban highway system construction funds. Provides that payment of urban highway system construction funds may be made in equal quarterly amounts, at the discretion of the city or town receiving them, and shall be reduced, in the case of each city and town, by the amount of federal-aid construction funds credited to each city or town.

Patron - Williams

PSB1279 Rail Transportation Development Authority. Establishes a rail transportation authority to finance or assist in the financing of capital improvements to rail lines and associated facilities. This bill becomes effective only if reenacted by the 2004 Session of the General Assembly.

Patron - Edwards

PSJ394 Charlottesville bypass. Encourages the Department of Transportation to review all options available, including the completion of the U.S. Route 29 bypass, to improve transportation along the U.S. Route 29 corridor to facilitate the flow of traffic to and from the northern and central regions to southern communities.

Patron - Hawkins

Failed

FHB1394 Secondary system highway construction fund allocations. Allows inclusion of space occupied by military reservations when calculating the "area" of counties for the purpose of allocating secondary system highway construction funds.

Patron - Lingamfelter

FHB1396 Governor Harry W. Nice Memorial Bridge. Requires the Department of Transportation to contact its Maryland counterpart to initiate discussions for the construction of a second span parallel to the existing Governor Harry W. Nice Memorial Bridge, conveying U.S. Route 301

across the Potomac River between Maryland and Virginia. A report on these discussions is to be submitted to the General Assembly by December 1, 2003.

Patron - Lingamfelter

FHB1409 Commonwealth Transportation Board (CTB). Provides for election of citizen members of the CTB by the General Assembly, one from each Congressional district. There would no longer be any at-large members. The bill does not apply to CTB members appointed prior to July 1, 2003.

Patron - Black

FHB1418 Impact statements; legislation requiring or authorizing highway construction. Requires VDOT to prepare an impact statement including the cost, source of funding, and present and anticipated level of service for legislation requiring or authorizing construction, reconstruction, or improvement of specifically identified highways or highway projects. Cost, funding, and level of service data would be printed on the legislation, but not codified.

Patron - Black

FHB1484 Commonwealth Transportation Commissioner. Requires the Commonwealth Transportation Commissioner to employ an inspector general.

Patron - Rust

FHB1485 Urban and secondary highway system construction allocations. Allocates urban system and secondary system highway construction funds among affected jurisdictions on the basis of (i) area, (ii) vehicle miles traveled, and (iii) population, with area being weighted 15 percent, vehicle miles traveled per lane-mile weighted 25 percent, and population weighted 60 percent.

Patron - Rust

FHB1486 Virginia Highway Bridge Fund. Establishes the Virginia Highway Bridge Fund, consisting of all federal highway bridge replacement and rehabilitation funds received by Virginia. The Fund is to be used for construction, reconstruction, and replacement of highway bridges in the Commonwealth as allocated by the Commonwealth Transportation Board to individual projects on the basis of the severity of each bridge's deficiency. The bill requires a 20-percent match to be provided from the allocation to the highway system on which the bridge is located.

Patron - Rollison

FHB1550 Department of Rail and Public Transportation (DRPT); Commonwealth Transportation Board (CTB). Provides for the evaluation by DRPT of all rail mass transit projects proposed to be undertaken in any air quality nonattainment area in the Commonwealth and recommendations as to such projects by DRPT to CTB. The bill also authorizes DRPT to act as a "responsible public entity" for the purpose of the acquisition, construction, improvement, maintenance and/or operation of any such project under the Public-Private Transportation Act of 1995 (§ 56-556 et seq.). Notwithstanding the contrary provisions of the Public-Private Transportation Act of 1995, the provisions of the Public Procurement Act (specifically § 2.2-4342) would apply, once a contract has been awarded, to procurement documents and procurement transactions related to any contract entered into for any project covered by this bill.

Patron - Marshall, R.G.

FHB1595 Transportation Trust Fund. Requires the Commonwealth Transportation Board, prior to the distribution of funds for general highway construction, to distribute from the Transportation Trust Fund: (i) \$50 million for transporta-

tion projects in Arlington County, Fairfax County, Loudoun County, Prince William County, Stafford 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) \$50 million 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) \$20 million 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. The bill expires on July 1, 2005.

Patron - Marshall, R.G.

FHB1640 Department of Transportation; Commonwealth Transportation Board; certification of certain highway construction projects. Requires the Department of Transportation to certify to the Commonwealth Transportation Board those highway construction projects in the interstate highway system or primary highway system which, in the Department's judgment, are appropriate for construction under the Public-Private Transportation Act of 1995 (§ 56-556 et seq.). Such certification is to include proposals for the relative shares of each project's cost to be borne by the Commonwealth, by one or more localities, and the private sector. Notwithstanding the contrary provisions of § 56-573.1, the provisions of § 2.2-4342 (public inspection of records) will apply, once a contract has been awarded for any project under this bill, to procurement documents and procurement transactions related to any such contract.

Patron - Marshall, R.G.

FHB1662 "No trucks" route. Prohibits operation of any tractor truck/semitrailer combination on Virginia Route 206 in King George County between U.S. Route 301 and Virginia Route 3, except for local deliveries, pickups, or transactions to be made within five miles. This bill is incorporated into HB 1457.

Patron - Pollard

FHB1666 Subdivision streets. Repeals the requirement that subdivision streets serve "at least three families per mile" in order to be eligible to be taken into the state secondary highway system for maintenance purposes under § 33.1-72.1.

Patron - Oder

FHB1667 Statewide Transportation Plan; financial plan for each project. Requires the Department of Transportation to prepare a detailed financial plan for each project in the Statewide Transportation Plan, prior to any project's moving forward to the construction phase from the feasibility phase. This bill is incorporated into HB 2259.

Patron - Oder

FHB1668 Statewide Transportation Plan. Requires the Commonwealth Transportation Commissioner annually to report to the House and Senate Transportation and Finance Committees on the progress, successes, and failures of the plan and the status of all projects in the plan, including those projects whose construction has not yet begun. This bill is incorporated into HB 2259.

Patron - Oder

FHB1813 Signs warning motorcyclists of hazards in highway work zones. Requires that signs warning motorcy-

clists of possible hazards (including, but not limited to, steel plates, longitudinal grooves, loose gravel, or uneven lanes) be posted at least 500 feet in advance of every highway work zone.

Patron - Welch

FHB1991 Chesapeake Bay Bridge and Tunnel Commission. Repeals the portion of the Chesapeake Bay Bridge and Tunnel Commission's "charter" that calls for transfer of the Bridge-Tunnel to the Commonwealth upon the retirement of all the Commission's bonded debt.

Patron - Bloxom

FHB2036 Department of Rail and Public Transportation (DRPT); Commonwealth Transportation Board (CTB). Provides for the evaluation by DRPT of all rail mass transit projects proposed to be undertaken in any air quality nonattainment area in the Commonwealth and recommendations as to such projects by DRPT to CTB. The bill also authorizes DRPT to act as a "responsible public entity" for the purpose of the acquisition, construction, improvement, maintenance and/or operation of any such project under the Public-Private Transportation Act of 1995 (§ 56-556 et seq.). Costs of construction of any such project are to be funded no more than 15 percent by the Commonwealth and no more than 10 percent by the locality or localities within whose boundaries the project is to be constructed or operated. Fares and minimum service levels of all such projects are to be subject to approval by CTB. Notwithstanding the contrary provisions of the Public-Private Transportation Act of 1995, the provisions of the Public Procurement Act (specifically § 2.2-4342) would apply, once a contract has been awarded, to procurement documents and procurement transactions related to any contract entered into for any project covered by this bill.

Patron - Marshall, R.G.

FHB2094 Commonwealth Transportation Commissioner condemnation; recovery of costs. Entitles a property owner to recover his costs, including reasonable attorney, appraisal, engineering, and similar expert's fees, incurred as a result of the reformation, alteration, revision, amendment or invalidation of a certificate.

Patron - Joannou

FHB2144 Primary system highway construction allocation. Provides that funds for construction projects in the primary highway system will be distributed among the nine highway construction districts on the basis of vehicle-miles traveled per lane-mile.

Patron - Rust

FHB2147 Unpaved road fund. Allows use of funds set aside in the unpaved road fund for paving unpaved secondary roads or carrying out other secondary system highway construction projects. These funds would be distributed among counties in the secondary system in the same manner as other secondary system construction funds.

Patron - Rust

FHB2185 Interstate Route 81 improvement under Public-Private Transportation Act of 1995. Requires that, if the project involves imposition of tolls, all classes of vehicles must be subject to the tolls.

Patron - Saxman

FHB2202 Virginia Highway Bridge Fund. Establishes the Virginia Highway Bridge Fund, consisting of all federal highway bridge replacement and rehabilitation funds received by Virginia. The Fund is to be used for construction, reconstruction, and replacement of highway bridges in the

Commonwealth as allocated by the Commonwealth Transportation Board to individual projects on the basis of the severity of each bridge's deficiency. The bill requires a 20-percent match to be provided from the allocation to the highway system on which the bridge is located.

Patron - Jones, S.C.

FHB2249 Primary highway system construction funds allocation. Provides for apportionment of primary highway system construction funds among the nine highway construction districts on the basis of the ratio of vehicle miles traveled on primary system components divided by lane-miles of primary system components in each district.

Patron - Watts

FHB2357 Roger E. Hedgepeth Bridge. Designates the U.S. Business Route 460 bridge on Main Street at the southern boundary of the Town of Blacksburg the "Roger E. Hedgepeth Bridge."

Patron - Shuler

FHB2377 George Fortune, Jr., Memorial Bridges. Designates the Interstate Route 66 bridges over U.S. Route 29 in Fairfax County the "George Fortune, Jr., Memorial Bridges."

Patron - Moran

FHB2383 High-occupancy vehicle (HOV) lanes. Repeals the July 1, 2004, "sunset" on use of HOV facilities by vehicles bearing clean special fuel vehicle license plates, regardless of the number of vehicle occupants. This bill is incorporated into HB 2316.

Patron - Moran

FHB2385 High-occupancy vehicle (HOV) lanes. Allows use of HOV lanes by personal vehicles being operated by law-enforcement officers, regardless of the number of vehicle occupants.

Patron - Moran

FHB2560 Allocation of highway construction funds. Provides for allocation of highway construction funds in the primary, urban, and secondary highway systems on the basis of the number of registered vehicles.

Patron - Scott

FHB2650 State highway systems. Replaces the primary, secondary, and urban systems of state highways with statewide, regional, and local state highway systems. Funds for projects in the statewide system would be allocated by the Commonwealth Transportation Board (CTB) at the project level, based on system priorities. Funds for regional system projects would be allocated on the basis of each region's share of Virginia-registered vehicles. These funds, too, would be allocated by the CTB (in coordination with metropolitan planning organizations and other regional entities) at the project level, based on system priorities. Funds for the local system would be distributed on the basis of centerline miles (weighted 86 percent) and vehicle registrations (weighted 14 percent). For local system projects in municipalities with 5,000 or more inhabitants, the CTB may contribute 98 percent of funds necessary for the project (including the federal portion) if the municipality contributes the rest.

Patron - Marshall, R.G.

FHB2673 Highway construction districts; membership of the Commonwealth Transportation Board. Abolishes the present nine highway construction districts and replaces them with seven regions. The size of the Commonwealth Transportation Board is correspondingly reduced from 17 to 15 members, with three at-large members elected by the

House of Delegates and two at-large members elected by the Senate. There are also editorial and technical changes resulting from the change of "highway construction districts" to "regions."

Patron - Lingamfelter

FHB2697 Roadside memorials. Provides for the installation and maintenance along interstate highways of roadside memorials to State Police officers killed in the line of duty.

Patron - Nutter

FHB2709 Commonwealth Transportation Board (CTB); "no-trucks route" requests. Requires the CTB to act within 90 days on written requests from county boards of supervisors for "no-trucks route" requests for secondary highways. This bill is incorporated into HB 1457.

Patron - Hugo

FHB2718 Allocation of highway construction funds. Provides that all allocations of primary, secondary, and urban highway system construction funds will be adjusted to reflect construction cost differentials based on topography, elevation, and soil conditions.

Patron - Nutter

FHB2750 Commonwealth Private Investment Inducement Act of 2003. Dedicates one-third of the annual insurance license tax revenue to transportation projects in highway construction districts based on the percentage of the population of the Commonwealth residing in each such district. The portion of such revenues that otherwise would be distributed to: (i) the Northern Virginia Construction District is instead deposited into the Northern Virginia Investment Fund, created under the bill, and used to finance bonds in an amount not to exceed \$350 million for specific transportation projects; (ii) the Hampton Roads Construction District is instead deposited into the Hampton Roads Investment Fund, created under the bill, and used to finance bonds in an amount not to exceed \$350 million for specific transportation projects in that area; and (iii) the Bristol, Salem, and Staunton Construction District is instead deposited into the Western Virginia Investment Fund, created under the bill, and used to finance bonds in an amount not to exceed \$350 million for specific transportation projects in that area. The amount of such bond proceeds utilized must be matched by equal or greater funds from private entities, localities, or both, unless certain conditions exist.

Patron - Rollison

FHJ756 Preservation of Virginia Route 5. Supports the preservation of Virginia Route 5 as a scenic and historic resource of the greatest importance for the understanding of the Commonwealth's history and for its tourist industry.

Patron - Ingram

FSB730 Fund to expedite construction of I-73 in Henry County. Establishes a special fund to expedite construction of I-73 in Henry County. The Fund consists of the first three million dollars of annual collections of state taxes on motor fuels, fees and charges on motor vehicle registrations, road taxes or any other state revenue allocated for highway purposes.

Patron - Reynolds

FSB778 Maintenance and operation of drawbridges in Chesapeake. Requires the Department of Transportation to reimburse the City of Chesapeake for its actual costs incurred in the maintenance and operation of drawbridges within its boundaries.

Patron - Blevins

FSB1024 "Smart Road" fund. Establishes a special fund "off the top" of funds available for highway construction to cover the costs of construction, reconstruction, and improvements to the "Smart Road" at the Virginia Tech Transportation Institute.

Patron - Reynolds

FSB1108 Allocation of federal highway safety funds. Requires that prior to being allocated for any other purpose, 10 percent of all federal surface transportation program safety funds must be allocated statewide to fund bicycle and pedestrian safety improvements, including but not limited to the Safe Routes to School Program.

Patron - Whipple

FSB1115 Commonwealth Mass Transit Fund. Increases the percentage share of monies deposited into the Commonwealth Mass Transit Fund from 14.7 percent to 19 percent.

Patron - Whipple

FSB1179 Route 661 bridge at Atrip. Requires the owner of the Virginia Route 661 bridge over the Norfolk Southern Railroad, Structure No. 6081, located at Atrip in Russell County to repair and maintain it so as to allow the structure to be posted by the Department of Transportation for a five-ton weight limit.

Patron - Puckett

FSB1270 Allocation of proceeds of Transportation Trust Fund. Provides that, except as otherwise provided in the Virginia Constitution or federal law, after allocations to the Commonwealth Port Fund, Commonwealth Airport Fund and Commonwealth Mass Transit Fund, all remaining proceeds of the Transportation Trust Fund be distributed for highway construction. The Toll Facilities Revolving Account, the Unpaved Secondary Road Fund, the Industrial and Airport Access fund, the Industrial Rail Access Fund, the Recreational Access Roads and Bikeways Fund, the Northern Virginia Transportation District Program and the Interstate Route 66 Economic Development Program Fund are repealed.

Patron - O'Brien

FSB1271 Secondary highway system construction funds. Allocates secondary highway system construction funds among counties on the basis of the number of vehicles registered in each county.

Patron - O'Brien

FSB1342 Commonwealth Private Investment Inducement Act of 2003. Dedicates the insurance license tax fee to transportation projects in all localities according to the percentage of such revenues attributable to subscribers who reside in each locality. A portion of these proceeds will finance the issuance of bonds that the bill authorizes for transportation projects in 3 regions of the Commonwealth. These 3 regions are the regions encompassed by (i) 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) 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; (iii) 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 Har-

risonburg, the City of Radford, the City of Salem, the City of Staunton, and the City of Winchester. All funds paid from the revenues provided under this act for the three regions must be matched by equal or greater funds from private entities, localities, or both.

Patron - Williams

Homestead and Other Exemptions

Passed

PHB2740 Garnished wages protected by homestead exemption. Provides that an individual may protect garnished wages via the homestead exemption by filing a claim of homestead exemption any time after the garnishment summons is served on the employer, and that the court shall recognize such exemption.

Patron - Reese

Failed

FHB1446 Debtor's Exemptions. Exempts from creditor process a maximum of \$10,000 of funeral expenses paid by the debtor for a spouse or child.

Patron - Sherwood

FHB2773 Garnishment; increasing trigger level. Increases the maximum part of aggregate disposable income that may be subjected to garnishment by providing that with respect to the option established against the federal wage levels, only wages in excess of 40 times the federal minimum hourly wage may be garnished. Under current law, aggregate disposable income subject to garnishment cannot exceed the lesser of (i) 25 percent of disposable earnings for the week or (ii) the amount by which disposable earnings exceed 30 times the federal minimum hourly wage. The bill would change 30 to 40 in option (ii).

Patron - Barlow

Housing

Passed

PHB1678 Uniform Statewide Building Code; inspection of rental property. Authorizes a local governing body to adopt ordinances to inspect residential rental property for compliance with the Building Code. The bill specifies which residential rental property can be subject to such rental inspection program, which properties may be exempted from a rental inspection program, and authorizes the local governing body to charge a fee of not more than \$50 for the inspection. The bill also provides that any ordinance adopted before July 1, 2003 shall be brought into compliance with this bill by July 1, 2004 or such previously existing ordinances shall be void. The bill contains a technical amendment.

Patron - Rapp

PHB1989 Regional housing authorities. Provides that if a regional housing authority consists of only two counties, the counties may agree to appoint two commissioners each to the authority, rather than one member each.

Patron - Bloxom

PHB1990 Housing; appointment of commissioners of regional housing authorities. Provides that where federal housing law requires the appointment of a Section 8 tenant as a commissioner, the commissioners of the regional housing authority shall appoint at least one but not more than two such commissioners. The executive director of the regional housing authority shall prepare a slate of eligible candidates for appointment for the commissioners' consideration. However, the appointing commissioners shall not be required to make appointments from such slate. The bill is identical to SB 1182.

Patron - Bloxom

PHB2123 Uniform Statewide Building Code; basis for regulation. Requires that the Building Code specifically include provisions to prevent overcrowding, rodent or insect infestation, and garbage accumulation, in addition to other existing standards for public health and safety.

Patron - Reid

PHB2299 State Building Code Technical Review Board; membership. Provides that the heating and cooling contractor member may be selected from a combined slate presented by the Virginia Association of Plumbing-Heating-Cooling Contractors and the Virginia Chapters of the Air Conditioning Contractors of America. Currently the member may be selected from a slate presented by the Virginia Association of Plumbing-Heating-Cooling Contractors.

Patron - Devolites

PHB2467 Virginia Housing Development Authority and the Board of Housing and Community Development; membership. Makes the Director of the Department of Housing and Community Development a voting member of the commissioners of the Virginia Housing Development Authority and the Executive Director of the Authority a voting member of the Board of Housing and Community Development. Currently, both directors serve as nonvoting members of their respective bodies.

Patron - Stump

PHB2480 Uniform Statewide Building Code; regulations of the Board of Housing and Community Development; new building products. Authorizes the Board of Housing and Community Development (the Board), upon finding that sufficient allegations exist regarding failures noted in several localities of performance standards by either building materials, methods, or design, to conduct hearings on such allegations if it determines that such alleged failures, if proven, would have an adverse impact on the health, safety, or welfare of the citizens of the Commonwealth. After at least 21 days' written notice, the Board shall convene a hearing to consider such allegations. Such notice shall be given to the known manufacturers of the subject building material and as many other interested parties, industry representatives, and trade groups as can reasonably be identified. Following the hearing, the Board, upon a finding that (i) the current technical or administrative Code provisions allow use of or result in defective or deficient building materials, methods, or designs, and (ii) immediate action is necessary to protect the health, safety, and welfare of the citizens of the Commonwealth, may issue amended regulations establishing interim performance standards and Code provisions for the installation, application, and use of such building materials, methods, or designs in the Commonwealth. Such amended regulations shall become effective upon their publication in the Virginia Register of Regulations and shall be effective for a period of 24 months or until adopted, modified, or repealed by the Board.

Patron - Drake

PHB2683 Uniform Statewide Building Code; rehabilitation and maintenance of existing buildings. Allows the Board of Housing and Community Development to establish a modification provision in the Uniform Statewide Building Code to facilitate the rehabilitation of existing buildings and structures including procedures to be used by local building departments in the evaluation and granting of modifications for any provisions of the Building Code.

Patron - Van Landingham

PSB1182 Housing; appointment of commissioners of regional housing authorities. Provides that where federal housing law requires the appointment of a Section 8 tenant as a commissioner, the commissioners of the regional housing authority shall appoint at least one but not more than two such commissioners. The executive director of the regional housing authority shall prepare a slate of eligible candidates for appointment for the commissioners' consideration. However, the appointing commissioners shall not be required to make appointments from such slate. This bill is identical to HB 1990.

Patron - Puckett

PSB1290 Occupancy permits. Provides that the disclaimer or disclosure form provided by the seller in a residential sale to inform the purchaser that the seller must provide a copy of the certificate of occupancy to the purchaser upon closing, unless the purchaser has acknowledged in writing that the certificate of occupancy has not been issued at the time of the purchase.

Patron - Puckett

PSB1318 Regional housing authorities; appointment of commissioners. Provides that where a regional housing authority consists of only two counties, the board of supervisors of each county included in such regional housing authority may appoint two persons as commissioners of such authority. This bill is identical to HB 1989.

Patron - Rerras

Failed

FHB1940 Housing; Elevator Safety Act; penalty. Creates the Elevator Safety Act to provide for regulation by the Board of Housing and Community Development of the installation and maintenance of elevators to ensure the safety of life and limb, and to promote public safety awareness. The bill provides definitions of the types of equipment covered by the Elevator Safety Act and provides for criminal penalties for violation. The bill creates a special classification for elevator contractors licensed by the Board for Contractors.

Patron - Drake

FHB2081 Redevelopment and housing authorities; appointment. Provides that no city, after July 1, 2003, may appoint more than one member of city council, or other officer or employee of the city, as a commissioner of a redevelopment and housing authority. The bill provides that its provisions shall not be construed to affect existing appointments for which the terms have not expired. However, any new appointments made after July 1, 2003, shall be made in accordance with the bill.

Patron - Gear

FHB2449 Virginia Fair Housing Law; unlawful discriminatory housing practices. Provides that the use of words or symbols associated with a particular religion, national origin, sex, or race may be evidence of an illegal preference under the Virginia Fair Housing Law. Current law mandates that the use of such words or symbols shall be prima facie evi-

dence of an illegal preference. The bill also removes language preventing the use of a general disclaimer.

Patron - Griffith

FHB2528 Uniform Statewide Building Code; visitability standards. Requires certain single-family dwellings that are built with federal, state, or local assistance to meet minimum standards for visitability. This bill is identical to SB 1087.

Patron - Almand

FHB2644 Housing Authorities; powers. Requires a housing authority to hold a public hearing prior to the public or private sale of any parcel of real property that it owns with an estimated value of \$50,000 or more.

Patron - Sears

FSB867 Uniform Statewide Building Code; construction standards for affordable housing. Requires single-family affordable housing for individuals and families of low and moderate income that are built with funds awarded by the state or federal government to meet additional construction requirements for visitability.

Patron - Puller

FSB1087 Uniform Statewide Building Code; visitability standards. Requires certain single-family dwellings that are built with federal, state, or local assistance to meet minimum standards for visitability. This bill is identical to HB 2528.

Patron - Puller

Institutions for the Mentally Ill; Mental Health Generally

Passed

PHB2011 Emergency custody orders for adult persons who are mentally disabled as a result of physical injury or illness. Provides that, based upon the opinion of a licensed physician that an adult person is incapable of making an informed decision regarding treatment as a result of a physical injury or illness and that the medical standard of care indicates that testing, observation and treatment are necessary to prevent imminent and irreversible harm, a magistrate may issue, for good cause shown, an emergency custody order for such adult person to be taken into custody and transported to a hospital emergency room. This bill requires that, prior to issuance of an emergency custody order the magistrate must ascertain that there is no legally authorized person available to give consent to necessary treatment for the adult person, and that the adult person (i) is incapable of making an informed decision regarding obtaining necessary treatment, (ii) has refused transport to obtain such necessary treatment, (iii) has indicated an intention to resist such transport, and (iv) is unlikely to become capable of making an informed decision regarding obtaining necessary treatment within the time required for such decision. An opinion by the licensed physician that an adult person is incapable of making an informed decision as a result of physical injury or illness can only be rendered after such licensed physician has communicated electronically or personally with the adult person and the emergency medical services personnel on the scene to obtain information and medical data concerning the cause of the adult person's incapacity, has attempted to obtain consent from the adult person personally and has failed to obtain such consent. If there is a change in the

person's condition, the emergency medical services personnel shall contact the licensed physician. If at any time the licensed physician determines that the person has become capable of making and communicating an informed decision, such physician shall rely on the person's decision on whether to consent to further observation, testing or treatment. The person must remain in custody until an evaluation by a licensed physician is performed or the person is otherwise admitted or detained, but in no event can the period of custody exceed four hours. The law-enforcement officer may lawfully go to or be sent beyond the territorial limits of the county, city or town in which he serves to any point in the Commonwealth for the purpose of executing an order for emergency custody. Nothing precludes a law-enforcement officer from obtaining emergency medical treatment or further medical evaluation at any time for a person in his custody. If an order of emergency custody is not executed within four hours of its issuance, the order will be void and will be returned unexecuted to the office of the clerk of the issuing court or, if such office is not open, to any judge or magistrate thereof.

Patron - Bell

PHB2309 State-responsible clients; forms of identification. Requires the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS) and the Director of the Department of Corrections to work with appropriate state and federal entities to assist any person who has been committed to the custody of any facility operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services or Department of Corrections, prior to release, has certain pieces of identification. DMHMRSAS consumers who have been a patient for more than one year shall have possession of the following documents, if required by their discharge plan: a DMV approved ID card, a copy of their birth certificate and a social security card. Department of Corrections will make application for similar pieces of identification.

Patron - Alexander

PHB2346 Duties of the Inspector General for Mental Health, Mental Retardation and Substance Abuse Services. Clarifies the authority of the Inspector General for Mental Health, Mental Retardation and Substance Abuse Services to provide inspections of and make policy and operational recommendations for licensed mental health treatment services operated by state correctional facilities. The Department of Mental Health, Mental Retardation and Substance Abuse Services currently licenses inpatient and residential mental health treatment services provided in state correctional facilities at Powhatan, Marion, Brunswick, Greenville and Fluvanna and outpatient treatment services at Marion. This bill is identical to SB 947.

Patron - Weatherholtz

PHB2445 Sexually violent predators. Moves the effective date of the sexually violent predator legislation from 2004 to "effective from its passage." The bill redefines sexually violent offense to include a forcible sexual offense committed prior to July 1, 1981, involving sodomy, object sexual penetration and aggravated sexual battery. A sexually violent predator is defined as a person with a qualifying offense who, because of a mental abnormality or personality disorder, has difficulty controlling his predatory behavior and receives a certain minimum score on a sex offender risk assessment instrument. The bill limits the person's ability to raise challenges to the validity of his prior criminal convictions and restricts his right to use evidence in his defense if he refuses to cooperate with his mental examination. Time limits for actions required on behalf of the Commonwealth are extended and primary responsibility for control, care and treatment is placed with the Department

of Mental Health, Mental Retardation and Substance Abuse Services or with a private entity with which the Department contracts. The bill changes the standard of proof for finding a person a sexual predator from "beyond a reasonable doubt" to "clear and convincing." This bill is identical to SB 1149.

Patron - Griffith

PHB2670 Transportation of person in civil commitment process. Requires magistrates to direct the transportation of persons who are the subject of an emergency custody or temporary detention order by a law-enforcement officer from a specified agency and jurisdiction to such medical facilities as may be necessary to obtain emergency medical evaluation or treatment prior to the placement of the individual in the temporary detention facility.

Patron - Hamilton

PHB2698 Civil commitment procedures. Requires the Secretary of Public Safety, in consultation with the Secretary of Health and Human Resources and the Executive Secretary of the Supreme Court, to appoint a committee on civil commitment procedures to establish statewide policies and guidelines that identify the party or parties responsible for the safety and security of individuals who are the subject of or who participate in involuntary detention and admission activities in order to assist the courts and other participating parties in the uniform and effective operation of the Commonwealth's civil commitment statutes. The policies and guidelines must include transportation, custody, medical evaluation, screening and treatment, and detention services and must recognize the varying resources of localities and conditions and needs of individuals under temporary detention orders and provide for protection of patients, staff, and employees of facilities as well as be consistent with the Emergency Medical Treatment and Active Labor Act, which requires hospitals to treat or stabilize and transport individuals presenting with an emergency or in active labor. The committee must report these policies and guidelines to the Council by October 1, 2003, and include recommendations for any legislative actions needed to implement the policies and guidelines. These policies and guidelines will be used by the applicable local representatives or counterparts of the agencies and organizations represented on the committee to develop local procedures. The representatives or counterparts are charged with reviewing the local procedures annually and revising them as necessary. This provision will, however, expire on July 1, 2004, pursuant to a second enactment clause.

Patron - Hamilton

PHB2775 Mental health; reports by guardians. Allows the jurisdiction where the incapacitated person resides to retain the filing fee of five dollars, which accompanies the annual report by the guardian, to be used for services for adults in need. Administrative costs to process and mail the fee exceed the amount of the fee and could fund resources for additional services.

Patron - Ingram

PHB2809 Mental health; power of conservator. Prohibits a conservator for an incapacitated person from revoking or amending a trust or withdrawing or demanding distribution of trust assets without the approval of the court for good cause shown, unless the trust instrument expressly provides otherwise.

Patron - Athey

PSB801 Office of Inspector General for Mental Health, Mental Retardation and Substance Abuse Services. Adds a requirement for the Inspector General to submit reports to the Joint Commission on Behavioral Health Care, or its successor in interest. The Inspector General is currently required

to submit certain reports, information, documents and recommendations to the Governor, the General Assembly, the Secretary of Health and Human Resources and the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services.

Patron - Martin

PSB947 Duties of the Inspector General for Mental Health, Mental Retardation and Substance Abuse Services. Clarifies the authority of the Inspector General for Mental Health, Mental Retardation and Substance Abuse Services to provide inspections of and make policy and operational recommendations for licensed mental health treatment services operated by state correctional facilities. However, if a criminal offense has been committed, notification shall be given to the Inspector General for the Department of Corrections. The Department of Mental Health, Mental Retardation and Substance Abuse Services currently licenses inpatient and residential mental health treatment services provided in state correctional facilities at Powhatan, Marion, Brunswick, Greensville and Fluvanna and outpatient treatment services at Marion.

Patron - Houck

PSB1121 Criminal background checks; victims of domestic violence. Authorizes community services boards, behavioral health authorities and agencies licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services to hire persons who were convicted of one misdemeanor offense for assault and battery or assault and battery against a family or household member if 10 years have elapsed following the conviction, unless the person committed such offense in the scope of his employment in a direct consumer care position.

Patron - Lucas

PSB1149 Civil commitment; sexually violent predators. Moves the effective date of the civil commitment of sexually violent predator legislation from 2004 to "effective from its passage." The bill redefines sexually violent offense to include a forcible sexual offense committed prior to July 1, 1981, involving sodomy, object penetration or sexual battery. Sexually violent predator is defined as a person who, because of a mental abnormality or personality disorder, has serious difficulty controlling his predatory behavior. The bill limits the person's ability to raise challenges to the validity of his prior criminal convictions and restricts his right to use evidence in his defense if he refuses to cooperate with his mental examination. Time limits for actions required on behalf of the Commonwealth are extended and primary responsibility for control, care and treatment is placed with the Department of Mental Health, Mental Retardation and Substance Abuse Services or with a private entity with which the Department contracts. The bill changes the standard of proof for finding a person a sexual predator from "beyond a reasonable doubt" to "clear and convincing." This bill is identical to HB 2445.

Patron - Stolle

PSJ358 Effective treatment modalities and practices for children with mental health needs. Directs the Virginia Commission on Youth, or its successor in interest, to make empirically based information concerning effective treatment modalities and practices for children available through the Internet. The Commission shall seek the assistance of the SJR 99 Advisory Group, the Secretary of Health and Human Resources, the Secretary of Public Safety, and the Secretary of Education in posting, maintaining, and biennially updating this information. Such information shall include effective, empirically based, treatment modalities and practices for juvenile offenders with mental health treatment needs, symptoms, and

disorders. The agencies of the Secretariat of Health and Human Resources that deliver services to children, the Department of Education, and the Department of Juvenile Justice must also post this information on their respective websites, provide for the dissemination of the information in as efficient and cost-effective manner as possible, and ensure access to the information by consumers, family members, advocates, mental health policy makers, and other interested persons. The Virginia Commission on Youth, or its successor in interest, must submit an executive summary and report of its progress in meeting the directives of this resolution no later than the first day of the 2004 Regular Session of the General Assembly.

Patron - Houck

Failed

FHB2446 Civil commitment of sexually violent predators. Authorizes the civil commitment of persons convicted of two or more violent sex offenses on different occasions whose mental abnormalities render them so likely to commit sexually violent offenses that they constitute a threat to the health and safety of others. The bill establishes a procedure for determining whether a sex offender who is scheduled to be released from prison meets the criteria for civil commitment. A Commitment Review Committee will review eligible prisoners and make a recommendation to the Attorney General. The Attorney General determines whether to file a petition for the commitment of the prisoner. The prisoner is entitled to a jury trial. Persons who are committed are placed in the custody of the Department of Mental Health, Mental Retardation and Substance Abuse Services for an indeterminate period in a secure facility operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services for treatment and confinement consistent with their needs or the Commonwealth may contract with a public or private facility, in or out of state, to provide comparable care, control and treatment.

Patron - Griffith

FHB2572 Mental health; procedures for implementation of temporary detention orders. Requires, in the interests of promoting public safety and efficient and effective use of resources, each community services board to convene a task force, with representation from law-enforcement agencies; facilities and practitioners providing emergency medical evaluations, treatment or temporary detention; courts; state hospitals; local governments; and other relevant entities, to develop procedures for implementing temporary detention orders. Such procedures shall be consistent with the requirements of the Emergency Medical Treatment and Active Labor Act (42 U.S.C. 1395dd) and shall include, but need not be limited to, provisions for transportation; medical evaluation, screening, and treatment; and detention services that recognize the many and varying conditions and needs of individuals subject to temporary detention orders and the need to protect their security and the security of other patients and facility staff and employees providing emergency medical evaluation, treatment or detention services. All relevant agencies and entities convened by the relevant community services board shall appoint representatives to the task force required by this subsection who shall develop and implement the required procedures and shall, at least annually, review and revise such procedures as necessary.

Patron - Scott

FSB1079 Mandatory outpatient treatment. Establishes a program of mandatory outpatient treatment in those jurisdictions served by a community services board that the Commissioner designates as having adequate and appropriate resources for the provision of mandatory outpatient treatment.

The bill authorizes mandatory outpatient treatment only for persons previously hospitalized due to noncompliance with prescribed psychiatric treatment. The bill requires that a specific written treatment plan be prepared by the community services board that gives consideration to the treatment preferences of the individual and explicitly bars the forcible administration of medication. The bill also authorizes law-enforcement personnel to transport the individual to a treatment facility for persuasion and evaluation by a treatment provider only when the individual has substantially failed to comply with the treatment plan without good cause, and only for a three-hour period, including transportation time. The bill also limits the duration of the court order to 180 days or less, and provides the person with procedural protections, including the right to an adversary hearing, the right to counsel, the right to an appeal, and the right to a jury trial on appeal.

Patron - Marsh

FSB1119 Involuntary detention and commitment.

Provides that persons in emergency custody or subject to the involuntary detention or commitment process shall not be handcuffed, shackled or otherwise restrained during their transport or hearings unless they present a clear, immediate and severe threat to the law-enforcement officer or others or to their own personal safety. The bill provides that a person subject to a temporary detention order shall be detained in a facility in or closest to the locality in which he resides unless not feasible. The bill also requires commitment hearings to be held in the locality in which the person whose involuntary admission is being sought resides and at the facility where the person has been involuntarily detained unless not feasible. Finally, the bill requires the chief judge of the general district court, with assistance from the local community services board serving his jurisdiction, to maintain a list of local examiners from which the judge conducting the commitment hearing shall obtain an examiner.

Patron - Lucas

FSB1326 Judicial authorization of treatment and detention. Removes the court's authority to order the withholding or withdrawal of a specific treatment or course of treatment for a mental or physical disorder when an adult patient is either incapable of making an informed decision on his own behalf or is incapable of communicating an informed decision due to a physical or mental disorder and the proposed action is in the best interest of the person. Authority to order a specific treatment or a course of treatment is retained for the allegedly incapable adult person. This provision also strikes the authority for "any person" to file a request for a court to order the withholding or withdrawal of treatment for an adult person who is incapable of making or communicating informed consent. For individuals incapable of making or communicating informed consent who are hospital patients at the time of the petition for treatment, this provision requires "complete accordance with the Health Care Decisions Act . . . and the delineated authorization of consent as set forth in § 54.1-2986, with all prudent effort made to obtain such informed consent from an individual or individuals in order of priority who are legally authorized to give consent."

Patron - Mims

Insurance

Passed

PHB1737 Accident and sickness insurance; coverage for lymphedema. Requires health insurers, health care

subscription plans and health maintenance organizations to provide coverage for equipment, supplies, complex decongestive therapy, and outpatient self-management training and education for the treatment of lymphedema.

Patron - Wardrup

PHB1777 Medical Malpractice Joint Underwriting Association. Specifies that the limits of liability for policies written in the Medical Malpractice Joint Underwriting Association may not exceed two million dollars for each claimant under any one policy and six million dollars for all claimants under one policy in any one year. Currently, the limits of liability for such policies may not exceed one million dollars for each claimant under any one policy and three million dollars for all claimants under one policy in any one year. This measure will conform this provision with the cap on recovery in medical malpractice actions. The measure has an emergency clause.

Patron - Woodrum

PHB1826 Health insurance; re-underwriting individuals. Prohibits any health insurer from adjusting premiums, benefits, or contractual terms of existing individual health insurance coverage based upon its reevaluating of the individual's health status or claim experience, at the renewal date of the insurance contract. This prohibition does not apply to adjustments to the premium, or rescission of, or amendments to the insurance contract, if the insurer, subsequent to issuing the policy, learns of information that was not disclosed in the underwriting process and that, if known, would have resulted in higher premiums. Such adjustments, rescission or amendment is also permitted (i) when an insurer provides certain lifestyle-based good health discounts and (ii) when an insurer removes waivers or riders that limit coverage for specific named preexisting conditions.

Patron - Morgan

PHB1886 Health insurance; coverage for reconstructive breast surgery. Provides that notice of the availability of health insurance coverage for reconstructive breast surgery be provided to the policy's subscribers upon enrollment in the policy and annually thereafter.

Patron - May

PHB1937 Insurance agent licensing. Increases the maximum amount of burial association group life insurance certificate that may be solicited with respect to members of such an association, pursuant to a limited burial insurance authority, to \$7,500. Currently the maximum is \$5,000.

Patron - Nixon

PHB1948 Property insurance; adverse underwriting decisions. Prohibits an insurer from basing an adverse underwriting decision solely on the loss history of a previous owner of the property to be insured.

Patron - Drake

PHB2048 Virginia Birth-Related Neurological Injury Program. Authorizes the Workers' Compensation Commission to award up to \$100,000 to the parents or legal guardian of an injured infant covered under the Virginia Birth-Related Neurological Injury Program who dies within 180 days of birth. The Program is made subject to the Freedom of Information Act and is required to implement procedures consistent with the Public Procurement Act and the rulemaking provisions of the Administrative Process Act. The Virginia Birth-Related Neurological Injury Fund must be audited annually by a certified public accountant. The Office of the Attorney General is required to provide legal services for the Program. Other changes (i) clarify that a mother is not subject to the Program's

exclusive remedy provision with respect to physical injuries she suffers during delivery; (ii) require hospitals to release fetal monitoring strips to the Program or injured infant's legal representative and provide that the failure to provide the information creates a rebuttable presumption of fetal distress; (iii) require the investigation and referral to the Board of Health Professions or Department of Health, as appropriate, of health care providers and participating hospitals if the conduct gives rise to disciplinary action; (iv) require physicians and nurse midwives to inform patients whether they are participants in the Program; (v) require all hospitals to provide a brochure on the Program with post-partum materials if the infant was hospitalized in a neonatal intensive care unit; (vi) require the report of the reviewing panel of physicians to be mailed to the Program and all parties within 60 days after the filing of a petition; and (vii) provide that the Act's exclusive remedy provision applies with respect to claims by an infant's parents or other representative if the claim is derivative of the medical malpractice claim involving the infant's injury. The panel's report is required to confirm whether each element of the definition of a birth-related injury is satisfied, and the panel is to complete such documentation as the Program's board of directors requires. Physician review panel duties will rotate among Eastern Virginia Medical School, University of Virginia School of Medicine, and the Medical College of Virginia on a case-by-case basis. The Commission may require the claimant to procure health insurance for the injured infant, to be paid for from the Fund. The Commission may award unsuccessful petitioners reasonable attorneys' fees and other expenses incurred in filing a claim in good faith. The Program's board is required to consult semiannually with the chief investment officer of the Virginia Retirement System regarding fund management strategies and asset allocations, and the Program's investment advisor shall provide annual statements explaining the expected returns on its equities and fixed income portfolios. The Program's board is directed to (a) develop and implement a policy on handicapped-accessible housing, (b) study and develop options for revising fees for participating providers, and (c) maintain a list of Program participants and, with consent, make the list available to other claimants. The board of director's power to reduce the annual participating physician assessment and the annual participating hospital assessment is eliminated. The board's nonparticipating physician representative is replaced with a citizen member with professional experience working with the disabled community. Two of the other citizen members of the board are required to have a minimum of five years of professional investment experience, one is required to have professional experience working with the disabled community, and one shall be the parent of a disabled child. This bill incorporates HB 2307.

Patron - Woodrum

PHB2234 Essential and standard health services plans. Exempts essential and standard health services plans from mandated provider requirements and allows such plans to include co-payment, co-insurance, deductibles and other cost-sharing arrangements.

Patron - Pollard

PHB2267 Insurance; unfair settlement practices; replacement and repair. Prohibits insurance companies and their representatives from failing to disclose to its insured or claimant, at any time that it recommends the use of a designated replacement or repair facility or service or products of a designated manufacturer that (i) such person is not obligated to use such facilities, services, or materials and (ii) the insurer has a financial interest in the replacement or repair facility, if the insurer has such an interest. This bill incorporates HB 2333 and HB 2737.

Patron - Hargrove

PHB2512 Motor vehicle insurance; exclusion of named persons. Allows a named insured to exclude any person under personal umbrella and excess insurance policies. The exclusion must be made in writing by the first named insured and acknowledged in writing by the excluded driver. This bill is identical to SB 1154.

Patron - McDonnell

PHB2524 Insurance information privacy. Permits the oral communication of an insurer's privacy practices provided that the insured is given written notice of such practices if a policy is issued. The bill also permits agents to be in compliance with notice requirements if the notice has been given within the previous 12 months.

Patron - Morgan

PHB2535 Use of credit information in insurance transactions. Prohibits insurers from nonrenewing homeowners, renters, or motor vehicle insurance policies based on credit information contained in a consumer report. If credit information is used in part as the basis of nonrenewal, the report must have been procured within 120 days from the date of the nonrenewal. The measure also establishes requirements concerning the use of credit information and credit scores for underwriting, tier placement, or rating purposes with respect to such insurance policies. This bill is identical to SB 1284.

Patron - Byron

PHB2544 Home protection companies; arbitration clauses. Permits home protection companies to include in their contracts a provision that requires the contract holder to submit to binding arbitration in any dispute between the contract holder and the home protection company.

Patron - McDonnell

PHB2601 Health maintenance organizations; powers. Permits a health maintenance organization to offer to its subscribers deductibles, copayments, and cost-sharing provisions provided they comply with applicable state law. "Copayment" is defined as an amount an enrollee is required to pay in order to receive a specific health care service. "Deductible" is defined as an amount an enrollee is required to pay out-of-pocket before the health care plan begins to pay the costs associated with health care services. This bill is identical to SB 1195.

Patron - Bryant

PHB2606 Fire insurance; exclusions. Provides that commercial property and casualty insurance policies shall not cover loss or damage from certified acts of terrorism if the insured has refused coverage offered pursuant to the federal Terrorism Risk Insurance Act. The measure also allows simplified and readable policies to be issued to apply on an excess or primary basis if such provisions are clearly stated.

Patron - Bryant

PHB2609 Annuity contracts; minimum interest rate. Reduces the minimum interest rate on individual deferred annuities issued by insurance companies between April 1, 2003 and July 1, 2005, from three percent to one and one-half percent per year. The interest rate applies to minimum nonforfeiture amounts applicable to net considerations, partial withdrawals, and partial surrenders. The measure has an emergency clause.

Patron - Bryant

PHB2613 Viatical Settlement Act. Replaces the existing Viatical Settlement Act with a more comprehensive version based on model legislation adopted by the National

Association of Insurance Commissioners (NAIC) in 2000. The measure authorizes persons who are licensed by the State Corporation Commission as viatical settlement providers and viatical settlement brokers to negotiate, effectuate, and assume responsibility for viatical settlement contracts. A viatical settlement contract is an agreement by which the owner of an insurance policy may accept an immediate cash payment in exchange for the assignment, transfer, sale, or other conveyance of the death benefit or ownership of the insurance policy. This measure regulates viatical settlements regardless of whether the transaction involves a chronically or terminally ill person. Other provisions (i) adopt new definitions that recognize the securitization activities of viatical settlement brokers and providers, (ii) expand notice and disclosure requirements, and (iii) require brokers and providers to develop anti-fraud plans. Provisions of the act that differ from the NAIC model include (a) specifying that this act does not preempt the Virginia Securities Act and (b) prohibiting the viatication of life insurance policies that are less than two years old except in limited circumstances, including the chronic or terminal illness of the insured. Life and annuities insurance agents are permitted to be licensed as viatical settlement brokers. This bill incorporates HB 2268.

Patron - Bryant

PHB2802 Insurance consultants; contract provisions. Requires any incentives, bonuses, overrides, or any other form of remuneration, whether direct or indirect, to which an insurance consultant is entitled to be specified in the consultant's contract.

Patron - Carrico

PHB2803 Accident and sickness insurance; claims experience. Requires insurers issuing group accident and sickness insurance policies to provide to policyholders that are large employers, upon request, when providing the policyholder's claims experience record, a summary of claims charges incurred and the amount paid for each claim for the most recent available 24-month period. This record must also include (i) the monthly enrollment in each membership type, and (ii) a listing of claims in excess of \$50,000, for the same 24-month period.

Patron - Carrico

PSB853 Insurance administration assessment; company reports. Allows insurance companies to file assessment reports either on a form furnished by the State Corporation Commission or on a form furnished by the insurer or its vendor if the form has been approved by the Commission. Currently, the reporting forms must be furnished by the Commission.

Patron - Stosch

PSB877 Insurance agents; payment of late payment penalties. Clarifies that an insurer's failure to pay penalties imposed as a result of late payment of appointment processing fees and renewal appointment fees constitutes nonpayment of the required fees, and such failure constitutes grounds for termination of the appointment.

Patron - Wampler

PSB878 Insurance information security programs. Requires insurance institutions, agents, and insurance-support organizations to implement a comprehensive information security program to safeguard the privacy of consumer information. The measure is required pursuant to the federal Gramm-Leach-Bliley Act and is based on model language adopted by the National Association of Insurance Commissioners.

Patron - Wampler

PSB943 Health insurance exclusion periods for preexisting conditions; pregnancy. Clarifies that the prohibition on excluding health insurance coverage for pregnancy as a preexisting condition does not apply to eligible individuals purchasing individual health insurance coverage. In such cases, the health insurer may impose a preexisting condition exclusion for a pregnancy that exists on the effective date of coverage. This change is intended to resolve an inconsistency with another provision that currently provides that preexisting conditions may not be applied for eligible individuals for individual health insurance coverage.

Patron - Colgan

PSB944 Health insurance policy provisions; refunds of unearned premiums. Clarifies that provisions added by House Bill 1236 (2000) regarding refunds of the unearned portion of premiums are inapplicable to policies that were issued prior to January 1, 2001, and have not been subsequently renewed or extended. The amendments make no substantive change to the legislation enacted in the 2000 Session.

Patron - Colgan

PSB978 Insurance; claims experience data. Requires any rate service organization designated by the Commission to gather and compile experience data for any classification of workers' compensation insurance that includes coal mining to report such data annually to the Commission for the most recent five years for which such data is available.

Patron - Wampler

PSB993 Motor vehicle insurance; uninsured motorist coverage. Authorizes an immune defendant to remain as a party to litigation as an anonymous party if the court refuses to dismiss such defendant. A judgment against the immune defendant in such event is enforceable against the insurer to the same extent as though the judgment was entered in the actual name of the immune defendant.

Patron - Mims

PSB1081 Health insurance; mandated coverage for morbid obesity treatment. Requires that the standards and criteria, including those related to diet, used by insurers to approve or restrict access to surgery for morbid obesity shall be based upon current clinical guidelines recognized by the National Institutes of Health. This is intended to clarify whether insurers can consider dietary standards.

Patron - Lambert

PSB1131 Insurance notices. Provides that a cancellation, nonrenewal or certain other notices regarding motor vehicle, homeowners, and certain liability insurance policies are effective if the insurer (i) obtains a written receipt from the United States Postal Service showing the date of mailing and the number of items mailed and (ii) retains a mailing list showing the name and address of the insured to whom the notices were mailed, together with a signed statement that the United States Postal Service receipt corresponds to the insurer's mailing list.

Patron - Norment

PSB1154 Motor vehicle insurance; exclusion of named persons. Allows a named insured to exclude any person under personal umbrella and excess insurance policies. The exclusion must be made in writing by the first named insured and acknowledged in writing by the excluded driver. This bill is identical to HB 2512.

Patron - Stolle

PSB1195 Health maintenance organizations; powers. Permits a health maintenance organization to offer to its subscribers deductibles, copayments, and cost-sharing provisions provided they comply with applicable state law. "Copayment" is defined as an amount an enrollee is required to pay in order to receive a specific health care service. "Deductible" is defined as an amount an enrollee is required to pay out-of-pocket before the health care plan begins to pay the costs associated with health care services. This bill is identical to HB 2601.

Patron - Wagner

PSB1284 Use of credit information in insurance transactions. Prohibits insurers from nonrenewing homeowners, renters, or motor vehicle insurance policies based on credit information contained in a consumer report. If credit information is used in part as the basis of nonrenewal, the report must have been procured within 120 days from the date of the nonrenewal. The measure also establishes requirements concerning the use of credit information and credit scores for underwriting, tier placement, or rating purposes with respect to such insurance policies. This bill is identical to HB 2535.

Patron - Puckett

PSB1316 Medical malpractice joint underwriting association; activation. Require the State Corporation Commission to commence an investigation of the voluntary market for medical malpractice insurance not later than October 1, 2003, to determine whether there exists sufficient need to activate the medical malpractice joint underwriting association. The Commission shall activate the association if, after investigation, notice, and hearing, it finds that medical malpractice insurance cannot be made reasonably available in the voluntary market for a significant number of any class, type, or group of providers of health care.

Patron - O'Brien

Failed

FHB1698 Health insurance; diabetes treatment by dietitians. Prohibits the denial of reimbursement under an accident and sickness insurance policy when covered services are provided by a dietitian in connection with care for diabetes. The measure also provides that mandated diabetes in-person outpatient self-management training and education may be provided by dietitians.

Patron - McQuigg

FHB2032 Healthcare coverage; hearing aids. Requires health insurers, health maintenance organizations, and corporations providing health care coverage subscription contracts to provide coverage for hearing aids and related services for children from birth to age 18. Such coverage shall include one hearing aid per hearing-impaired ear, up to a cost of \$1,400, every 36 months. The insured may choose a higher priced hearing aid and pay the difference in cost above \$1,400, with no penalty to the insured or the hearing aid provider.

Patron - Petersen

FHB2072 Health insurance; referrals to participating physicians. Prohibits health insurers, corporations providing accident and sickness subscription contracts, and health maintenance organizations from requiring a covered individual to obtain a referral from his primary care physician or prior authorization of the health plan as a condition to access to the services any physician who is (i) participating in the plan's provider panel, (ii) authorized to provide services under the plan, and (iii) selected by such individual.

Patron - Dudley

FHB2092 Uninsured motorist insurance coverage; duty to defend. Eliminates the duty of a primary insurance carrier to defend an uninsured motorist case once the carrier has paid the limits of the policy.

Patron - Joannou

FHB2178 Civil procedure; disclosure of insurance liability limits. Requires disclosure of the liability limits to an attorney for an injured person, prior to the filing of a civil action for personal injuries resulting from a motor vehicle accident, after the attorney provides written notice of representation.

Patron - Kilgore

FHB2260 Uninsured motorist insurance coverage. Permits an insured who sues an uninsured motorist for damages of less than \$35,000 to add his insurance carrier to a suit as a defendant if the carrier chooses to participate in a defense against the insured. The bill also allows an insured to seek judgment jointly or severally against any owner of a vehicle who knew or should have known that the vehicle was operated unlawfully. Finally, the bill prohibits an insurer that was defending an uninsured motorist claim from appealing a judgment of less than \$35,000.

Patron - Watts

FHB2268 Viatical Settlement Act. Replaces the existing Viatical Settlement Act with a more comprehensive version based on model legislation adopted by the National Association of Insurance Commissioners (NAIC) in 2000. A viatical settlement contract is an agreement by which the owner of an insurance policy may accept an immediate cash payment in exchange for the assignment, transfer, sale, or other conveyance of the death benefit or ownership of the insurance policy. The proposal permits the viatication of life insurance policies within two years following their issuance upon the occurrence of several events, such as divorce or attaining age 65, that are not currently authorized. Currently, such policies may be viaticated within the two-year period only if the viator is terminally ill or chronically ill. Variations from the NAIC model will (i) allow any person with a life insurance producer's license to be deemed to hold a viatical settlement broker's license upon notifying the State Corporation Commission and paying applicable fees; (ii) permit viatical settlement providers to appoint a viatical settlement provider representative, who negotiate viatical settlement contracts with viators on behalf of providers; and (iii) require insurers to inform policy owners who may be considering canceling their policies or letting them lapse of the opportunity of a viatical settlement. Administrative matters, including procedures for obtaining cease and desist orders, the conduct of examinations, issuing subpoenas, retaining experts to assist in examinations, confidentiality of materials, conflicts of interest, and liability of the Commission and its examiners, are addressed in detail. The bill will become effective September 1, 2003. This bill is incorporated into HB 2613.

Patron - Hargrove

FHB2307 Birth-Related Neurological Injury Compensation Program. Requires participating hospitals and physicians to notify obstetrical patients of the rights and limitations provided by the Birth-Related Neurological Injury Compensation Program, and to provide for written consent by patients who agree that any claim with respect to a birth-related neurological injury will be pursued under the Program to the exclusion of any medical malpractice claim. If an obstetrical patient does not consent to have the participation in the program be the claimant's exclusive remedy, the infant's legal representative may either pursue a claim under the Program or bring a civil action against a participating hospital or physician.

Other amendments to the Program require that each hospital that provides obstetrical services (i) retain records relating to labor or delivery, including the fetal heart monitor tape, for a minimum of 10 years and (ii) provide possible claimants with all medical records related to birth. A hospital that fails to do so shall be subject to a civil penalty of not more than \$5,000. If the hospital fails to provide the fetal heart monitor tape, fetal distress shall be rebuttably presumed. The State Corporation Commission's authority to suspend the annual assessment levied upon participating hospitals and physicians is eliminated. This bill is incorporated into HB 2048.

Patron - Devolites

FHB2333 Insurance; unfair settlement practices; replacement and repair. Prohibits insurance companies and their representatives from recommending the use of a designated replacement or repair facility or service or products of a designated manufacturer when settling a claim without first (i) advising the insured or claimant that they are not obligated to use such facilities, services, or materials and (ii) disclosing to the insured or claimant whether or not the insurer or its representative has a financial interest in the facility. Failure to advise the insured or claimant may result in penalties of up to \$5,000. The use of such facilities, services or materials alters neither the insurer's nor the insured or claimant's liabilities or obligations under the insurance policy or applicable law. This bill is incorporated into HB 2267.

Patron - Miles

FHB2353 Motor vehicle insurance; information cards. Requires insurers issuing motor vehicle insurance policies to provide the named insured with an information card that includes information about the insurer, the insured, the period of coverage, and the policy number.

Patron - Hull

FHB2443 Homeowners insurance policy nonrenewals. Prohibits an insurer or agent from refusing to renew an insurance policy that was written on an owner-occupied dwelling solely because of a claim resulting primarily from other than natural causes, unless the claim is related to a substantial increase in the risk of loss that the insurer assumed under the policy. Currently, an insurer may not refuse to renew a policy due to claims resulting primarily from natural causes, but may do so for claims resulting primarily from any other cause.

Patron - Dillard

FHB2552 Health care coverage; artificial limbs. Requires health insurers, health maintenance organizations and corporations providing health care coverage subscription contracts to provide coverage for artificial limbs.

Patron - Landes

FHB2558 Liability insurance; overvoltage claims. Provides that a liability insurer's refusal to pay a claim resulting from an electricity overvoltage is arbitrary or unreasonable if the insurer requires relitigation of the issue of the negligence of the insured or the electric utility as causing the overvoltage. In addition, a finding that the insured or the electric utility was, or was not, negligent shall be binding upon the trier of fact in any subsequent action involving a claim against the insured for injury or damage resulting from the overvoltage, and the insured is collaterally estopped from relitigating the issue of the negligence of the insured and the electric utility.

Patron - Scott

FHB2567 Nonrenewal of fire policies based on claims. Prohibits an insurer from nonrenewing a homeowner's policy based on the filing of a claim that results primarily from nonnatural causes when the insurer's underwriting standards or

other business practices under which the filing of claims constitutes grounds for not renewing the policy, unless the insurer notifies the insured that his claim will be grounds for nonrenewing the policy and that the insured may withdraw such claim without prejudice. If the insured does not withdraw his filing of the claim, the processing of the claim will proceed and its filing may be considered by the insurer in deciding whether to nonrenew the policy.

Patron - Scott

FHB2660 Fire Programs Fund; assessment on motor vehicle insurance. Requires insurance companies that write motor vehicle insurance to pay an assessment of one percent of the total direct gross premium income from such insurance. The assessments will be paid into the Fire Programs Fund, which is administered by the Department of Fire Programs under policies and definitions established by the Virginia Fire Services Board.

Patron - Van Yahres

FHB2676 Insurance; reimbursement for ambulance services. Requires the issuer of an accident and sickness policy that provides reimbursement for ambulance services to pay the amount billed, unless the issuer has negotiated a different amount. If the issuer has negotiated a lower amount, the covered person may not be held liable for the difference between the billed amount and the negotiated amount.

Patron - O'Bannon

FHB2737 Motor vehicle insurance; referral of certain business. Prohibits motor vehicle insurers from recommending the use of a designated replacement or repair facility or service, or the products of a designated manufacturer, in connection with settling or paying any claim arising under a policy or policies of insurance without (i) notifying the insured or claimant that he is under no obligation to use the recommended facility, service or products, and (ii) disclosing to the insured or claimant whether or not the insurer or its representative has a financial interest in such facility or service. The bill also prohibits such insurers from referring an insured to such facilities in which the insurer holds a controlling interest. "Control" is defined as the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a person, and includes ownership of 10 percent or more of a corporation's voting shares. This bill is incorporated into HB 2267.

Patron - Lingamfelter

FHB2753 Insurance; use of credit information. Sets forth specific criteria for insurers who use consumer credit information to underwrite risks in motor vehicle insurance and fire insurance policies. Insurers are prohibited from denying, cancelling, or nonrenewing a policy solely based on credit information, basing an insured's rates solely upon credit information, or considering the absence of credit information in underwriting. Insurers that use credit information in underwriting are required to update an insured's credit information every 36 months. If an insurer uses credit information in underwriting, it must disclose so on the insurance application. If an insurer takes an adverse action based upon credit information, the insurer must notify the consumer and explain the reason for the action in specific terms. Insurers are required to file their credit scoring models or other scoring processes with the Bureau of Insurance.

Patron - Abbitt

FHB2779 Accident and sickness insurance; coverage for household members. Permits an accident and sickness insurance policy to be extended to include coverage for persons (i) in whom the primary insured has an insurable interest, and

(ii) who reside in the same household as the insured. Current law only permits coverage to be extended to a spouse or dependent children of the insured.

Patron - Dillard

FSB870 Health insurance; exclusion for prophylactic surgical procedures for difficult-to-diagnose pathologies; genetic predisposition. Prohibits health insurers, corporations providing accident and sickness subscription contracts, and health maintenance organizations from refusing to provide coverage for prophylactic surgical procedures and medical services directly related thereto, in cases where the covered person's treating physician has determined that the person has a genetic factor or family history indicating a predisposition to a difficult-to-diagnose pathology, the risks to the covered person of developing the difficult-to-diagnose pathology as a result of such person's predisposition render such services medically appropriate, and coverage for treatment of the difficult-to-diagnose pathology would be provided under the terms of the policy, contract or plan if the difficult-to-diagnose pathology has been diagnosed. A difficult-to-diagnose pathology is a disease that is asymptomatic or otherwise not susceptible to diagnosis until reaching a stage at which the likelihood of successful treatment is significantly less than it would be had the treatment been performed when the disease was asymptomatic or not susceptible to diagnosis. A prophylactic surgical procedure is a surgical procedure that is performed prior to the diagnosis of or presentation of symptoms of a difficult-to-diagnose pathology, in order to prevent, eliminate or reduce the likelihood of the development of the difficult-to-diagnose pathology.

Patron - Deeds

FSB919 Health insurance program for self-employed persons. Requires the Department of Human Resource Management to establish a program authorizing self-employed persons and their dependents to participate as enrollees in the health insurance plan for state employees. Participating self-employed persons will be required to pay the full cost of their participation in the state employees' health insurance plan, in order that the costs of the program shall have no material effect upon the costs of the state employees' health insurance plan. Participating self-employed persons will constitute a part of the same group as the other individuals participating in the state employees' health insurance plan.

Patron - Byrne

FSB994 Motor vehicle insurance; underinsurance coverage; notice of payment to the extent of available coverage. Specifies the nature and content of the notice that a liability insurance carrier must give its insured whenever (i) it intends to pay the entire amount of the insured's limits of available coverage under the policy to a liability insurance claimant and (ii) the claimant has underinsured insurance coverage in excess of the amount paid. The notice must also be given to all insurance carriers providing underinsurance coverage relative to the claim. The contents of the notice must include a statement that (a) the liability insurance carrier will continue to provide a defense of the claim, (b) all available limits of liability have been paid to the claimant and (c) the insured may be personally liable for any judgment in excess of the amount paid. The bill also provides that by giving such notice to the carrier providing underinsurance coverage to the claimant, the costs of defense may be shifted from the liability carrier to the underinsurance carrier.

Patron - Mims

FSB1016 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 - Reynolds

FSB1150 Insurance reimbursement for multiple surgical procedures. Requires insurers to reimburse each procedure for reconstructive breast surgery on different breasts in full whether or not performed during the same operative session.

Patron - Stolle

FSB1159 Hearing aids for small children. Requests the State Corporation Commission 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

FSB1166 Fire Programs Fund; assessment on motor vehicle insurance. Requires insurance companies that write motor vehicle insurance to pay an assessment of one percent of the total direct gross premium income from such insurance. The assessments will be paid into the Fire Programs Fund, which is administered by the Department of Fire Programs under policies established by the Virginia Fire Services Board.

Patron - Puckett

FSB1248 Accident and sickness insurance; coverage for obesity. Requires health insurers, corporations providing accident and sickness subscription contracts, and health maintenance organizations to offer and make available the opportunity to purchase a rider or endorsement to the policy, contract or plan that provides coverage for the treatment of obesity.

Patron - Miller, Y.B.

FSB1265 Health insurance coverage; menorrhagia. Expands the current requirement for insurance coverage for bleeding disorders to include menorrhagia. "Menorrhagia" is defined as menstrual blood loss greater than 80 milliliters per menstrual cycle.

Patron - Miller, Y.B.

FSB1294 Motor vehicle insurance repair settlement practices. Provides that insurers shall not be required to pay an amount for motor vehicle repair services or repair products necessary to properly and fairly repair a vehicle that exceeds the prevailing competitive charges for equivalent services or products charged by similar contractors or repair shops within a reasonable geographic or trade area of the address of the insured or claimant.

Patron - Williams

FSB1328 Health insurance; fair business practices. Provides that the "retroactive denial of a previously paid claim" or "retroactive denial of payment" includes any attempt by a carrier to deny or adjust a claim after it has been paid, or collect from the provider any sums previously paid to the provider with respect to a claim that the carrier had approved, unless the carrier has based such denial or adjustment on information specific to that claim, and not on an extrapolation of the

results of an audit of a sample of other claims. The measure also prohibits a carrier from (i) seeking to collect alleged overpayments from a provider with respect to any claim or claims previously paid if the carrier's allegation of overpayment is based on an extrapolation of the results of an audit of a sample of a provider's claims to other, unaudited claims or (ii) conducting an audit of a provider's claims unless the State Corporation Commission has determined that the methods and procedures pursuant to which the audit is conducted are fair and equitable.

Patron - Saslaw

Labor and Employment

Passed

PHB1751 **Payment of wages and salaries.** Authorizes payments of wages or salaries by electronic funds transfer to be made into a trust account on which the employee is a named beneficiary, with consent of the employee.

Patron - Parrish

PHB2696 **Occupational health and safety.** Deletes obsolete language relating to the effect of 1972 legislation upon duties of the Department of Labor and Industry, the Commissioner of Labor and Industry, and the State Corporation Commission. The deleted provision refers to duties imposed upon the State Corporation Commission by sections of the Code that have either been repealed or do not pertain to the State Corporation Commission.

Patron - Woodrum

PSB989 **Child labor; exemptions.** Lowers the minimum age for referees of sporting events from 13 to 12 years of age.

Patron - Mims

Failed

FHB1887 **Workplace privacy.** Requires employers with 10 or more employees to notify employees prior to engaging in electronic monitoring. The bill provides limited restrictions on the power to engage in and the disclosure of material obtained through electronic monitoring. Employers are not required to give notice when they have reasonable grounds to believe that a particular employee is engaged in conduct that violates the law, the legal rights of the employer or the employer's employees, or creates a hostile workplace environment, and that electronic monitoring will produce evidence of this misconduct. The original version of this bill is a recommendation of the Joint Commission on Technology and Science.

Patron - May

FHB2258 **Employment records.** Requires a current or former employer to provide employment information to a prospective law-enforcement employer. The current or former employer is afforded the same immunity from civil liability as provided under § 8.01-46.1, and is required to provide for the confidentiality of the information. The current or former employer may charge a reasonable fee for copying and furnishing the documents.

Patron - Watts

FHB2790 **Blood-borne pathogen hazards in the workplace; needleless systems and engineered sharps**

injury protection. Requires the Safety and Health Codes Board to provide an emergency temporary standard, which must be followed by adoption of a permanent standard, that establishes protections for occupational exposure to blood-borne pathogens and must include requirements for engineered sharps injury protection and needleless systems and may include other mechanisms for preventing sharps injuries and exposure prone incidents such as training and education, vaccination recommendations, strategic handling and placement of sharps containers, and use of personal protective equipment. "Engineered sharps injury protection" is defined as a physical attribute (i) built into a needle device used for withdrawing body fluids, accessing a vein or artery or administering medications or other fluids that effectively reduces the risk of exposure to blood-borne pathogens by mechanisms, such as barriers, blunting, encapsulation, withdrawal, retraction, destruction or other effective protection; or (ii) built into any other type of needle device or into a nonneedle sharp that effectively reduces the risk of exposure to blood-borne pathogens. "Needleless system" is defined as a device that does not utilize needles that may be used for (i) withdrawal of body fluids after venous or arterial access has been established; (ii) administration of medication or fluids; or (iii) any other procedure that includes a risk of exposure to blood or other body fluids and, thereby, the risk of exposure to blood-borne pathogens. The State Health Commissioner is required to advise and provide technical aid to the Commissioner of Labor and Industry and to the Safety and Health Codes Board concerning occupational exposure to blood-borne pathogens and the use of engineered sharps injury protection and needleless systems. This assistance must include a list of available needleless systems and sharps with engineered sharps injury protection that can be developed from existing sources and must be made available to assist employers. Each employer having employees at risk for exposure to blood-borne pathogens through injury with sharps must (i) conduct product evaluations of needleless systems and sharps with engineered sharps injury protections and (ii) establish an evaluation committee, at least half of whom must be front-line health care workers. The product evaluations must include various devices such as I.V. catheters, I.V. access devices and I.V. connectors; vacuum-tube blood collection devices; blood-drawing devices such as phlebotomy needles and tube holders, butterfly-type devices, and syringes; syringes used for purposes other than blood drawing; suture needles; scalpel devices; and any other category of device having a sharps injury risk. The evaluation committee must represent all services and medical specialties in the facility and be charged with developing and revising as necessary a written exposure control plan that (i) identifies effective existing needleless systems and sharps with engineered sharps injury protection, (ii) determines by means of objective product evaluation criteria when use of such devices could jeopardize patient or employee safety and is not indicated for specific medical procedures, and (iii) includes a procedure for maintaining a sharps injury record with entries for incident dates and times, type and brand of the involved sharp and whether the sharp had engineered sharps injury protection and the status of such engineered sharps injury protection at the time of the incident; a detailed description of the incident that includes the injured employee's position, the location in the facility in which the incident occurred, the relevant procedure, the anatomical location of the employee's injury, and an analysis of how the incident could have been prevented. The Safety and Health Codes Board is required to promulgate emergency regulations to implement this provision, i.e., within 280 days of its enactment.

Patron - Brink

FSB908 **Occupational health and safety; mold.** Creates a statutory scheme for identification and remediation of mold in occupational buildings, similar to the current statutory

scheme for asbestos remediation. The Safety and Health Codes Board is charged with developing regulations that determine a permissible exposure to mold that does not violate the safety and health of employees, and ensure the proper remediation of mold in occupational buildings. The Commissioner of Labor and Industry is authorized to receive complaints about mold, conduct inspections of buildings, investigate any complaints, hold hearings or institute legal proceedings to enforce the regulations. Building owners in violation of Board regulations may be guilty of a misdemeanor, charged with a fine of up to \$1,000 per violation, and subject to a civil penalty of up to \$25,000 per violation.

Patron - Miller, Y.B.

FSB1006 Virginia Whistleblower Act. Creates a statutory claim for employment discrimination against an employer who takes adverse action against an employee who refuses to engage in a criminal act or other act in violation of state law, or cooperates with a public agency conducting an investigation of an alleged violation of state law by the employer. The employee may not bring a claim unless he first discloses his concern to a supervisor and the supervisor has the opportunity to correct the problem. The court may order injunctive relief, reinstatement of the employee, or compensation for lost wages. The prevailing party may be entitled to reasonable attorneys' fees and costs. The Act does not apply to employees who have a written contract of employment or collective bargaining. The Act overturns the Supreme Court decision of *Bowman v. State Bank of Keysville*, and abrogates any common law rights or remedies for wrongful discharge.

Patron - Mims

FSB1289 Workplace privacy. Requires employers with 10 or more employees to notify employees prior to engaging in electronic monitoring. The bill provides limited restrictions on the power to engage in and the disclosure of material obtained through electronic monitoring. Employers are not required to give notice when they have reasonable grounds to believe that a particular employee is engaged in conduct that violates the law, the legal rights of the employer or the employer's employees, or creates a hostile workplace environment, and that electronic monitoring will produce evidence of this misconduct. The original version of this bill is a recommendation of the Joint Commission on Technology and Science.

Patron - Ticer

Libraries

Passed

PHB1509 State Networking Users Advisory Board. Abolishes the State Networking Users Advisory Board. The Board was created in the 1980s to enable integration of the library networking system between The Library of Virginia and other libraries across the state. The Board is no longer necessary because it has accomplished its objective. This bill is a recommendation of the Joint Subcommittee Studying the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities pursuant to HJR 159 (2002).

Patron - Cox

PHB1510 State Public Records Advisory Council. Abolishes the State Public Records Advisory Council. The Council proposes to the State Library Board rules, regulations, and standards for the purpose of establishing uniform guide-

lines for the management and preservation of public records throughout the Commonwealth. The Council has not been able to function to the full capacity of its mission because its duties and responsibilities are vague and members have full-time positions with little time to become familiar with public recordkeeping issues. This bill is a recommendation of the Joint Subcommittee Studying the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities pursuant to HJR 159 (2002).

Patron - Cox

Failed

FHB2138 Acceptable Internet use policies. Requires division superintendents and library boards and governing bodies of localities without library boards, in biennially filing their acceptable Internet use policies with the Superintendent of Public Instruction and the Librarian of Virginia, respectively, to include a report detailing all incidents in violation of such policies occurring in that biennium. The Superintendent and the Librarian of Virginia, in turn, are to transmit, along with their respective biennial policy summary reports to the Chairmen of the House Committee on Education, the House Committee on Science and Technology, and the Senate Committee on Education and Health, a report of such violations.

Patron - Brink

Mechanics' and Certain Other Liens

Passed

PHB1615 Mechanics' liens; 120-day affidavit. Adds "a signed statement attested to by a witness" as an alternative to the 120-day affidavit that the owner of residential real property must provide to the purchaser stating that all persons performing labor or furnishing materials in connection with any improvements on such property within 120 days prior to the date of settlement and with whom such owner is in privity of contract have been paid in full.

Patron - Albo

PHB1819 Perfection of lien by general contractor; recordation and notice. Requires a mechanic's lien claimant who is a general contractor to file along with the memorandum of lien a certification that he has mailed a copy of the memorandum of lien to the affected owner's last known address. Currently from the time of recording and indexing of the lien all persons are deemed to have notice of the lien.

Patron - Scott

PSB841 Lien for ambulance service. Increases from \$50 to \$200 the maximum lien that an ambulance service may have on the personal injury claim of the person to whom the ambulance service was provided, and incorporates the lien provisions for ambulance service into Title 8.01, Chapter 3, Article 7.1. The lien amount for ambulance service has not been amended since it was enacted in 1956.

Patron - Quayle

Military and Emergency Laws

Passed

PHB2816 Preparedness and Coordination Program. Adds the following to the requirements of the State Department of Emergency Management in its administration of emergency services and disaster preparedness programs: (i) coordinating with political subdivisions and state agencies to ensure that the Commonwealth has the most up-to-date assessments and preparedness plans to prevent, respond to and recover from disasters, including acts of terrorism; (ii) conducting a statewide emergency management assessment; and (iii) submitting to the Governor and to the General Assembly an annual report on the status of emergency management response plans. The bill also provides that the Department shall encourage private industries whose goods and services are deemed vital to the public good to provide annually updated preparedness assessments to the local coordinator of emergency management and requires political subdivisions to provide an annual emergency management assessment to the State Coordinator of Emergency Management.

Patron - Bolvin

PSB910 Rights, benefits and protections upon call to active duty. Provides that any right, benefit, or protection that may accrue to a member of the Virginia National Guard under the Federal Soldier's and Sailor's Civil Relief Act as a result of a call to federal active duty service under Title 10 of the United States Code shall be extended to a member of the Virginia National Guard called to active duty service under Title 32 of the United States Code, or to state active duty by the Governor, if the active duty orders are for a period of 30 consecutive days or more.

Patron - Wampler

Failed

FHB2570 Governor's emergency powers; closed captioning of emergency news. Gives the Governor the power to require any television broadcast station located in Virginia that is capable of providing closed captioning of live news broadcasts to provide such captioning of any news that may affect the health, safety or welfare of the deaf and hard-of-hearing citizens of the Commonwealth.

Patron - Darner

Mines and Mining

Passed

PHB1623 Mineral mining safety. Exempts scientific workers; delivery workers; customers, including commercial over-the-road truck drivers; vendors; and visitors from the training program requirements for miners.

Patron - Cox

PHB2465 Department of Mines, Minerals, and Energy permit fees. Increases the cost of permits and licenses issued by the Department of Mines, Minerals, and Energy. Twelve of the fees are set by statute, while two fees are set by regulation. The bill contains enactment clauses directing the Virginia Gas and Oil Board and the Department of Mines, Minerals, and Energy to increase those two fees and exempts those

regulatory amendments from the Administrative Process Act. This bill is identical to SB 1173.

Patron - Stump

PSB1173 Department of Mines, Minerals, and Energy permit fees. Increases the cost of permits and licenses issued by the Department of Mines, Minerals, and Energy. Twelve of the fees are set by statute, while two fees are set by regulation. The bill contains enactment clauses directing the Virginia Gas and Oil Board and the Department of Mines, Minerals, and Energy to increase those two fees and exempts those regulatory amendments from the Administrative Process Act. This bill is identical to HB 2465.

Patron - Puckett

PSB1308 Establishing trust for coal interests. Authorizes persons owning a majority interest in a tract of coal to petition the circuit court to establish a trust in those instances when not all the owners of the tract can be located or the owners are known but are unwilling to mine the coal. The proceeds of the leased coal will be placed in a trust and in the case of unknown owners held for five years and then disbursed under provisions of the Uniform Disposition of Unclaimed Property Act. For known owners unwilling to develop the coal, a trustee is empowered to escrow the proceeds of the lease until such time as the minority owner's claim is established to the satisfaction of the court.

Patron - Puckett

Motor Vehicles

Passed

PHB1377 Special license plates. Repeals authorization for issuance of special license plates for Eagle Scouts and public safety communications professionals; members of the Navy League, Virginia State Police Alumni, Inc., AHEPA; the 82nd Airborne Division Association, the Amateur Radio Emergency Service, and the National Society of Black Engineers; supporters of public schools, the Boy Scouts of America, and the Chincoteague Pony Association; bearing the legends "Hampton Roads" and "Virginia is for Lovers"; celebrating the history of Fairfax County; and commemorating the 300th anniversary of the City of Falls Church. These plates failed to meet the requirement of § 46.2-725 that at least 350 prepaid applications be received for them by the Department of Motor Vehicles within three years of authorization by the General Assembly.

Patron - Landes

PHB1385 Motor vehicle headlights, tail lights, brake lights, and license plate illumination. Relocates Code provisions allowing motorcycles to be equipped with at least one or more auxiliary brake lights of types approved by the Superintendent of State Police and requires every motorcycle to have no more than two tail lights and a device so mounted as to illuminate its license plate. The bill also requires that all motor vehicles (other than motorcycles) and trailers and semitrailers being drawn by other vehicles have two red tail lights and that motor vehicles, trailers, and semitrailers, but not certain antique motor vehicles, have at least two brake lights.

Patron - Landes

PHB1398 Enhanced enforcement of litter laws via driving privilege suspension and community service. Provides that any person who unlawfully dumps trash, garbage or litter on public or private property may have his driving privi-

leges suspended and may be ordered to perform community service.

Patron - Lingamfelter

PHB1406 Special license plates; supporters of certain programs for expectant mothers. Authorizes the issuance of special "revenue sharing" license plates bearing the legend: CHOOSE LIFE. These plates would be subject to an annual fee of \$25 in addition to the prescribed fee for state license plates. For each such \$25 fee collected in excess of 1,000 registrations, \$15 would be paid annually to the locality in which the vehicle is registered and distributed to nongovernmental, not-for-profit agencies, that provide counseling and other services intended to meet the needs of expectant mothers who are committed to placing their children for adoption. No funds under this bill would be distributed to any agency that is involved or associated with abortion activities, including, but not necessarily limited to, counseling for or referrals to abortion clinics, providing medical abortion-related procedures, or pro-abortion advertising. No funds under this bill would be distributed to any agency that charges for services received.

Patron - Black

PHB1429 Motorcycle handlebars. Repeals provision that limits motorcycle handlebars to 15 inches above seat.

Patron - Janis

PHB1430 Determining speed of vehicle with various devices; certificate as to accuracy of device. Provides that in any court in which any question arises about the calibration or accuracy of any laser vehicle speed determination device, a certificate showing the calibration or accuracy of any method employed in calibrating or testing any laser is admissible as evidence. Currently, there is no specific provision for allowing laser calibrations into evidence. This bill incorporates HB 2298.

Patron - Albo

PHB1440 Vehicle registrations. Requires applicants for vehicle registrations to supply DMV with the street address of their residence.

Patron - Carrico

PHB1443 Sale or transfer of motor vehicle dealerships. Restricts, in the event of a proposed sale or transfer of a motor vehicle dealership, the conditions under which manufacturers and distributors have a right of first refusal by treating sale or transfer of a dealership to a limited liability company, corporation, or other entity controlled by a member or members of the family of one or more of the dealership's dealer owners.

Patron - Callahan

PHB1444 Reciprocity Board. Abolishes the Reciprocity Board. This bill incorporates HB 2176.

Patron - Amundson

PHB1457 Regulation of truck traffic on secondary highways. Requires the Commonwealth Transportation Board or its designee to act on formal requests from local governing bodies to restrict truck traffic on secondary highways within nine months of receipt of such requests. This bill incorporates HBs 1662 and 2709.

Patron - Reese

PHB1461 Visually impaired motorists. Allows certain state agencies to provide appropriate law-enforcement agencies with information regarding blind or otherwise visually impaired persons who continue to operate motor vehicles.

Patron - Wardrup

PHB1480 Secondary warning lights. Authorizes fire apparatus, government-owned vehicles operated on official business by a local fire chief or other local fire official, and rescue squad vehicles, ambulances, or any other emergency medical vehicles to be equipped with alternating, blinking, or flashing red or red and white secondary warning lights mounted inside the vehicle's taillights or marker lights. These lights must be of a type approved by the Superintendent of State Police.

Patron - Cox

PHB1492 Special license plates, generally. Reduces from three years to two years the amount of time within which at least 350 prepaid applications for special license plates (except for those specifically exempted from this requirement) must be presented to DMV before those plates are issued. The bill also provides, subject to certain conditions, for the payment to the Department of an administrative fee of \$3,500 in lieu of presentation of any specific number of prepaid applications (and the terms under which such fee may be refunded). Specific provisions are also included to guide the General Assembly's consideration of legislation proposing the authorization of so-called "revenue sharing" special license plates.

Patron - Wardrup

PHB1521 Salvage vehicles; branded titles. Requires that the titles of both repaired and rebuilt vehicles be permanently branded to show that they are salvage vehicles. The bill also defines "repaired vehicle" as "any salvage vehicle that has had repairs less than the amount necessary to make it a rebuilt vehicle."

Patron - Hogan

PHB1553 Bicycles. Revises the definition of "bicycle" (as it applies to Title 46.2, Motor Vehicles) to eliminate references to pedals and seat height. The bill also provides definitions for "bicycle lane," "shared-use path," and "sidewalk"; revises where and how bicyclists are to ride on highways; allows transportation of children under six years old on bicycles if they are securely attached to the bicycle in a seat or a trailer designed for young children; and allows but does not require bicycles, electric power-assisted bicycles, and mopeds to display slow-moving vehicle emblems. This bill is identical to SB 1112.

Patron - Hargrove

PHB1560 Vehicle towing, recovery, and storage charges. Requires that fees charged for towing, recovery, and storage of trespassing vehicles be posted at the location where the vehicles are reclaimed. In lieu of posting, a written list of such fees may be provided, whether as part of a receipt or separately, to persons who reclaim the vehicles.

Patron - Orrock

PHB1593 Driver's license numbers. Eliminates optional use of social security numbers as driver's license numbers for licenses issued or renewed on or after July 1, 2003.

Patron - Byron

PHB1641 Commercial vehicles stopped on highway roadways or shoulders. Requires that whenever any commercial motor vehicle (as defined in § 46.2-341.4) is stopped on any roadway shoulder of any highway in the Commonwealth at any time for any cause other than stops necessary to comply with traffic control devices, lawfully installed signs, or signals of law-enforcement officers, the operator of such vehicle must immediately activate the vehicular hazard warning signal flashers and as soon as possible, but in any event within 10 minutes of stopping, place or cause to be placed on

the roadway or shoulder three red reflectorized triangular warning devices of a type approved by the Superintendent of State Police. One of the red reflectorized triangular warning devices must be placed in the center of the lane of traffic or shoulder occupied by the stopped vehicle and not less than 100 feet therefrom in the direction of traffic approaching in that lane, a second not less than 100 feet from such vehicle in the opposite direction and a third at the traffic side of such vehicle not closer than ten feet from its front or rear. However, if such vehicle is stopped within 500 feet of a curve or crest of a hill, or other obstruction to view, the red reflectorized triangular warning devices in that direction must be so placed as to afford ample warning to other users of the highway, but in no case less than 500 feet from the vehicle. Vehicular hazard warning signal flashers must continue to flash until the operator has placed the three red reflectorized triangular warning devices required in this subsection. The placement of red reflectorized triangular warning devices is not required within the corporate limits of cities unless, during the time which lights are required to be illuminated on motor vehicles by § 46.2-1030, the street or highway lighting is insufficient to make such vehicle clearly discernible at a distance of 500 feet to a person on the highway. Flares or torches of a type approved by the Superintendent may be used in lieu of red reflectorized warning devices. In the event that the operator of the stopped vehicle elects to use flares or torches in lieu of red reflectorized triangular warning devices, the operator must ensure that at least one flare or torch remains lighted at each of the prescribed locations as long as the vehicle is stopped. If gasoline or any other flammable liquid or combustible liquid or gas seeps or leaks from a fuel container or a commercial motor vehicle stopped upon a highway, no emergency warning signal producing a flame is to be lighted or placed except at such a distance from any such liquid or gas as will ensure the prevention of a fire or explosion. The exception provided in this bill with respect to highways within the corporate limits of cities will not apply to any portion of any interstate highway within the corporate limits of any city. If any such vehicle is used for the transportation of flammable liquids in bulk, whether loaded or empty, or for transporting inflammable gases, red reflectorized triangular warning devices or red electric lanterns of a type approved by the Superintendent of State Police must be used. Such reflectors or lanterns must be lighted and placed on the roadway.

Patron - Marshall, R.G.

PHB1657 Special license plates. Authorizes the issuance of revenue-sharing special license plates: Virginia is for Lovers; supporters of the National D-Day Memorial Foundation; commemorating the thirtieth anniversary of Secretariat's winning of horse racing's Triple Crown; supporters of Seton House; supporters of the Interdenominational Children's Foundation of Virginia; and Cold War veterans; fees.

Patron - Putney

PHB1677 Flashing of headlights on certain vehicles. Allows emergency vehicles in Chesapeake, Poquoson, and York County to use flashing headlights whenever their warning lights are activated. Under current law, they cannot use flashing headlights at night. This bill expires on July 1, 2005.

Patron - Rapp

PHB1680 "Out-of-service" inspections. Allows specialty trained law-enforcement officers of any locality to perform "out-of-service" inspections. This bill incorporates HBs 2018, 1557, and 1500 and is identical to SB 712.

Patron - Rapp

PHB1681 Prepayment of fines for violations of speed limits. Provides that the Traffic Infractions and Uniform Fine Schedule adopted by the Supreme Court for prepayment

of fines must, in all instances where prepayment of a fine is permitted, include a fine of five dollars per mile-per-hour in excess of posted speed limits other than those for school crossings under § 46.2-8734, highway work zones under § 46.2-878.1, and certain residence zones under § 46.2-878.2. For these three situations, the Traffic Infractions and Uniform Fine Schedule must include a fine of more than five dollars per mile-per-hour in excess of posted speed limits.

Patron - McDougale

PHB1730 Regulation of parking. Allows Fairfax and Prince Williams Counties, by ordinance, to regulate or prohibit the parking of various classes of vehicles. This bill incorporates HBs 2574 and 2286.

Patron - Albo

PHB1733 Speeding in highway work zones. Increases the maximum fine for speeding in a highway work zone from \$250 to \$500.

Patron - Rollison

PHB1735 Special license plates. Authorizes the issuance of special license plates: members of the Air Force Association; seals, or localities; members of Job's Daughters; members of the Police Benevolent Association; medical doctors; teachers; Virginia's coal mining heritage; Langley Air Force Base; supporters of the Washington Capitals hockey team; members and supporters of the YMCAs of Virginia; members of the Izaak Walton League; celebrating the members and achievements of the Civilian Conservation Corps; the national motto: "In God We Trust"; and multiple sclerosis.

Patron - Rollison

PHB1786 Provisional drivers' licenses. Specifies that a violation of the curfew or passenger restrictions of a provisional driver's license is a traffic infraction and that for a second or subsequent violation the court may suspend the juvenile's privilege to drive for up to six months. Provisional drivers' licenses are initial licenses issued to persons less than 18 years of age and the drivers are restricted in the number of child passengers they may carry and the hours during which they may drive. This bill was recommended by the Committee on District Courts.

Patron - Kilgore

PHB1902 All-terrain vehicles. Allows limited over-the-road operation of all-terrain vehicles in Buchanan County.

Patron - Stump

PHB1903 Oversize and overweight vehicles. Transfers truck oversize and overweight permitting from the Department of Transportation to the Department of Motor Vehicles.

Patron - Stump

PHB1904 Overweight permits for certain trucks. Increases the distance that coal trucks traveling under overweight permits may travel from 35 miles to 85 miles. This bill includes an emergency clause.

Patron - Stump

PHB1911 Traffic infractions; penalty. Increases the general maximum penalty for traffic infractions to make it the same as the general maximum penalty for Class 4 misdemeanors (fine up to \$250.00).

Patron - Almand

PHB1943 Towing. Exempts tow trucks towing vehicles by means of a wheel lift apparatus from requirements to have a drawbar and safety chain.

Patron - Drake

PHB1944 License suspensions for failure to pay judgments. Allows a person whose driving privileges, registration certificates, and license plates have been suspended for nonpayment of a judgment to petition the court for reinstatement. The court may order reinstatement even if the judgment has not been satisfied and no longer may be enforced, if (i) the judgment creditor cannot be found and if his heirs cannot be found, and (ii) the judgment debtor has paid into the court an amount equal to the judgment, court costs and all interest. The court is to hold any such payments for one year. If the payment is not claimed by the judgment creditor during that period, the court shall transmit the payments to the State Treasurer or his designee to be disposed of in accordance with the State Unclaimed Property Fund (Chapter 11.1 of Title 55).

Patron - Drake

PHB1954 Obtaining driver's licenses, special identification cards, etc.; legal presence in the US; fraudulent representation; penalty. Makes it Class 6 felony to obtain any document issued by the Department of Motor Vehicles (DMV) through the use of counterfeit, forged, or altered documents (unless the violation includes obtaining or possessing the documents for the purpose of engaging in an age-limited activity, in which case the violation is a Class 2 misdemeanor). The bill also provides that DMV will not issue an original license, permit, or special identification card to any applicant who has not presented with his application documentary evidence that he is either (i) a citizen of the United States, (ii) a legal permanent resident of the United States, or (iii) a conditional resident alien of the United States. An applicant who presents in person valid documentary evidence of (a) a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States, (b) a pending or approved application for asylum in the United States, (c) entry into the United States in refugee status, (d) a pending or approved application for temporary protected status in the United States, (e) approved deferred action status, or (f) a pending application for adjustment of status to legal permanent residence status or conditional resident status, may be issued a temporary license, permit, or special identification card. Such temporary license, permit, or special identification card shall be valid only during the period of time of the applicant's authorized stay in the United States or if there is no definite end to the period of authorized stay a period of one year. Any temporary license, permit, or special identification card issued pursuant to this subsection is required to clearly indicate that it is temporary and state the date that it expires. Such a temporary license, permit or identification card may be renewed only upon presentation of valid documentary evidence that the status by which the applicant qualified for the temporary license, permit or special identification has been extended by the United States Immigration and Naturalization Service or the Bureau of Citizenship and Immigration Services of the Department of Homeland Security. Applications for renewal, duplication, or reissuance of licenses and special identification cards will be presumed to have been validly issued, provided that, at the time the application is made, the license has not expired, or been cancelled, suspended or revoked. The bill finally requires that driver's license endorsements by the DMV including the issue, reissue, or renewal authorizing a driver to operate a vehicle transporting hazardous materials must comply with the requirements of USA Patriot Act of 2001. The bill becomes effective on January 1, 2004, except that the provisions relating to the Patriot Act become effective on July 1, 2004. On or before December 1, 2003, DMV must report to the General Assembly the content of regulations that the Department of Motor Vehicles intends to promulgate to carry out the provisions of this act. This bill is identical to SB1058.

Patron - Albo

PHB1962 Commercial driver's licenses; hazardous materials endorsement. Meets the requirements of the U.S.A. Patriot Act of 2001 which, in part, prohibits issuance by states of commercial driver's licenses with hazardous materials endorsements unless the U.S. Secretary of Transportation certifies that the applicant poses no security risk. This bill is the same as SB 1225.

Patron - Cosgrove

PHB1995 Vehicles used in harvesting. Requires certain vehicles validly registered in other states and used in conjunction with harvesting operations to pay \$100 prior to being issued an exemption permit under § 46.2-668.

Patron - Bloxom

PHB2016 Residential subdivisions. Allows local governing bodies that have adopted ordinances under Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2 to require, as a part of such land use regulations for residential subdivisions employing roadways and parking areas not in public ownership, the posting and maintenance of signs or other appropriate markings regulating the operation and parking of motor vehicles and pedestrian traffic.

Patron - Bell

PHB2110 Damaging highway signs; penalty. Provides that if a person intentionally damages any legally posted highway sign, he is guilty of a Class 1 misdemeanor. This bill incorporates HB 2014.

Patron - Barlow

PHB2150 Department of Motor Vehicles (DMV) to provide self-service options to customers. Allows DMV to provide, at its offices, self-service options that will provide customers with access to the Department's Internet transactions for persons who would prefer to transact their business with the Department via the Internet.

Patron - Rust

PHB2153 Motor vehicle fees. Amends the statutes that authorize the Department of Motor Vehicles to charge vehicle fees for passenger and property carriers. This bill modifies these statutes to clarify the purpose of motor carrier vehicle fees and identify the entities that must pay these fees.

Patron - Rust

PHB2174 Safety inspection approval stickers; motorcycles. Allows display of safety approval stickers on plates securely fastened to motorcycles for that purpose.

Patron - Phillips

PHB2257 Driver's licenses for persons less than 18 years old. Limits the number of less-than-18-year-old passengers allowed in a vehicle operated by a driver less than 18 years old to one for the first year of licensure, and thereafter three until the driver turns 18.

Patron - Watts

PHB2269 Regulation of parking by localities. Allows all localities to regulate parking. This bill is identical to SB 1220.

Patron - Rust

PHB2329 Funeral processions. Allows all vehicles traveling in escorted or unescorted funeral processions to display high beam headlights and flash all four turn signals or hazard lights.

Patron - Bland

PHB2404 Driver education. Provides for teaching the behind-the-wheel portion of driver education by home schooling parents.

Patron - Oder

PHB2479 Laser speed determination devices. Allows all localities to use laser speed determination devices.

Patron - Oder

PHB2483 Motor vehicles; failure to pay parking citations. Extends the power of the Commissioner of the Department of Motor Vehicles to refuse to renew motor vehicle registrations when an owner of a vehicle owes delinquent parking citations to the locality where it is registered. This bill does not apply to rental vehicles and expires on July 1, 2005.

Patron - Tata

PHB2502 Motor vehicle dealers, T&M vehicle dealers, trailer dealers, and motorcycle dealers. Authorizes Virginia-licensed motor vehicle dealers, T&M vehicle dealers, trailer dealers, and motorcycle dealers to act as agents of the Department of Motor Vehicles for the purpose of renewing the registration of any Virginia-registered vehicle.

Patron - Griffith

PHB2504 Disabled parking. Treats persons with disabilities that create a concern for safety while walking (Alzheimer's patients, etc.) the same as mobility-impaired persons for purposes of issuance of disabled parking placards.

Patron - Griffith

PHB2521 Equipment Dealers Protection Act. Clarifies that a notice and right to cure a deficiency is not required if a supplier terminates an agreement for good cause.

Patron - Morgan

PHB2604 Motor Vehicle Transaction Recovery Fund. Allows motor vehicle dealers and salespersons to be bonded instead of participating in the Motor Vehicle Transaction Recovery Fund.

Patron - Bryant

PHB2674 Driver's license expirations. Provides that driver's licenses will expire on the applicant's birthday, rather than on the last day of the month in which he was born.

Patron - May

PHB2681 Motorcycle dealers. Deems all-terrain vehicles and off-road motorcycles to be motorcycles for the purpose of Chapter 19.2 (Motorcycle Dealers) of Title 46.2 (Motor Vehicles) of the Code of Virginia. Dealers who sell only all-terrain vehicles or off-road motorcycles, however, are excluded from application of the chapter. Manufacturers of all-terrain vehicles and off-road motorcycles are exempted for licensure as motorcycle dealers. The bill also clarifies procedures to be followed in handling protests under the motorcycle dealer franchise law.

Patron - Abbitt

PHB2685 Flashing red or red and white warning lights. Allows vehicles of local Departments of Emergency Management to be equipped with flashing red or red and white warning lights.

Patron - Ware

PHB2708 Special license plates; Special Forces Association. Authorizes the issuance of special license plates to members of the Special Forces Association. These plates would be exempt from the minimums specified in § 46.2-725,

but would not be issued unless and until the DMV Commissioner receives at least 50 prepaid applications for them and a one-time fee in an amount adequate to offset the normal costs associated with production of special license plates.

Patron - Hugo

PHB2720 Vehicle dealers; on-line system filing fees; manual transaction fees. Provides for collection of on-line filing fees from motor vehicle dealers who use a remote electronic filing system, approved by the Department of Motor Vehicles, to obtain a certificate of title or registration for the purchaser of a vehicle and for the collection of manual transaction fees (for manual transactions in excess of 10 transactions per month) from certain dealers who do not use a remote electronic filing system. Provisions of this bill dealing with manual transaction fees do not become effective until December 31, 2003.

Patron - Rollison

PHB2745 Hearing or speech impaired drivers. Provides that, when so requested by the licensee and confirmed by a physician's statement, a driver's license may indicate that its holder is hearing or speech impaired.

Patron - Marshall, D.W.

PHB2767 Department of Motor Vehicles (DMV); The Library of Virginia. Provides for a partnership between DMV and The Library of Virginia to promote use of public library Internet access terminals to complete on-line transactions with the Department.

Patron - Brink

PHB2795 Red warning lights. Allows vehicles owned or used by police chaplains to be equipped with red warning lights. These lights could be used only when responding to emergency calls. Only chaplains who have passed a course in operation of a motor vehicle under emergency conditions may use these lights.

Patron - Janis

PHB2797 Overweight permits; specialized mobile equipment. Provides for the issuance of overweight permits for specialized mobile equipment.

Patron - Stump

PHJ685 Improvement in project and cash-flow management in Department of Transportation. Requests the Commonwealth Transportation Commissioner to report to the General Assembly on actions taken to improve project and cash-flow management within the Department of Transportation and improvements achieved as the result of such actions.

Patron - Oder

PSB711 Red or red and white flashing warning lights. Allows vehicles used by security personnel of the Winchester Medical Center to be equipped with flashing red or red and white warning lights.

Patron - Potts

PSB712 "Out-of-service" inspections. Allows specially trained law-enforcement officers of all localities to perform "out-of-service" inspections. This bill incorporates SBs 1260 and 716 is identical to HB 1680.

Patron - Potts

PSB721 "Photo-toll" program. Enhances penalties associated with failure to pay a required toll for using a toll facility using a "photo-toll" toll payment enforcement system and explicitly allows the use of "photo-toll" systems on non-VDOT toll facilities. The bill provides a mechanism by which

penalties can be assessed against operators of rented and leased vehicles.

Patron - Blevins

PSB724 Bicycle racks on buses. Permits installation of bicycle racks on the fronts of buses operated by cities, counties, transit authorities, transit districts, or transportation districts.

Patron - Deeds

PSB744 Green warning lights. Allows use of green warning lights on incident command vehicles.

Patron - O'Brien

PSB782 Tables of speed and stopping distances. Requires courts to take notice that the table was constructed using scientific reasoning to provide factfinders with an average baseline for motor vehicle stopping distances. Site-specific research may be used under any circumstances.

Patron - Deeds

PSB816 License suspension. Requires the clerk to mail notice of a license suspension within five days of the court's order as opposed to the two days required under current law.

Patron - Norment

PSB1058 Obtaining driver's licenses, special identification cards, etc.; legal presence in the US; fraudulent representation; penalty. Makes it Class 6 felony to obtain any document issued by the Department of Motor Vehicles DMV through the use of counterfeit, forged, or altered documents (unless the violation includes obtaining or possessing the documents for the purpose of engaging in an age-limited activity, in which case the violation is a Class 2 misdemeanor). The bill also provides that DMV will not issue an original license, permit, or special identification card to any applicant who has not presented with his application documentary evidence that he is either (i) a citizen of the United States, (ii) a legal permanent resident of the United States, or (iii) a conditional resident alien of the United States. An applicant who presents in person valid documentary evidence of (a) a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States, (b) a pending or approved application for asylum in the United States, (c) entry into the United States in refugee status, (d) a pending or approved application for temporary protected status in the United States, (e) approved deferred action status, or (f) a pending application for adjustment of status to legal permanent residence status or conditional resident status, may be issued a temporary license, permit, or special identification card. Such temporary license, permit, or special identification card shall be valid only during the period of time of the applicant's authorized stay in the United States or if there is no definite end to the period of authorized stay a period of one year. Any temporary license, permit, or special identification card issued pursuant to this subsection is required to clearly indicate that it is temporary and state the date that it expires. Such a temporary license, permit or identification card may be renewed only upon presentation of valid documentary evidence that the status by which the applicant qualified for the temporary license, permit or special identification has been extended by the United States Immigration and Naturalization Service or the Bureau of Citizenship and Immigration Services of the Department of Homeland Security. Applications for renewal, duplication, or reissuance of licenses and special identification cards will be presumed to have been validly issued, provided that, at the time the application is made, the license has not expired, or been cancelled, suspended or revoked. The bill finally requires that driver's license endorsements by the DMV including the issue, reissue, or renewal authorizing a driver to

operate a vehicle transporting hazardous materials must comply with the requirements of USA Patriot Act of 2001. The bill becomes effective on January 1, 2004, except that the provisions relating to the Patriot Act become effective on July 1, 2004. On or before December 1, 2003, DMV must report to the General Assembly the content of regulations that the Department of Motor Vehicles intends to promulgate to carry out the provisions of this act. This bill is identical to HB 1954.

Patron - O'Brien

PSB1074 Golf carts. Allows operation of golf carts on the public highways in the Town of Cape Charles if the golf carts display slow-moving vehicle emblems, are operated by licensed drivers, and are not operated on Virginia Route 184 east of Fulcher Street. The Town Council of the Town of Cape Charles may, by ordinance, impose additional limitations and restrictions on the operation of golf carts on the public highways within the Town.

Patron - Rerras

PSB1112 Bicycles. Revises the definition of "bicycle" (as it applies to Title 46.2, Motor Vehicles) to eliminate references to pedals and seat height. The bill also provides definitions for "bicycle lane," "shared-use path," and "sidewalk"; revises where and how bicyclists are to ride on highways; allows transportation of children under six years old on bicycles if they are securely attached to the bicycle in a seat or a trailer designed for young children; and allows but does not require bicycles, electric power-assisted bicycles, and mopeds to display slow-moving vehicle emblems. This bill is identical to HB 1553.

Patron - Whipple

PSB1161 Parking. Grants Arlington County the same ability as Fairfax and Prince William Counties to regulate or prohibit the parking, on any public highway in the county, of watercraft, boat trailers, motor homes, and camping trailers.

Patron - Ticer

PSB1181 Excursion trains. Adds Buchanan County, by population, to the list of counties in which a person may predominantly operate an excursion train and be certified as an excursion train operator by the Department of Motor Vehicles. Excursion trains are passenger trains primarily used for tourism or public service, and that lead to the promotion of the tourist industry in the Commonwealth. Certified operators must carry at least \$10 million in liability insurance for injuries to persons or property and cannot also own or operate a regularly scheduled passenger train service with interstate connection.

Patron - Puckett

PSB1190 Youthful drivers. Allows persons under 18 whose driver's licenses have been suspended for a second moving violation to obtain restricted licenses to drive to and from work if there is no other means of transportation by which they can travel to and from work.

Patron - Wagner

PSB1220 Parking. Allows localities to regulate parking within their boundaries. This bill is identical to HB 2269.

Patron - Williams

PSB1225 Commercial driver's licenses; hazardous materials endorsement. Meets the requirements of the U.S.A. Patriot Act of 2001 which, in part, prohibits issuance by states of commercial driver's licenses with hazardous materials endorsements unless the U.S. Secretary of Transportation certi-

fies that the applicant poses no security risk. This bill is identical to HB 1962.

Patron - Williams

PSB1230 Special license plates. Authorizes several new series of special license plates: members of city councils; members of town councils; members and former members of the 3rd Infantry Regiment ("Old Guard"); supporters of the Mariners' Museum; persons who are emergency medical technicians and paramedics; persons who are both emergency medical technicians or paramedics and firefighters; military parachutists; members of the Special Forces Association; Virginia's coal mining heritage; members of the Air Force Association; supporters of the Children's Hospital of the King's Daughters; Virginia certified hunter education instructors; members and supporters of the Urban League of Hampton Roads; historic covered bridges; supporters of the Leukemia and Lymphoma Society; Friends of Tibet; and supporters of St. Jude Children's Research Hospital.

Patron - Williams

PSB1263 Courier vehicles. Exempts courier vehicles from regulation as motor carriers of property.

Patron - Bolling

PSB1276 Department of Motor Vehicles (DMV); customer service pilot project. Establishes a pilot project whereby private business entities perform certain customer transactions with the DMV on behalf of business companies, firms, and corporations.

Patron - Wagner

PSB1337 Collection of local license fees by Department of Motor Vehicles (DMV). Provides that, when DMV collects local vehicle license fees under an agreement with a locality, the fees received by DMV will be deposited in a fiduciary account and interest on the account will accrue to the benefit of the locality. The bill includes an emergency clause.

Patron - Rerras

Failed

FHB1374 Special license plates; commemoration of the thirtieth anniversary of Secretariat's winning of horse racing's Triple Crown; fees. Authorizes the issuance of "revenue sharing" special license plates to commemorate the thirtieth anniversary of Secretariat's winning of horse racing's Triple Crown. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other non-revenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 will go to the Secretariat Museum Foundation to assist in the creation and operation of the Secretariat Museum. This bill is incorporated into HB 1657.

Patron - McDougale

FHB1388 Special license plates; Veterans of Foreign Wars. Reauthorizes issuance of special license plates for members of the Veterans of Foreign Wars. These license plates were originally authorized by the 1996 Session of the General Assembly, but the authorization was repealed by the 2000 Session when 350 prepaid applications were not received by the Department of Motor Vehicles within three years of authorization as required by § 46.2-725.

Patron - Lingamfelter

FHB1389 Special license plates; members of the American Legion. Reauthorizes issuance of special license plates for members of the American Legion by repealing

authorization in § 46.2-746.4 and granting new authorization in § 46.2-746.4:01. These plates were authorized by the 1995 Session of the General Assembly, but fewer than 100 sets of these plates are still in use. This reauthorization will enable the Department of Motor Vehicles to accept new applications for these plates.

Patron - Lingamfelter

FHB1395 Special license plates; supporters of scholastic rowing; fees. Authorizes the issuance of "revenue sharing" special license plates to supporters of scholastic rowing. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other non-revenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 will go to the Scholastic Rowing Fund and be paid out annually in equal amounts to secondary educational institutions that in the preceding 12 months had scholastic rowing programs and applied for receipt of funds from the Scholastic Rowing Fund. Proceeds from the Fund are to be used exclusively to supplement the salaries of coaches involved with scholastic rowing programs.

Patron - Lingamfelter

FHB1407 Special license plates; members of the Izaak Walton League. Authorizes the issuance of special license plates to members of the Izaak Walton League. This bill is incorporated into HB 1735.

Patron - Black

FHB1410 Vehicle registrations; voluntary contributions to Jamestown 400th anniversary commemoration. Requires that any form used in applying for the registration of a vehicle or renewal of any such registration include language permitting the applicant to make a voluntary contribution of two dollars to support a special license plate program and other activities in commemoration of the 400th anniversary of Jamestown Settlement in 2007. These provisions would expire on July 1, 2008.

Patron - Cosgrove

FHB1416 Special license plates; Sons of Confederate Veterans. Removes the prohibition on display of the organization's logo on Sons of Confederate Veterans special license plates.

Patron - Black

FHB1417 Motor vehicle emissions inspections. Exempts vehicles of the five most recent model years from emissions inspections.

Patron - Black

FHB1423 Safety inspections. Exempts vehicles manufactured for the five most recent model years from safety inspections. This exemption does not, however, apply to inspections required to be preformed by dealers prior to sale of any vehicle.

Patron - Black

FHB1428 Vehicle license plates. Provides for only one license plate on registered vehicles.

Patron - Louderback

FHB1432 Passing school buses. Provides that failure to stop for a school bus displaying flashing warning lights on any highway or school driveway for the purpose of preparing to stop to take on or discharge passengers is reckless driving.

Patron - Louderback

FHB1436 Eluding police. Provides that if any person who, having received a visible or audible signal from any law-

enforcement officer to bring his motor vehicle to a stop, drives such motor vehicle in a willful and wanton disregard of such signal and causes an injury or death he is guilty of a Class 5 felony.

Patron - Cosgrove

FHB1438 Special license plates; members of the Virginia General Assembly. Provides that General Assembly members' special license plate numbers will be the same as their House or Senate district number.

Patron - Cosgrove

FHB1439 Special license plates; medical doctors. Authorizes the issuance of special license plates to medical doctors. This bill is incorporated into HB 1735.

Patron - Cosgrove

FHB1445 Special license plates; members and achievements of the Civilian Conservation Corps. Authorizes the issuance of special license plates commemorating the members and achievements of the Civilian Conservation Corps. This bill is incorporated into HB 1735.

Patron - Louderback

FHB1452 Special license plates; supporters of Seton House; fees. Authorizes the issuance of "revenue sharing" special license plates to supporters of Seton House. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other non-revenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 will go to Seton House for support of its programs and activities in Virginia. This bill is incorporated into HB 1657.

Patron - Purkey

FHB1462 Special license plates; teachers. Authorizes the issuance of special license plates for teachers. This bill is incorporated into HB 1735.

Patron - Wardrup

FHB1465 Special license plates; Job's Daughters. Authorizes the issuance of special license plates for members of Job's Daughters. These plates would be subject to standard fees and prepaid application requirements contained in § 46.2-725. This bill is incorporated into HB 1735.

Patron - Ingram

FHB1483 Special license plates; national motto. Authorizes the issuance of special license plates bearing the national motto: "IN GOD WE TRUST." This bill is incorporated into HB 1735.

Patron - Byron

FHB1500 "Out-of-service" inspections. Adds Fauquier County to the list of localities whose specially trained law-enforcement officers are authorized to perform "out-of-service" inspections.

Patron - Lingamfelter

FHB1534 Driver's licenses. Increases from a Class 2 misdemeanor (jail for up to six months and/or a fine up to \$1,000) to a Class 6 felony (one to five years in prison or up to 12 months in jail and/or a fine up to \$2,500) the penalty for giving a false or fictitious name or giving a false or fictitious address, or knowingly making a false statement or concealing a material fact or otherwise committing fraud in a driver's license application. The present Class 4 felony penalty for using a driver's license or concealing a fact or committing fraud with the intent to purchase a firearm remains unchanged.

Patron - Janis

FHB1557 "Out-of-service" inspections. Allows specially trained law-enforcement officers of the Town of Gordonsville to perform "out-of-service" inspections.

Patron - Broman

FHB1565 Cases involving a child who is charged with a traffic infraction. Allows the court to refer the child to any suitable community driver safety program as part of the punishment for the offense or as a condition of probation or deferred disposition.

Patron - Callahan

FHB1573 Special license plates; supporters of the Children's Hospital of the King's Daughters. Authorizes the issuance of special license plates to supporters of the Children's Hospital of the King's Daughters. This bill is incorporated into HB 1735.

Patron - Hamilton

FHB1585 Vehicle registrations; voluntary contributions to Jamestown 400th anniversary commemoration. Requires that any form used in applying for the registration of a vehicle or renewal of any such registration include language permitting the applicant to make a voluntary contribution of two dollars to support a special license plate program and other activities in commemoration of the 400th anniversary of Jamestown Settlement in 2007. These provisions would expire on July 1, 2008.

Patron - Cole

FHB1613 Pedestrians. Provides that no pedestrian shall suddenly leave a curb or other place of safety and walk, run, or otherwise move into the path of a vehicle that is so close that it is impossible for the driver to stop before colliding with the pedestrian. The bill also requires the drivers to stop and remain stopped to allow a pedestrian to cross the highway and prohibits drivers of other vehicles approaching the stopped vehicle from the rear from overtaking and passing the stopped vehicle.

Patron - Darner

FHB1632 "Photo-toll" program. Enhances penalties associated with failure to pay a required toll for using a toll facility using a "photo-toll" toll payment enforcement system and explicitly allows the use of "photo-toll" systems on non-VDOT toll facilities. The bill also requires that if a vehicle owner submits an affidavit that he was not the operator of the vehicle as to which no toll was paid, he must identify the operator and provides a mechanism by which penalties can be assessed against operators of rented and leased vehicles.

Patron - Cosgrove

FHB1637 Motor vehicle liability insurance. Provides that the minimum public liability financial responsibility requirements for operators of vans with a capacity of at least seven but not more than 14 passengers, exclusive of the driver, when those passengers are related to one another by blood or marriage shall be \$350,000 and the minimum cargo insurance required for such vehicles shall be \$5,000.

Patron - Weatherholtz

FHB1642 Motor fuel tax stickers. Requires the Department of Motor Vehicles to supply businesses engaged in the retail sale of motor fuels in Virginia stickers indicating the federal, state, and other taxes included in the price of a gallon of motor fuel. The bill also requires motor fuel retailers to display these stickers on their fuel pumps. Failure to display the

stickers as required is punishable as a misdemeanor with a maximum fine of \$25.

Patron - Marshall, R.G.

FHB1659 Salvage vehicles. Requires that all salvage vehicles that are repaired or rebuilt for over-the-road use have titles permanently branded to show that they are "rebuilt vehicles." There are also editorial and technical changes.

Patron - Wardrup

FHB1670 Motorcycle passengers. Prohibits transportation of passengers less than six years old on motorcycles.

Patron - Orrock

FHB1687 Television receivers and video monitors in motor vehicles. Expands the current prohibition on having television receivers in motor vehicles within view of the driver to include video monitors as well. The bill also provides that any vehicle equipped with a television receiver or other video monitor forward of the driver's seat or the screen of which would otherwise be visible to the driver while driving the vehicle will not be issued a Virginia motor vehicle safety inspection approval sticker or be registered in Virginia until such television receiver or other video monitor is removed or permanently disabled. Any person in Virginia who installs any device or equips any vehicle in violation of these provisions will be liable for the cost of removal of the unlawful equipment on demand of the vehicle's registered owner.

Patron - Landes

FHB1689 Motor vehicle dealers. Repeals the provision of § 46.2-1500 that exempts persons who sell and distribute fire-fighting equipment, ambulances, and funeral vehicles from having to be licensed as motor vehicle dealers.

Patron - McQuigg

FHB1696 Photo-monitoring systems to enforce traffic light signals. Expands photo-monitoring systems for traffic signal enforcement to all of Virginia instead of specified localities.

Patron - McQuigg

FHB1728 Speed limits; enforcement using photo-radar technology. Allows state police officers (and law-enforcement officers of localities where authorized by ordinance) to use photo-radar technology, operated by law-enforcement officers, to enforce speed limits. Violators would be subject to a civil penalty calculated as provided for in the Rules of the Supreme Court of Virginia for a speeding violation.

Patron - Albo

FHB1745 Farm vehicles. Eliminates travel distance limitations on farm vehicles exempt from registration.

Patron - McDougle

FHB1771 Local vehicle licenses. Provides for issuance of special local vehicle licenses with fees that include a voluntary contribution used to support local school athletic programs and activities.

Patron - Nutter

FHB1780 License plate covers. Authorizes use of colorless, transparent glass or plastic to cover vehicle license plates.

Patron - Miles

FHB1802 Removal and disposition of unattended or immobile vehicles. Provides that if the owner of the unattended or immobile vehicle fails or refuses to pay the cost or removal and storage of his vehicle or if his identity or where-

abouts is unknown and unascertainable after 180 days, the vehicle can be treated as abandoned.

Patron - Carrico

FHB1804 Vehicles registered as farm vehicles. Provides that registration of a vehicle as a farm vehicle does not prohibit use of such a vehicle for nonfarm purposes.

Patron - Carrico

FHB1848 Motorcycles; helmets. Limits the application of the "motorcycle helmet law" to operators and passengers less than 21 years old, and provides that a citation for a violation of the provisions requiring the operator or passenger to wear a protective helmet may not be issued unless the officer has another reason to stop the vehicle or arrest the driver.

Patron - Lingamfelter

FHB1878 Pedestrians. Allows Fairfax County, counties and cities adjoining Fairfax County, and towns within Fairfax County to require motorists to stop for pedestrians in crosswalks of highways with speed limits of 35 miles per hour or less. The provisions of the bill do not apply to intersections controlled by traffic lights.

Patron - Amundson

FHB1882 "Photo-toll" program. Enhances penalties associated with failure to pay a required toll for using a toll facility using a "photo-toll" toll payment enforcement system and explicitly allows the use of "photo-toll" systems on non-VDOT toll facilities. The bill also requires that if a vehicle owner submits an affidavit that he was not the operator of the vehicle as to which no toll was paid, he must identify the operator and provides a mechanism by which penalties can be assessed against operators of rented and leased vehicles.

Patron - Suit

FHB1909 Special license plates; supporters of the Washington Capitals hockey team. Authorizes the issuance of special license plates for supporters of the Washington Capitals hockey team. This bill is incorporated into HB 1735.

Patron - Almand

FHB1910 Driving while distracted. Prohibits engaging in any distracting activity while driving. "Distracting activity" is defined as responding to events, persons, or objects inside or outside the motor vehicle that are not related to the safe operation of the vehicle. This includes, but is not limited to: personal grooming, food or beverage consumption, use of an electronic device, reading, and interacting with passengers or pets.

Patron - Almand

FHB1938 Motorcycle helmets. Exempts motorcyclists operating on scenic highways and Virginia byways from the motorcycle helmet law. The bill also makes failure to wear a required helmet a "secondary offense" (like failure to wear a safety belt).

Patron - Nixon

FHB1983 Vehicle weighing. Allows the Commissioner of the Department of Motor Vehicles to enter into agreements with Fauquier, Frederick, and Warren Counties to provide for training and authorization to enable the counties' sheriff's department personnel to carry out vehicle weighing functions at the Department's motor carrier service centers in such counties.

Patron - Athey

FHB2005 Child restraint devices. Amends the law requiring the use of child restraint devices for children less

than six years old who are being transported in motor vehicles by striking the exception that allows the transportation of unrestrained children in the rear cargo area of vehicles other than pickup trucks.

Patron - Bell

FHB2014 Damaging highway signs. Makes purposely damaging, knocking down, or destroying lawfully posted highway signs a Class 1 misdemeanor (jail up to 12 months and/or fine up to \$2,500) instead of a Class 2 misdemeanor (jail up to six months and/or a fine up to \$1,000). This bill is incorporated into HB 2110.

Patron - Bell

FHB2015 Determining speed of motor vehicles. Eliminates the distinction between State Police officers and local law-enforcement officers in use of radar, laser, and VAS-CAR speed determination devices.

Patron - Bell

FHB2018 "Out-of-service" inspections. Adds Albemarle County to the list of localities whose specially trained law-enforcement officers are authorized to perform "out-of-service" inspections.

Patron - Bell

FHB2023 Special license plates; Virginia scuba divers. Reauthorizes issuance of special license plates for Virginia scuba divers. Previous legislation authorizing these plates was repealed by the 2002 Regular Session.

Patron - Bell

FHB2080 Special license plates; members of the Police Benevolent Association. Authorizes the issuance of special license plates to members of the Police Benevolent Association. This bill is incorporated into HB 1735.

Patron - Gear

FHB2085 Rebuilt vehicles; inspections. Increases the fee for inspection of repaired and rebuilt vehicles from a fee not to exceed \$25 per vehicle to a fee of \$85 per vehicle.

Patron - Abbitt

FHB2088 Oversize and overweight vehicle permits. Provides that oversize or overweight permits will not be required for the operation of vehicles more than 65 feet long if such vehicles are either (i) being used to transport Virginia-grown agricultural products or (ii) traveling to take on a cargo of Virginia-grown agricultural products or traveling on a return trip after having delivered a cargo of Virginia-grown agricultural products.

Patron - Abbitt

FHB2133 Special license plates; Langley Air Force Base. Authorizes the issuance of special license plates bearing the legend: LANGLEY AIR FORCE BASE. This bill is incorporated into HB 1735.

Patron - Gear

FHB2137 Vehicle registrations; voluntary contributions to Jamestown 400th anniversary commemoration. Requires that any form used in applying for the registration of a vehicle or renewal of any such registration include language permitting the applicant to make a voluntary contribution of two dollars to support a special license plate program and other activities in commemoration of the 400th anniversary of Jamestown Settlement in 2007. These provisions would expire on July 1, 2008.

Patron - Brink

FHB2149 Discounts on certain transactions with the Department of Motor Vehicles (DMV). Provides a schedule of discounts to be offered by DMV in connection with transactions performed by customers using the Internet, telephone, or mail.

Patron - Rust

FHB2173 Special license plates; coal mining heritage. Authorizes the issuance of special license plates celebrating Virginia's coal mining heritage. This bill is incorporated into HB 1735.

Patron - Phillips

FHB2176 Reciprocity Board. Abolishes the Reciprocity Board. The three-member Board comprised of the Department of Motor Vehicles Commissioner, the Transportation Commissioner and a State Corporation Commission representative was created in 1942 to advise the Governor on reciprocal agreements with other states with respect to taxes on motor vehicles, the operation of motor vehicles, or any transaction incident to the operation of motor vehicles. The Board has not met for at least seven or eight years and the responsibilities of the Board regarding reciprocal agreements are currently performed by the Department of Motor Vehicles pursuant to § 46.2-703. This bill is identical to legislation recommended by the Joint Subcommittee Studying the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities pursuant to HJR 159 (2002). This bill is incorporated into HB 1444.

Patron - Rust

FHB2186 Public-Private Transportation Act of 1995. Prohibits imposition of tolls on existing interstate highways in connection with highway projects undertaken under the Public-Private Transportation Act of 1995.

Patron - Saxman

FHB2203 Special license plates; supporters of Deep Creek High School. Authorizes the issuance of "revenue-sharing" license plates to supporters of Deep Creek High School. For each set of plates issued (after the first 1,000 sets), \$15 will go to Deep Creek High School to be used to support its operation, programs, and activities.

Patron - Jones, S.C.

FHB2248 County parking ordinances. Allows counties to provide for enhanced penalties for repeat parking offenders.

Patron - Watts

FHB2251 Special license plates; supporters of the Foundation for Physical Therapy; fees. Authorizes the issuance of "revenue sharing" special license plates to supporters of the Foundation for Physical Therapy. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other non-revenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 will go to the Foundation for Physical Therapy to support its programs and activities in Virginia.

Patron - Watts

FHB2280 Prepayment of speeding citations. Provides that, in all instances where prepayment of a fine is permitted, the fine for speeding will be five dollars per mile-per-hour in excess of posted speed limits.

Patron - Hurt

FHB2286 Regulation of parking. Allows Arlington, Fairfax, and Prince William Counties, by ordinance, to regulate or prohibit the parking of trailers, semitrailers, and vehicles that fit the definition of "commercial motor vehicle" in § 46.2-341.4. This bill incorporates HB 2574.

Patron - Devolites

FHB2298 Determining the speed of a vehicle with various devices; certificate as to accuracy of devices. Amends language that allows certification of accuracy of speed detection devices to be offered as evidence to add proof of accuracy of laser speed determination devices. Currently only radar is covered. This bill is incorporated into HB 1430.

Patron - Devolites

FHB2330 Motor vehicles; wheel chair reflectors. Requires any wheel chair or wheel chair conveyance, whether self-propelled or otherwise, operated within the Commonwealth to be equipped with marker lights or reflectors located on the rear wheels and back of the wheel chair or wheel chair conveyance of a type, size, and color approved by the Superintendent of State Police.

Patron - Bland

FHB2352 Motor carrier financial responsibility requirements. Reduces the minimum financial responsibility requirements for motor carriers operating vehicles that are designed or manufactured to transport seven passengers, including the driver, to \$350,000 if the Department of Medical Assistance Services certifies that (i) the vehicle is primarily used for the transportation of persons pursuant to a contract between its owner and the Department of Medical Assistance Services and (ii) the actual seating capacity of the vehicle has been permanently reduced to fewer than seven passengers, including the driver, as the result of the installation of a wheel-chair lift or similar modification. Currently, the minimum financial responsibility required for vehicles designed or manufactured to transport between seven and 15 passengers, including the driver, is \$1,500,000, regardless of the actual seating capacity.

Patron - Hull

FHB2359 Local vehicle licenses. Provides for issuance of special local vehicle licenses with fees that include a voluntary contribution used to support local school athletic programs and activities.

Patron - Shuler

FHB2374 Special license plates; St. Jude Children's Research Hospital; fees. Authorizes the issuance of "revenue sharing" special license plates to supporters of St. Jude Children's Research Hospital. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other non-revenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 will go to the St. Jude Children's Research Hospital to assist in its programs and activities.

Patron - Moran

FHB2381 Special license plates; active and retired law-enforcement officers. Authorizes the issuance of special license plates for active and retired sworn law-enforcement officers. These plates would be issued free of charge and would not be subject to minimum application and minimum active plate requirements of § 46.2-725.

Patron - Moran

FHB2398 Increase in level of fines that may be prepaid for speeding violations. Provides for an increase in fine

amounts established in the Supreme Court's Traffic Infractions and Uniform Fine Schedule for speeding violations in business and residential districts, from not less than \$3 per mile in excess of the speed limit to not less than \$10 per mile in excess of the speed limit. This bill is incorporated into HB 2280.

Patron - May

FHB2412 Child restraints. Exempts vans or other vehicles used for transportation by child day centers or child day programs as defined in § 63.2-100 from coverage under the "child restraint law," provided that children who are at least four years old are restrained by lap belts. This bill includes an "emergency clause."

Patron - Marrs

FHB2416 Special license plates; members of the National Contract Management Association. Authorizes the issuance of special license plates to members of the National Contract Management Association.

Patron - Welch

FHB2452 Special license plates; multiple sclerosis. Authorizes the issuance of special license plates bearing the legend: MULTIPLE SCLEROSIS. This bill is incorporated into HB 1735.

Patron - Griffith

FHB2459 Commissioners of the revenue; agents of the Commissioner of the Department of Motor Vehicles. Requires every commissioner of the revenue to enter into an agreement with the Commissioner of the Department of Motor Vehicles to act as an agent of the Commissioner to register motor vehicles that have situs in their localities and collect fees associated therewith.

Patron - McDougale

FHB2466 Vehicle registration fees. Treats well-drilling support equipment the same way as well-drilling equipment.

Patron - Stump

FHB2491 Parking in Fairfax and Prince William Counties. Allows Fairfax and Prince William Counties to regulate or prohibit parking of trailers, semitrailers, and vehicles that are primarily used for commercial purposes and have registered gross weights of 6,000 pounds or more. This bill is incorporated into HB 1730.

Patron - Bolvin

FHB2493 Wireless telecommunications devices. Prohibits, except in emergencies, use of wireless telecommunications devices by persons less than 18 years old while operating a motor vehicle.

Patron - Bolvin

FHB2508 Removal of vehicles rendered inoperable by accidents or breakdowns. Provides a procedure for removal and storage of vehicles rendered inoperable by accidents or breakdowns. The provisions of the bill parallel the provisions of § 46.2-1209, relating to removal and storage of unattended or abandoned vehicles.

Patron - Griffith

FHB2574 Parking. Grants Arlington County the same ability as Fairfax and Prince William Counties to regulate or prohibit the parking, on any public highway in the county, of watercraft, boat trailers, motor homes, and camping trailers. This bill is incorporated into HB 2286.

Patron - Brink

FHB2581 Special license plate; "local logo" license plates. Provides for joint issuance of special "local logo" license plates. Revenue-sharing funds would be apportioned as agreed to with the Commissioner prior to issue.

Patron - Armstrong

FHB2628 Pedestrians. Requires, at certain locations, that the driver of any vehicle on a highway yield the right-of-way to any pedestrian crossing the half of the highway upon which the vehicle is traveling by stopping and remaining stopped until the pedestrian has crossed the half of the highway upon which the vehicle is traveling. In addition, the driver must also yield the right-of-way when any pedestrian, approaching the half of the highway upon which the vehicle is traveling from the opposite half of the highway, would be in such close proximity to that traveling vehicle as to be in danger, and such vehicle shall stop and remain stopped until the pedestrian has crossed the half of the highway upon which the vehicle is traveling. The bill also allows localities by ordinance to require that the driver of any vehicle stop to permit the safe and expeditious passage of any pedestrian crossing such highway at a clearly marked or unmarked crosswalk when the driver is approaching on a highway or street where the legal maximum speed does not exceed 35 miles per hour.

Patron - Darner

FHB2663 Department of Motor Vehicles (DMV); customer service pilot project. Establishes a pilot project whereby private business entities perform certain customer transactions with the DMV on behalf of business companies, firms, and corporations. The pilot project is to conclude on December 1, 2004.

Patron - Cosgrove

FHB2675 Special license plate; Virginia is for lovers. Authorizes a "Virginia is for lovers" revenue-sharing special license plate. Revenues to be shared with the Virginia Tourism Authority and the Virginia Hospitality and Travel Association.

Patron - May

FHB2677 Driver's license suspension for graffiti or other injury to property. Provides for the mandatory suspension of the driver's license of any person convicted of destroying, defacing, or damaging any property not his own. If the violation is committed by a child under the age of 16 years and three months, the child's ability to apply for a driver's license shall be delayed for at least 30 days.

Patron - Baskerville

FHB2682 "Photo-red" programs. Allows the City of Norfolk to have a "photo-red" traffic light signal enforcement program and exempts vehicles in escorted funeral processions and vehicles yielding the right-of-way to emergency vehicles.

Patron - Alexander

FHB2690 Franchised motorcycle dealers. Requires manufacturers and distributors, in the event of an involuntary discontinuation, cancellation, or nonrenewal of a franchise agreement, to repurchase certain vehicles, parts, and equipment from the dealer.

Patron - Bell

FHB2700 Reimbursement of towing and recovery operators. Requires the owner and carrier of any vehicle, cargo, or personal property that is removed or disposed of as the result of a motor vehicle accident to reimburse affected

towing and recovery operators for all costs incurred in the removal and subsequent disposition of such property.

Patron - Reid

FHB2711 Safety belt system. Removes the provision that a citation for a violation of the seat belt law may not be issued unless the officer has another reason to stop the vehicle or arrest the driver; however, the officer is prohibited from searching or inspecting a vehicle, its contents, the driver or a passenger solely because of a violation of the seat belt law.

Patron - May

FHB2743 Colored warning lights on law-enforcement vehicles. Eliminates the requirement that colored warning lights on Department of Corrections vehicles and law-enforcement vehicles be of types approved by the Superintendent of State Police.

Patron - Gear

FHB2758 Delinquent parking citations. Provides a mechanism whereby the Commissioner of the Department of Motor Vehicles will refuse to renew the vehicle registration of any applicant if the vehicle is subject to two or more unpaid parking citations that are more than 90 days delinquent.

Patron - Rust

FHB2788 All-terrain vehicles and off-road motorcycles. Requires that every owner (other than a dealer) of any all-terrain vehicle or off-road motorcycle powered by a gasoline or diesel engine of more than 50 cubic centimeters displacement that is purchased as new on or after July 1, 2003, must obtain a title to the vehicle from the Department of Motor Vehicles (DMV). On and after January 1, 2006, in order to purchase or otherwise acquire an all-terrain vehicle or off-road motorcycle, the purchaser must obtain a certificate of title from DMV. The bill provides that, for purposes of motorcycle dealers, all-terrain vehicles and off-road motorcycles will be considered motorcycles. The bill also allows children under 12 years of age to operate all-terrain vehicles and off-road motorcycles powered by engines of no more than 50 cubic centimeters displacement. Three sections of the tax code are also amended so as to avoid tax consequences flowing from titling of these vehicles. Nothing in the bill requires all-terrain vehicles or off-road motorcycles to be registered or licensed.

Patron - May

FSB697 Special license plates; emergency medical technicians, paramedics, and firefighters. Authorizes the issuance of special license plates to emergency medical technicians and paramedics and to persons who are both emergency medical technicians or paramedics and firefighters. Each set of such special license plates would be subject to payment of a fee of one dollar in addition to the prescribed cost of state license plates. This bill is incorporated into SB 1230.

Patron - Deeds

FSB699 Special license plates; members of the Air Force Association. Authorizes the issuance of special license plates to members of the Air Force Association. This bill is incorporated into SB 1230.

Patron - Howell

FSB708 Special license plates; Virginia certified hunter education instructors. Authorizes the issuance of special license plates to Virginia certified hunter education instructors. This bill was incorporated in SB 1230.

Patron - Deeds

FSB716 "Out-of-service" inspections. Adds Bristol and Richmond City to the list of localities whose specially

trained law-enforcement officers are authorized to perform "out-of-service" inspections of trucks and take unsafe vehicles out of service.

Patron - Wampler

FSB725 Buses; local ordinances may require traffic to yield right-of-way. Allows localities to adopt ordinances to require motorists to yield the right-of-way to transit buses merging into traffic after having stopped to take on or discharge passengers.

Patron - Deeds

FSB729 Special license plates; members and supporters of the Urban League of Hampton Roads. Authorizes the issuance of special license plates to members and supporters of the Urban League of Hampton Roads. This bill is incorporated into SB 1230.

Patron - Miller, Y.B.

FSB748 Hand-held telecommunications devices. Prohibits use of hand-held wireless telecommunications devices while operating motor vehicles.

Patron - Puller

FSB767 Driver's licenses, commercial driver's licenses, temporary driver's permits, learner's permits, motorcycle learner's permits, and special identification cards. Requires that on and after July 1, 2003, every applicant for a driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, or special identification card must apply for it in person. Except for persons less than 19 years old and others to whom the Commissioner of the Department of Motor Vehicles (DMV) may grant a waiver, every original application must be accompanied by at least two documentary proofs of the applicant's name and date of birth (at least one of which must include a photograph of the applicant). Both documents must be original documents. A birth certificate issued by a state of the United States or a political subdivision of any state of the United States is one acceptable proof of the applicant's name and date of birth. The DMV Commissioner may accept translations of non-English language documents whose authenticity is certified by the United States Department of State or a U.S. embassy or consulate. If the applicant is a citizen of the United States he must (i) so certify on a form provided by the Commissioner, (ii) submit proof or proofs of citizenship in a number and form satisfactory to the Commissioner, and (iii) submit a birth certificate or other proof satisfactory to the Commissioner of his name and date of birth. However, once this certification has been made, these proofs of citizenship, name, and date of birth have been provided, and the applicable document has been duly issued by the Department, that document will be sufficient proof of United States citizenship when applying for other permits and documents issued by the Department. Further, the bill provides that on and after July 1, 2003, every applicant for a driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, or special identification card must apply for it in person and, if he is not a citizen of the United States, he must (i) certify, on a form prescribed by the Commissioner, that his presence in the United States is in conformity with federal law, (ii) submit proof or proofs, in a number and form satisfactory to the Commissioner, that his presence in the United States is in conformity with federal law, (iii) submit proof or proofs, in a number and form satisfactory to the Commissioner, of his immigration status, including, but not limited to, his visa or other document authorizing his presence in the United States, and (iv) submit a birth certificate or other proof satisfactory to the Commissioner of his name and date of birth. However, once these requirements have been met, and the applicable

document has been issued by the Department, these provisions will not apply to persons who are not citizens of the United States but have submitted proof that they have been granted permanent status in the United States by an appropriate federal agency. Nevertheless, these provisions will continue to apply to any application for a driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, special identification card or renewal thereof, when the applicant is not a citizen of the United States and his presence in the United States is subject to a visa or other temporary status document issued by an appropriate federal agency. No driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, or special identification card issued to any applicant will be (i) valid for a length of time that exceeds the length of time during which the applicant is permitted by federal law to be present in the United States or (ii) issued to any person whose presence in the United States is not in conformity with federal law. No driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, or special identification card will be issued to any applicant when the length of time he is permitted by federal law to be present in the United States is less than one year; however, the Commissioner may waive this prohibition on a case-by-case basis for good cause shown. Every driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, and special identification card issued to a person who is not a United States citizen must state on its face either that the person to whom it is issued is a permanent immigrant or that he is a temporary immigrant. Every applicant for a driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, or special identification card must also certify that he is a resident of the Commonwealth by signing a certification statement, on a form prescribed by the Commissioner, and by providing satisfactory proof that he is a resident of the Commonwealth. No driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, or special identification card will be issued to or renewed for any person who is not a resident of Virginia. The Commissioner may adopt regulations to determine the process by which applicants prove that they are residents of the Commonwealth. The Commissioner may, on a case-by-case basis, waive any provision of these regulations for good cause shown, provided that, neither an immigration visa nor a signed written statement, whether or not such statement is notarized, wherein the maker of the statement vouches for the Virginia residency of the applicant, will be an acceptable proof of Virginia residency. If the applicant is a minor, the applicant's parent or guardian must also certify that the applicant is a resident by signing the certification. Any minor providing proper evidence of the solemnization of his marriage or a certified copy of a court order of emancipation will not be required to provide the parent's certification of residence. If the DMV Commissioner receives from any court or any state or federal law-enforcement agency reliable and convincing evidence or information that the presence in the United States of any person to whom a Virginia driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, or special identification card has been issued is no longer in conformity with federal law, the Commissioner will suspend any of these documents and provide notice of the suspension to the person's most recent address as shown in the records of the Department. If the person has not, within 60 days, provided to the Commissioner proof or proofs, in a number and form satisfactory to the Commissioner, that his presence in the United States is in conformity with federal law, the Commissioner will revoke the person's driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's per-

mit, or special identification card. The provisions of the bill, with a very few exceptions, do not apply to renewals, only to original issues of the covered DMV documents.

Patron - O'Brien

FSB768 Pedestrians; motorists on certain highways to stop. Allows localities to adopt ordinances requiring motorists on highways with speed limits of no more than 35 miles per hour to stop when approaching any pedestrian in a marked crosswalk and remain stopped until the pedestrian exits the crosswalk.

Patron - Cuccinelli

FSB791 Motor vehicle liability insurance. Provides that the minimum public liability financial responsibility requirements for operators of vans with a capacity of at least seven but not more than 14 passengers, exclusive of the driver, when those passengers are related to one another by blood or marriage shall be \$350,000 and the minimum cargo insurance required for such vehicles shall be \$5,000.

Patron - Miller, K.G.

FSB840 "Photo-red" programs. Allows all localities to use "photo-red" programs to enforce traffic light signals and extends the program's "sunset" to July 1, 2010.

Patron - Quayle

FSB845 Special license plates; historic covered bridges. Authorizes the issuance of special license plates bearing the legend: HISTORIC COVERED BRIDGES. This bill is incorporated into SB 1230.

Patron - Quayle

FSB906 Wireless telephones in motor vehicles; civil penalty; reporting requirement. Prohibits the driver of a motor vehicle from using a hand-held wireless communication device while his vehicle is in motion, unless the device is equipped for hands-free operation and the driver is so operating the hands-free equipment. A violation is punishable by a \$25 civil penalty. Law-enforcement agencies shall maintain a record of hand-held wireless communication device-related accidents.

Patron - Miller, Y.B.

FSB911 Delinquent parking citations. Provides a mechanism whereby the Commissioner of the Department of Motor Vehicles will refuse to renew the vehicle registration of any applicant if the vehicle is subject to two or more unpaid parking citations that are more than 90 days delinquent.

Patron - Whipple

FSB912 Pedestrians. Allows Fairfax County, counties and cities adjoining Fairfax County, and towns within Fairfax County or any county adjoining Fairfax County to require motorists to stop for pedestrians in crosswalks of highways with speed limits of 35 miles per hour or less. The provisions of the bill do not apply to intersections controlled by traffic lights.

Patron - Whipple

FSB915 Applicants for driver's licenses, etc. Selective Service System registration. Provides that the provisions of law requiring certain applicants for a learner's permit, driver's license, commercial driver's license, or special identification card to register with the Selective Service System will not apply to an applicant whose application is accompanied by written statement, signed by a parent or guardian, stating that such parent or guardian declines to sign the application as required by law because such parent or guardian has a moral or

religious objection to the registration of the applicant with the Selective Service System.

Patron - Ruff

FSB933 Local vehicle licenses. Provides for issuance of special local vehicle licenses with fees that include a voluntary contribution used to support local school athletic programs and activities.

Patron - Edwards

FSB996 Drivers to give attention to operation of vehicle. Requires every person operating a motor vehicle on the highways of the Commonwealth to give his full time and attention to the operation of the vehicle.

Patron - Mims

FSB1000 Special license plates; supporters of the Leukemia and Lymphoma Society; fees. Authorizes the issuance of "revenue-sharing" special license plates to supporters of the Leukemia and Lymphoma Society. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other non-revenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 will go to the Leukemia and Lymphoma Society to support the Society's Team in Training Program in Virginia. This bill is incorporated into SB 1230.

Patron - Mims

FSB1009 Vehicle license plates. Provides for only one license plate on registered vehicles.

Patron - Potts

FSB1046 Special license plates; members of city councils. Authorizes the issuance of special license plates to members of city councils. This bill is incorporated into SB 1230.

Patron - Hanger

FSB1158 Department of Motor Vehicles' officers. Removes the requirement that full-time sworn members of the enforcement division of the Department of Motor Vehicles be on duty to enforce the criminal laws of the Commonwealth. The violation must have been committed in their presence or occur in their plain view as under current law.

Patron - Ticer

FSB1165 Driver's licenses. Increases from a Class 2 misdemeanor (jail for up to six months and/or a fine up to \$1,000) to a Class 6 felony (one to five years in prison or up to 12 months in jail and/or a fine up to \$2,500) the penalty for giving a false or fictitious name or giving a false or fictitious address, or knowingly making a false statement of concealing a material fact or otherwise committing fraud in a driver's license application. The present Class 4 felony penalty for using a driver's license for the purpose of concealing a fact of committing fraud with the intent to purchase a firearm remains unchanged.

Patron - Ticer

FSB1167 Vehicular warning lights. Authorizes vehicles used in constructing, maintaining, and repairing highways or utilities on or along public highways to be equipped with amber warning lights and/or high-intensity flashing, blinking, or alternating amber or clear strobe warning lights.

Patron - Puckett

FSB1170 Special license plates; coal mining heritage. Authorizes the issuance of special license plates celebrat-

ing Virginia's coal mining heritage. This bill was incorporated in SB 1230.

Patron - Puckett

FSB1185 Motorcycle helmets. Limits the requirement that motorcyclists wear helmets to persons less than 21 years old. The bill also makes violation of the "motorcycle helmet law" a secondary offense.

Patron - Wagner

FSB1211 Special license plates; military parachutists. Authorizes the issuance of special license plates to military parachutists and former military parachutists. This bill is incorporated into SB 1230.

Patron - Newman

FSB1260 "Out-of-service" inspections. Allows specially trained law-enforcement officers of Newport News to perform "out-of-service" inspections.

Patron - Norment

FSB1272 Special license plates; Special Forces Association. Authorizes the issuance of special license plates to members of the Special Forces Association. These plates would be exempt from the minimums specified in § 46.2-725, but would not be issued unless and until the DMV Commissioner receives at least 50 prepaid applications for them and a one-time fee in an amount adequate to offset the normal costs associated with production of special license plates. This bill is incorporated into SB 1230.

Patron - O'Brien

FSB1283 Special license plates; FREE TIBET; fees. Authorizes the issuance of "revenue-sharing" special license plates bearing the legend FREE TIBET. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other non-revenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 will go to the Conservancy for Tibetan Art and Culture. This bill is incorporated into SB 1230.

Patron - Ticer

FSB1325 Safety belt systems. Makes failure to use safety belts in motor vehicles a "primary offense."

Patron - Mims

Notaries and Out-of-State Commissioners

Passed

PSB1187 Fees of public notaries. Increases the maximum fees of public notaries from two dollars to three dollars.

Patron - Wagner

Failed

FHB1841 Notaries. Repeals the requirement that a person seeking to become a notary public be recommended by a judge, clerk, etc., or member of the General Assembly.

Patron - Reese

Partnerships

Passed

PSB881 Uniform Partnership Act statements. Establishes the requirements for renewing a statement of partnership authority filed with the State Corporation Commission, and clarifies other provisions of the Uniform Partnership Act regarding the filing of statements of partnership authority, dissociation, dissolution, and merger. The filing of a renewal will restart the five-year effective life of a statement of partnership authority. A statement of partnership authority must be amended whenever the partnership changes its name. A statement of partnership authority must be filed prior to the filing of a statement of dissociation or dissolution. Statements of merger must be executed by each party to the merger, and are only effective as to a partnership that has a statement of partnership authority on file with the Commission. Finally, the measure provides that the term "statement," for purposes of the Uniform Partnership Act, includes a renewal of a statement of partnership authority.

Patron - Wampler

PSB945 Limited partnerships and limited liability partnerships. Clarifies that the cancellation of a limited partnership's certificate of limited partnership or a foreign limited partnership's certificate of registration to transact business as a limited partnership automatically cancels its registration as a domestic or foreign registered limited liability partnership. The method for, and effect of, restoration of status are set out. The measure also includes provisions requiring (i) that the registering partnership's name complies with current requirements; (ii) that a registering partnership identifies its State Corporation Commission identification number, if any; (iii) a statement of the principal office's street address, if one exists; and (iv) a limited partnership to list in its statement of registration the registered office and registered agent on file with the Commission.

Patron - Colgan

Pensions, Benefits and Retirement

Passed

PHB1622 Virginia Retirement System; disability benefits. Clarifies that state disability benefits are not to be offset by certain benefits received by a participating employee for service in the United States armed forces.

Patron - Cox

PHB1717 Virginia Retirement System; credit for service in the armed forces. Changes the requirements under which a member may receive retirement credit for service in the armed forces to conform to requirements under federal law. Under Virginia law, a member may receive retirement credit at no cost for service in the armed forces if the member (i) was on leave of absence from a covered position, (ii) was not dishonorably discharged, (iii) has not withdrawn his accumulated contributions, and (iv) has reentered service in a covered position within one year of discharge from the armed forces. However, under Virginia law, retirement credit is not granted for service in the armed forces for reenlistments that follow the cessation of hostilities. Federal law, however, provides that any service in

the armed forces, when performed on a leave of absence, is eligible for retirement credit upon a person's reemployment with his employer, regardless of whether the service is in wartime.

Patron - Cox

PHB1791 Virginia Retirement System; group life insurance program. Deletes the requirement that service must have been continuous in calculating the threshold 60 months of service required to continue life insurance benefits after a service or disability retirement.

Patron - Tata

PHB1986 Virginia Retirement System; losses of deferred compensation and defined contribution retirement plans. Provides that the Commonwealth, the Board of Trustees of the Virginia Retirement System ("VRS"), the employees of VRS, and the Investment Advisory Committee of VRS shall not incur any liability for losses suffered by deferred compensation and defined contribution retirement plans administered by VRS.

Patron - Putney

PHB2053 Virginia Sickness and Disability Program. Clarifies that annual increases in long-term disability payments are to be determined by the actuary of the Virginia Sickness and Disability Program.

Patron - Ingram

PHB2116 Virginia Retirement System; payment of an eligible rollover distribution to an eligible retirement plan. Provides compliance with the direct plan-to-plan transfer provisions of Internal Revenue Code § 401(a)(31) and the regulations thereunder.

Patron - Reid

PHB2122 Virginia Retirement System; purchase of prior service credit. Provides that school division superintendents may purchase an additional 10 years of retirement service credit for prior service for the Commonwealth or another state (this is in addition to the four years under law that may already be purchased). The cost for each additional year of service shall equal 10 percent of the superintendent's compensation at the time of purchase, provided that the additional retirement service is purchased within one year of the superintendent's eligibility and is paid for in one lump-sum payment to the Virginia Retirement System. For each year of service purchased under the bill, the school division superintendent is required to serve the same number of years as a school division superintendent subsequent to the date of purchase. Any school division superintendent who fails to serve the required number of years shall forfeit any credited service for the number of years not served and shall be liable to his local board for any amount paid by it for purchasing the forfeited prior service credit.

Patron - Reid

PHB2438 Virginia Retirement System; teachers. Clarifies that certain retired teachers who resume teaching duties without cessation of their retirement benefits may do so under successive one-year contracts. The bill also sunsets this benefit on July 1, 2005.

Patron - Dillard

PHB2487 Virginia Retirement System. Restores the level income option that was removed in the 2001 Session by allowing a retiree to receive a temporarily increased retirement allowance for a defined period of time and then to receive an allowance reduced on an actuarially equivalent basis.

Patron - Tata

PHB2556 Virginia Retirement System; withdrawing employers. Authorizes the Virginia Retirement System ("VRS") to enter into an agreement with a VRS employer to assume the pension liabilities of an employer who withdraws from VRS. Retired members of the withdrawing employer shall have their retirement allowances paid by the employer who agrees to assume such liabilities. Vested members of withdrawing employers who are not retired can elect to either cash out or have their retirement allowances paid by the employer agreeing to assume such liabilities.

In general, the employer who agrees to assume the pension liabilities of a withdrawing employer shall receive from VRS 105 percent of the present value of the remaining pension liabilities after cashing out by vesting members. Such funds shall be paid from the withdrawing employer's VRS pension accounts and shall be used to pay the pension liabilities for former VRS employees of the withdrawing employer. Any remaining funds in the VRS pension accounts of the withdrawing employer shall be distributed to VRS employers who provided funding to the withdrawing employer.

Patron - Landes

PHB2620 Health insurance credits for retired state employees. Removes the monthly credit cap of \$120. The bill is not effective unless reenacted by the 2004 General Assembly.

Patron - Putney

PSB812 State Police Officers' Retirement System. Provides that state police officers in service at age 60 or older with five or more years of service may elect to retire and to continue to receive their retirement allowance while employed as an employee of the Department of State Police. The bill also provides that state police officers, between the ages of 55 and 59, with five or more years of creditable service who (i) have been rehired as an employee of the Department of State Police and (ii) have been receiving a service retirement allowance for at least 30 days prior to such reemployment may elect to continue to receive such service retirement allowance while an employee of the department. The bill limits the number of years that a person may receive a retirement allowance while an employee of the Department of State Police to two. The provisions of the bill sunset on July 1, 2005.

Patron - Stolle

PSB849 Optional retirement plans of institutions of higher education. Authorizes institutions of higher education to establish their own optional retirement plans for employees engaged in the performance of teaching, administrative, or research duties, as an alternative to the Virginia Retirement System ("VRS") defined benefit retirement plan. The bill provides that VRS shall give initial approval to institutions of higher education seeking to establish such optional retirement plans. The bill prohibits such institutions from adopting policies that are substantially different than the retirement policies approved by VRS in the initial approval process unless the VRS Board approves such policies in writing. Prior to granting to any institution of higher education approval to establish its own optional retirement plan, VRS shall release a plan to the chairmen of the Senate Committee on Finance and the House Appropriations Committee establishing criteria and guidelines VRS shall apply in granting approval for such optional retirement plans.

Any employee hired on or after July 1, 2003, by an institution of higher education to perform such duties, shall make an election to participate in either the VRS defined benefit retirement plan or in an optional retirement plan. If an employee chooses to participate in an optional retirement plan but the institution of higher education has not established its own optional retire-

ment plan, the employee shall participate in an optional retirement plan maintained by VRS. However, at such time that the institution establishes its own optional retirement plan, any employee (i) engaged in the performance of teaching, administrative, or research duties and (ii) participating in an optional retirement plan, shall immediately begin to participate in the optional retirement plan of the institution, notwithstanding any prior election to participate in a different optional retirement plan.

The bill provides different options for University of Virginia Medical Center employees. Any employee of the Medical Center hired on or after July 1, 2003, shall participate in the optional retirement plan of the Medical Center, provided, however, that if such employee was participating in the VRS defined benefit retirement plan immediately prior to such hiring, such employee may elect to continue to participate in the defined benefit retirement plan.

Patron - Miller, K.G.

PSB857 Virginia Retirement System; administrative fees. Provides that the Virginia Retirement System (VRS) may charge and collect administrative fees to pay its costs incurred in administering and overseeing any retirement plan or service award fund other than the Virginia Retirement System, State Police Officers' Retirement System, Virginia Law Officers' Retirement, or the Judicial Retirement System. The bill also authorizes VRS to charge and collect from participating employers any penalties, interest, compliance fees, or other charges charged to VRS by the Internal Revenue Service or other regulatory body. Persons employed in teaching, administrative or research functions at institutions of higher education who are enrolled in an optional retirement plan may be charged with a reimbursement fee by their employer for purposes of recovering VRS charges for administering and overseeing the optional retirement plan.

Patron - Stosch

PSB905 Virginia Retirement System; life and accidental death and dismemberment insurance. Provides that any employee who (i) at any time had at least 25 years of creditable service in any retirement plan administered by the Virginia Retirement System or other Virginia public plan participating in the group life program and (ii) shall be eligible for an amount of group life insurance at an amount equal to twice the amount of his annual salary earned in his immediately prior covered position. The Bill also provides that for any employee who returns to covered employment after retiring with at least 25 years of creditable service in any retirement plan administered by the Virginia Retirement System or other Virginia public plan participating in the group life program, the amount of life insurance shall be the greater of the amount of insurance he would have been eligible for had he remained a retiree or twice the amount of his current annual salary. The bill provides that the face value of such a life insurance shall be reduced as currently provided under law.

Patron - Quayle

PSB1038 Virginia Retirement System; creditable compensation. Eliminates provisions that require the Board of Trustees of the Virginia Retirement System to determine the value of certain nonmonetary compensation paid to employees for purposes of determining creditable compensation for retirement.

Patron - Trumbo

Failed

FHB1507 Virginia Retirement System. Increases the retirement allowance for state and local members of the

Virginia Retirement System who retire on or after July 1, 2003, by increasing the percentage of average final compensation that is multiplied by the amount of creditable service (i) from 2 percent to 2.75 percent for certain members of the Virginia Law Officers' Retirement System who retire with 25 or more years of creditable service and who are not eligible for the supplemental allowance; (ii) from 2 percent to 2.5 percent for members of the Virginia Law Officers' Retirement System who retire with 25 or more years of creditable service and who are eligible for the supplemental allowance; and (iii) from 1.7 percent to 2 percent for all others who retire with 25 or more years of creditable service.

Patron - Callahan

FHB1522 Virginia Retirement System; creditable compensation of teachers. Provides that the creditable compensation of teachers for retirement purposes under the Virginia Retirement System shall include all compensation payable to teachers by their public school boards, including compensation that is not pursuant to a contract for teaching.

Patron - Kilgore

FHB1567 Retirement; creditable compensation for teachers. Provides that creditable compensation for teachers shall include remuneration for extra instructional duties, whether performed during normal school day hours or outside normal school day hours.

Patron - Hamilton

FHB1568 Virginia Retirement System. Increases the retirement allowance for all state and local members of the Virginia Retirement System by gradually increasing, over a 6-year period, the percentage of average final compensation that is multiplied by the amount of creditable service (i) from 2 percent to 2.3 percent for certain members of the Virginia Law Officers' Retirement System who are not eligible for the supplemental allowance and (ii) from 1.7 percent to 2 percent for all others. The bill also gradually increases, over a six-year period, the monthly retirement allowance paid to members of the Virginia Retirement System who retired prior to July 1, 2003, by 3 percent.

Patron - Hamilton

FHB1674 Virginia Retirement System; purchase of prior service credit. Permits any member to purchase up to four years of prior service credit, at the rate of five percent of creditable compensation, for any period of time when the member was employed by a nonprofit entity that was exempt from taxation under § 501 (c) (3) of the Internal Revenue Code.

Patron - Petersen

FHB1734 State Police Officers' Retirement System. Modifies the retirement allowance paid under the State Police Officers' Retirement System (SPORS) by increasing from 1.7 percent to 2.0 percent the percentage of average final compensation multiplied by the years of creditable service in a SPORS-covered or similar position, and by deleting the supplemental allowance currently paid to members upon retirement until their Social Security retirement age (currently \$9,264 annually). This provision applies to employees who become members of SPORS on or after July 1, 2003, and to current employees who elect to accept the modifications by October 31, 2003.

Patron - Rollison

FHB1766 Virginia Retirement System; age for retirement. Deletes any minimum age requirement for those retiring from the Virginia Retirement System with 30 or more years of creditable service.

Patron - Nutter

FHB1789 Virginia Retirement System; prohibition on selecting a different option for the payment of a retirement allowance. Clarifies that a member retiring a second or subsequent time under any of the retirement plans administered by the Virginia Retirement System is prohibited from selecting a different option for the payment of his retirement allowance than the one selected upon his first retirement, except as provided for in the case of the death of a contingent annuitant, divorce from a beneficiary or the giving of consent by a contingent annuitant.

Patron - Tata

FHB1801 Virginia Law Officers' Retirement System. Adds internal investigators of the Department of Corrections to the membership of the Virginia Law Officers' Retirement System.

Patron - Jones, D.C.

FHB1807 State Police Officers' Retirement System. Changes the retirement benefits under the State Police Officers' Retirement System by increasing the percent of average final compensation that is multiplied by the amount of creditable service from 1.7 to 2.5, and eliminating the supplemental benefit that was payable from the date of retirement until retirement age under the Social Security Act.

Patron - Carrico

FHB1897 Virginia Retirement System; creditable compensation of teachers. Provides that the creditable compensation of teachers for retirement purposes under the Virginia Retirement System shall include all compensation payable to teachers by their public school boards, including compensation that is not pursuant to a contract for teaching.

Patron - Stump

FHB1968 Virginia sickness and disability program. Requires the Virginia Retirement System, by July 1, 2004, to promulgate regulations that will allow participation in the Virginia sickness and disability program by employees of a locality participating in VRS. The regulations may be developed so as to allow such participation to be phased in over a period of five years.

Patron - Athey

FHB2093 Appearance as counsel by retired judge. Allows retired judges to practice law outside of their former circuits/districts and continue to receive their retirement allowance from the Judicial Retirement System. This bill does not apply to justices of the Supreme Court or to judges of the Court of Appeals. Judges who continue to practice law in retirement are not eligible to serve as substitute judges.

Patron - Joannou

FHB2172 Virginia Retirement System; purchase of prior service credit. Permits any in service member of the Virginia Retirement System who is an employee with the Dickenson County Public Service Authority and who was an employee with the Big Caney Water Corporation at the time it merged with the Dickenson County Public Service Authority to purchase one year of creditable service for each year of service as a full-time employee with the Big Caney Water Corporation, up to a maximum of four years. The cost of service credit purchased under this subsection shall be the actuarial equivalent cost of such service.

Patron - Phillips

FHB2295 Retirement; state and local law-enforcement officers and firefighters. Deletes the minimum age

requirement for retirement for state and local law-enforcement officers and firefighters with 25 or more years of service.

Patron - Devolites

FHB2296 Retirement; state police officers and certain local law-enforcement officers. Modifies the retirement allowance paid to state police officers and to certain local law-enforcement officers and firefighters by increasing from 1.7 percent to 2.0 percent the percentage of average final compensation multiplied by the years of creditable service in such positions, and by deleting the supplemental allowance currently paid to members upon retirement until their Social Security retirement age (currently \$9,264 annually). This provision applies to employees who become members of the applicable retirement system on or after July 1, 2003, and to such current employees who elect to accept the modifications by October 31, 2003.

Patron - Devolites

FHB2345 Deputy sheriffs; retirement allowance. Provides that deputy sheriffs employed by political subdivisions participating in the Virginia Retirement System ("VRS") shall receive the same retirement benefits as sheriffs. Under current law, any sheriff employed by a political subdivision participating in VRS shall receive retirement benefits equivalent to those provided under the State Police Officers' Retirement System ("SPORS") for state police officers. This bill would provide that deputy sheriffs, whose political subdivision participates in VRS, also receive retirement benefits equivalent to those provided under SPORS.

Patron - Weatherholtz

FHB2399 Virginia Law Officers' Retirement System. Adds firefighters of the Virginia National Guard Fire and Rescue as members of the Virginia Law Officers' Retirement System.

Patron - Ingram

FHB2439 Virginia Retirement System; creditable service for certain teachers. Provides that licensed instructional personnel who accept full-time employment in a public school that has been accredited with warning for two consecutive years, as provided in Board of Education regulations for the accreditation of public schools, and complete three consecutive years' satisfactory service in such school, shall be entitled to three additional years' creditable service.

Patron - Dillard

FHB2548 Virginia Retirement System; General Assembly members. Specifies that current law permitting retirees of the Virginia Retirement System (VRS) to receive retirement benefits while serving in a VRS covered position as a General Assembly member was applicable beginning January 1, 1993.

Patron - Christian

FHB2629 Virginia Retirement System; service credit for military personnel. Provides that employees of the Commonwealth, or of any political subdivision of the Commonwealth, who are granted a leave of absence for military duty with the reserve forces of the armed services of the United States or the Virginia National Guard shall receive retirement service credit for such service at no cost, provided (i) the military service was completed under honorable conditions, (ii) the employee has not withdrawn his accumulated contributions, and (iii) the employee is employed in a covered position within one year after completion of such military duty.

Patron - Ware

FHB2706 Health insurance credits for certain retirees. Increases the monthly health insurance credit used to offset the cost of health insurance premium costs to \$4 for each year of creditable service, not to exceed a maximum monthly credit of \$120 for retired (i) teachers, (ii) local government employees, (iii) constitutional officers and their employees, and (iv) local social service employees. Under current law the monthly health insurance credit for teachers is \$2 for each year of creditable service up to a maximum monthly amount of \$75, and, for the remainder of these employees, these amounts are \$1.50 and \$45, respectively.

Patron - Rapp

FHB2732 Virginia Retirement System; enhanced benefits for salary donations from state employees. Permits any state employee to donate 8.33 percent of his salary to the Commonwealth for either or both of the fiscal years ending June 30, 2004, or June 30, 2005, and to receive in exchange certain enhanced retirement benefits under the Virginia Retirement System. For each fiscal year that the employee makes the donation, he shall be entitled, upon retirement, but not prior to July 1, 2005, to have four years of his creditable service multiplied by: (i) 2 percent instead of 1.7 percent in any retirement allowance calculation for any VRS member other than certain members of the Virginia Law Officers' Retirement System; and (ii) 2.3 percent instead of 2 percent in any retirement allowance calculation for certain members of the Virginia Law Officers' Retirement System. Salary donations will not reduce the employee's average final compensation in computing his retirement benefits. Any employee participating may not begin receiving the enhanced retirement benefits prior to July 1, 2005. To participate, an employee must elect to do so between April 15, 2003, and June 15, 2003, on a form and according to procedures to be developed by the Department of Human Resource Management. Donations will be paid into a dedicated special fund in the state treasury, ("the State Employees' Revenue Shortfall Fund") to be used solely to reduce the revenue shortfall of the Commonwealth for the fiscal years ending June 30, 2004, and June 30, 2005.

Patron - Tata

FSB719 Virginia Retirement System; creditable compensation of teachers. Provides that the creditable compensation of teachers for retirement purposes under the Virginia Retirement System shall include all compensation payable to teachers by their public school boards, including compensation that is not pursuant to a contract for teaching.

Patron - Wampler

FSB720 Virginia Retirement System. Increases the retirement allowance for all state and local members of the Virginia Retirement System by gradually increasing, over a six-year period, the percentage of average final compensation that is multiplied by the amount of creditable service (i) from 2 percent to 2.3 percent for certain members of the Virginia Law Officers' Retirement System who are not eligible for the supplemental allowance and (ii) from 1.7 percent to 2 percent for all others. The bill also gradually increases, over a six-year period, the monthly retirement allowance paid to members of the Virginia Retirement System who retired prior to July 1, 2003, by 3 percent.

Patron - Wampler

FSB848 Health insurance credit; retired teachers. Increases the health insurance credit for retired teachers from \$2.50 to \$4 per month for teachers for each full year of creditable service, not to exceed a maximum monthly credit of \$120 for teachers with 30 or more years of creditable service.

Patron - Howell

FSB883 Virginia Retirement System; average final compensation. Indexes the average final compensation of state and local employees who are members of the Virginia Retirement System, the State Police Officers' Retirement System, the Judicial Retirement System, and the Virginia Law Officers' Retirement System. Average final compensation is increased only for those members who retired between December 1, 2001, and November 30, 2002, or those members in continuous service since July 1, 2002. Average final compensation is increased by a factor between 1.01011 and 1.10366 depending upon when the employee retired or retires and whether or not the Commonwealth or a locality participating in the Virginia Retirement System provided a general salary increase between December 1, 2001, and November 30, 2004.

Patron - Wampler

FSB940 State Police Officers' Retirement System and Virginia Law Officers' Retirement System; hazardous duty allowance. Provides that the additional allowance under the State Police Officers' Retirement System and the Virginia Law Officers' Retirement System for members with 20 or more years of service rendered in a hazardous position shall be paid annually for a minimum period of 15 years to members retiring at age 50 or older who have not retired prior to July 1, 2003, under any retirement plan administered by the Virginia Retirement System.

Patron - Colgan

FSB958 Long-term care insurance; employees of the Commonwealth. Provides that the Department of Human Resource Management shall develop a long-term care insurance program that shall offer group policy long-term care insurance to current and retired employees of the Commonwealth. Former employees not yet retired (i) credited with five or more years of creditable service while an employee of the Commonwealth and (ii) who have not withdrawn their accumulated contributions shall also be allowed to purchase such insurance from the Department.

Patron - Martin

FSB1178 Virginia Retirement System; creditable compensation of teachers. Provides that the creditable compensation of teachers for retirement purposes under the Virginia Retirement System shall include all compensation payable to teachers by their public school boards, including compensation that is not pursuant to a contract for teaching.

Patron - Puckett

FSB1191 Retirement; service credit for state employees when there is no general salary increase. Provides that state employees shall be credited with up to 12 months of additional retirement service credit for each fiscal year that the Commonwealth does not provide a general salary increase. The amount of service credit to be credited to each such employee shall be equal to the number of months that the person was in service as a state employee in the relevant fiscal year, rounded up to the nearest whole month. State employees covered under a defined contribution retirement plan for retirement purposes and local government employees are not eligible to receive the additional service credit. Under the bill, additional retirement service credit is granted for Fiscal Year 2002, Fiscal Year 2003, and for any fiscal year of the Commonwealth beginning or after July 1, 2003, for which there was no general salary increase.

Patron - Wagner

FSB1198 State and local employment benefits; group life insurance. Provides that the group life insurance benefit payable upon the death of certain retirees of the Vir-

ginia Retirement System, Judicial Retirement System, State Police Officers' Retirement System and political subdivisions and local school boards participating in the Virginia Retirement System shall equal no less than 100 percent of such retiree's annual salary immediately prior to his retirement. Current law provides that such benefit shall equal no less than 50 percent of the retiree's annual salary immediately prior to his retirement.

Patron - Deeds

FSB1207 Retirement Incentive Program Act of 2003. Creates a voluntary retirement incentive program for state employees. A state employee who is at least 50 years of age and who has at least 27 years of creditable service, if a member of the Virginia Retirement System, or 23 years of creditable service, if a member of the State Police Officers' Retirement System or the Virginia Law Officers' Retirement System, is eligible to participate. An employee must apply to participate in the program by September 15, 2003, and the employee's employer must approve the application.

For each employee participating, the Commonwealth will purchase on behalf of such employee years of credit to be added to his age or creditable service for retirement purposes. The amount of years to be purchased is substantially similar to the amount of years of credit that the Commonwealth may purchase under the Workforce Transition Act of 1995. Employees participating in the retirement incentive program are required to retire on an immediate retirement allowance and shall not be rehired by the Commonwealth in a similar position for a period of three years.

Patron - Newman

Persons with Disabilities

Passed

PHB1569 Virginia Office for Protection and Advocacy. Clarifies that all initial appointments and appointments to fill vacancies to the Virginia Board for Protection and Advocacy, regardless of appointing authority, i.e., the Governor, the Speaker of the House of Delegates, or the Senate Committee on Privileges and Elections, must be confirmed by the General Assembly. This bill is a technical correction to House Bill 9 of 2002. This bill includes an emergency clause and will, thus, become effective upon the signature of the Governor.

Patron - Hamilton

PHB1969 Merger of Board of Rehabilitative Services and the State Rehabilitation Council. Eliminates the Board of Rehabilitative Services and merges its responsibilities into the State Rehabilitation Council. The responsibility of promulgating regulations regarding human research is also transferred to the Commissioner of the Department of Rehabilitative Services. The Board advises the Governor, Secretary of Health and Human Resources and the Department of Rehabilitative Services on the delivery of public services to and protection of the rights of persons with disabilities. The two collegial bodies share oversight responsibilities on two-thirds of the Department's programs. The Council's responsibilities can be naturally extended to include the other non-vocational rehabilitation programs of the Department. This bill is identical to SB 957 that was recommended by the Joint Subcommittee Studying the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities pursuant to HJR 159 (2002). This bill is identical to SB 957.

Patron - Athey

PHB1987 Virginia Board for People with Disabilities. Changes the membership of the Virginia Board for People with Disabilities to require that the representative of a nongovernmental agency or group of agencies be an actual provider of services for persons with developmental disabilities.

Patron - Bloxom

PHB2101 Persons with disabilities; community services. Broadens the goals of the program for community services for persons with disabilities to promote the philosophy of independent living and provide financial assistance for expanding and improving the provision of independent living services. Eligible applicants for grants must now be consumer-controlled, community-based, cross-disability, nonresidential, private nonprofit agencies and agencies must be established for the sole purpose of operating a center for independent living. Cities and counties will no longer be considered eligible providers and local governing bodies will no longer have the power to review the budgets of applicants. Specific independent living services to be provided shall be in accordance with the federal Rehabilitation Act of 1973, as amended.

Patron - Baskerville

PSB807 Specialized Transportation Council. Abolishes the Specialized Transportation Council and its Specialized Transportation Technical Advisory Committee. The purpose of the Council was to support the development of transportation services for elderly and disabled Virginians. The Council and the Disability Commission currently share several commonalities including staffing, chairmanship, and focus. The bill requires the Commission to make transportation issues a top priority on its agenda and transfers the administration of the Specialized Transportation Incentive Fund from the Council to the Commission. 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.

Patron - Martin

PSB957 Merger of Board of Rehabilitative Services and the State Rehabilitation Council. Eliminates the Board of Rehabilitative Services and merges its responsibilities into the State Rehabilitation Council. The responsibility of promulgating regulations regarding human research is also transferred to the Commissioner of the Department of Rehabilitative Services. The Board advises the Governor, Secretary of Health and Human Resources and the Department of Rehabilitative Services on the delivery of public services to and protection of the rights of persons with disabilities. The two collegial bodies share oversight responsibilities on two-thirds of the Department's programs. The Council's responsibilities can be naturally extended to include the other non-vocational rehabilitation programs of the Department. This bill is a recommendation of the Joint Subcommittee Studying the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities pursuant to HJR 159 (2002). This bill is identical to HB 1969.

Patron - Martin

Failed

FHB2132 Specialized Transportation Council. Abolishes the Specialized Transportation Council and its Specialized Transportation Technical Advisory Committee. The purpose of the Council is to support the development of transportation services for elderly and disabled Virginians. The Council and the Disability Commission currently share several

commonalities including staffing, chairmanship, and focus. The bill requires the Commission to make transportation issues a top priority on its agenda and transfers the administration of the Specialized Transportation Incentive Fund from the Council to the Commission. 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.

Patron - Gear

Police, State

Passed

PHB1832 Amber Alert. Requires state buildings open to the public to have a Code Adam program as a preventive tool against child abductions and for locating lost children in certain public buildings. The alerts are used to lock down buildings where a child has been lost or possibly abducted. The bill requires the Board of Education to develop, in cooperation with private entities, a program to provide parents with child identification kits through school distribution. The kits shall include identification information about the subject child, including current photo, fingerprints, DNA samples, and important medical information and shall include instructions for the proper safekeeping of the kit. Such kits shall be held for safekeeping by the parent, not a school, school board, or other public entity. This bill also directs the Department of State Police to develop a statewide child abduction alert plan (the Virginia Amber Alert Plan) to rapidly publicize information on a child abduction. Pursuant to procedures developed by the Department of State Police, local law enforcement will notify the Department of State Police, who will take action, including activating the emergency alert system. The bill provides that the Virginia State Police shall inform all local law-enforcement agencies operating or participating in the Amber Alert programs when this bill becomes law and shall offer them assistance in conforming their programs to the provisions of the bill. This bill is identical to SB1204 and incorporates HBs 2064 and 2102.

Patron - Athey

PSB1204 Code Adam alerts; Virginia Amber Alert Program. Requires state buildings open to the public to have a Code Adam program as a preventive tool against child abductions and for locating lost children in certain public buildings. The alerts are used to lock down buildings where a child has been lost or possibly abducted. The bill requires the Board of Education to develop, in cooperation with private entities, a program to provide parents with child identification kits through school distribution. The kits shall include identification information about the subject child, including current photo, fingerprints, DNA samples, and important medical information and shall include instructions for the proper safekeeping of the kit. Such kits shall be held for safekeeping by the parent, not a school, school board, or other public entity. This bill also directs the Department of State Police to develop a statewide child abduction alert plan (the Virginia Amber Alert Plan) to rapidly publicize information on a child abduction. Pursuant to procedures developed by the Department of State Police, local law enforcement will notify the Department of State Police, who will take action, including activating the emergency alert system. The bill provides that the Virginia State Police shall inform all local law-enforcement agencies operating or participating in the Amber Alert programs when this bill becomes law and shall offer them assistance in con-

forming their programs to the provisions of the bill. This bill is identical to HB 1832.

Patron - Newman

Failed

FHB1980 Virginia Alert Plan. Directs the Department of State Police to develop a statewide alert plan (the Virginia Alert Plan) to rapidly publicize urgent information when the Superintendent of State Police determines that an early warning would assist in maintaining the safety of the citizens of the Commonwealth, including information that (i) may lead to the recovery of an abducted child and (ii) will inform the public of terrorist acts. The Department shall ensure that the Virginia Alert Plan is a coordinated effort among the Department, local law-enforcement agencies, the state's public and commercial television and radio broadcasters, the Virginia Department of Transportation, and any other entities whose participation will assist in the administration of the Virginia Alert Plan.

Patron - Athey

FHB2064 Amber Alert. Directs the Department of State Police to develop a statewide child abduction alert plan (the Virginia Amber Alert Plan) to rapidly publicize information on a child abduction. Pursuant to procedures developed by the Department of State Police, local law enforcement will notify the Department of State Police, who will take action, including activating the emergency alert system. This bill is incorporated into HB 1832.

Patron - Dudley

FHB2102 Code Adam alerts; Virginia Amber Alert Program. Requires state buildings open to the public to have a Code Adam program as a preventive tool against child abductions and for locating lost children in certain public buildings. The alerts are used to lock down buildings where a child has been lost or possibly abducted. The bill requires the Board of Education to develop, in cooperation with private entities, a program to provide parents with child identification kits through school distribution. The kits shall include identification information about the subject child, including current photo, fingerprints, DNA samples, and important medical information and shall include instructions for the proper safekeeping of the kit. Such kits shall be held for safekeeping by the parent, not a school, school board, or other public entity. The bill also establishes the voluntary Amber Alert Program as a means to provide notice and information of a child abduction to the public by the media (local, regional or statewide) to be activated initially in the discretion of the local law-enforcement officials.

Patron - Hogan

FSB694 Amber Alert. Directs the Department of State Police to develop a statewide child abduction alert plan (the Virginia Amber Alert Plan) to rapidly publicize information on a child abduction. Pursuant to procedures developed by the Department of State Police, local law enforcement will notify the Department of State Police, who will take action, including activating the emergency alert system. This bill is incorporated into SB 1204.

Patron - Deeds

FSB828 Virginia Racial Profiling and Traffic Statistics Reporting Act. Requires the Superintendent of State Police to require each local and state police officer, during the course of his official duties, to collect certain information pertaining to traffic stops, including the race, ethnicity, color, age and gender of the alleged traffic offender, and to record the spe-

cific reason for the stop, whether the person was interrogated, charged or arrested, and whether a written citation or warning was issued. Police officers must also indicate the specific traffic violation committed. Police officers participating in the collection of such traffic data and information have been granted civil immunity for acts and omissions during the performance of their official duties, absent gross negligence or willful misconduct. The bill also requires the development of a statewide database for collecting, correlating, analyzing, interpreting, and reporting data and information generated through such traffic stop reports. The Superintendent may engage any accredited public institution of higher education in the Commonwealth or an independent body with the experience, expertise, and technical capacity to conduct such research to assist in designing the database, and the collection, analysis, and interpretation of the data. The Superintendent must report the findings and recommendations annually to the Governor, the General Assembly, and the Attorney General and provide copies to each attorney for the Commonwealth. This act expires on July 1, 2007. Previously, this bill was a recommendation of the Joint Subcommittee Studying the Status and Needs of African-American Males in the Commonwealth and the House Committee on Transportation's Special Subcommittee on Racial Profiling and Pretextual Traffic Stops.

Patron - Marsh

FSB1269 Amber Alert. Directs the Department of State Police to develop a statewide child abduction alert plan (the Virginia Amber Alert Plan) to rapidly publicize information on a child abduction. Pursuant to procedures developed by the Department of State Police, local law enforcement will notify the Department of State Police, who will take action, including activating the emergency alert system. This bill is incorporated into SB 1204.

Patron - O'Brien

Prisons and Other Methods of Correction

Passed

PHB1382 Courthouse and courtroom security; assessment. Eliminates the "July 1, 2004" sunset on the provision that allows any county or city to assess a sum not in excess of five dollars as part of the costs in each criminal or traffic case in its district or circuit court in which the defendant is convicted that is collected by the clerk of the court, remitted to the treasurer and held by the treasurer subject to appropriation by the governing body to the sheriff's office for the funding of courthouse security.

Patron - Cosgrove

PHB1782 Probation and parole services; powers and duties of the director of the Department of Corrections. Modifies the appointment process for probation and parole officers so that they become classified state employees with judicial authorization to serve as an officer of the court instead of being appointed by the circuit court judges. Transfers may not be effected without the concurrence of the officer. The Director, after consultation with the court, designates supervisory staff for probation and parole officers. This provision applies only to those officers appointed after July 1, 2003.

Patron - Kilgore

PHB1924 Notice of release on parole. Requires the Parole Board to notify the attorney for the Commonwealth in

the jurisdiction where the inmate was sentenced by certified mail at least 21 business days prior to release on discretionary parole of any inmate convicted of a felony and sentenced to a term of 10 or more years. Currently, the Board is required to notify of release for any type of parole, not solely discretionary parole.

Patron - Almand

PHB2004 State and local correctional facilities; furloughs. Provides that the time during which a prisoner is on furlough shall not be counted as time served against any sentence, and during any furlough, the prisoner shall not be credited with earned sentence credits, good conduct allowance or any other sentence reduction.

Patron - Bell

PHB2020 Restoration of civil right to register to vote. Changes the definition of "violent felony," which if committed serves as a disqualifying event for any person seeking to restore his right to be eligible to register to vote. Currently, in this statute "violent felony" includes: homicide, mob violence, abduction and kidnapping, various types of assaults and bodily woundings, robbery, threats of bodily injury, and criminal sexual assaults. Also currently, the definition includes the conspiracy to commit such felonies and principals in the second degree and accessories before the fact. The proposed change would add: burglary and related offenses, personal trespass by computer, certain offenses committed against railroads and other utilities, various firearms and weapons offenses, prostitution, sodomy, various crimes against children, various obscenity offenses, certain offenses causing riots and prohibited paramilitary activity, obstruction of justice, escapes by prisoners, conspiracy to incite one race against another, and certain felonies committed by prisoners that are listed in § 53.1-203. The proposed change includes the conspiracy and the attempt to commit such added felonies and the commission of any substantially similar offense under the laws of the United States or its territories, or of another state, or of the District of Columbia.

Patron - Bell

PHB2180 Jail policies. Provides that jailers shall keep a written policy stating the criteria and condition of earned credit in the facility; clarifies the rate for earning good conduct credit for prisoners convicted of misdemeanors; and provides that in order for a prisoner to work on certain properties on a voluntary basis (in order to receive credit on his sentence for the work done), orders must be specific for identified individual prisoners. The bill also provides that for all offenses committed on or after July 1, 2003, any order that does not specifically identify individual prisoners shall be void. This bill is a recommendation of the Virginia State Crime Commission and is identical to SB 1146.

Patron - Kilgore

PHB2222 Financial responsibility of sheriffs and localities for medical treatment of inmates. Clarifies that a sheriff, jail superintendent or a locality is not required to pay for the medical treatment of an inmate for an injury, illness, or condition that existed prior to the inmate's commitment to a local or regional facility, except that medical treatment shall not be withheld for any communicable diseases or life-threatening conditions. This bill is identical to SB 1169.

Patron - Keister

PHB2245 Parole; community-based programs. Permits the Department of Corrections to give prisoners who have not been convicted of a violent crime and who have been sentenced to serve a term of imprisonment of at least three years the opportunity to participate in residential community

programs, work release, or community-based programs approved by the Secretary of Public Safety within six months of such prisoner's projected or mandatory release date.

Patron - Watts

PHB2427 Virginia Correctional Enterprises Advisory Board. Abolishes the Virginia Correctional Enterprises Advisory Board. The Board reviews new products and services manufactured or produced by Virginia Correctional Enterprises and their pricing structure, evaluates the level and quality of products and customer services and makes recommendations, and advises the Director on business trends, product development, contract opportunities, and other related matters. The Board has not been able to function to the full capacity of its mandate in evaluating and scrutinizing products and services of Virginia Correctional Enterprises. This bill is a recommendation of the Joint Subcommittee Studying the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities pursuant to HJR 159 (2002). This bill is identical to SB 764.

Patron - Hugo

PHB2719 Buckingham Correctional Center. Authorizes the Department of Corrections to exchange a certain parcel of land adjacent to the Buckingham Correctional Center for a parcel owned by a private landowner.

Patron - Abbott

PHB2765 Corrections; payment of costs by local inmates. Allows local sheriffs and jail superintendents to establish a program under which they would charge each inmate in their facility a reasonable fee, not to exceed one dollar per day, to defray the costs of his keep. The Board of Corrections would develop a model plan and adopt regulations to govern such a program. The funds generated would stay with the locality where collected to be used for general jail purposes.

Patron - Drake

PSB764 Virginia Correctional Enterprises Advisory Board. Abolishes the Virginia Correctional Enterprises Advisory Board. The Board reviews new products and services manufactured or produced by Virginia Correctional Enterprises and their pricing structure, evaluates the level and quality of products and customer services and makes recommendations, and advises the Director on business trends, product development, contract opportunities, and other related matters. The Board has not been able to function to the full capacity of its mandate in evaluating and scrutinizing products and services of Virginia Correctional Enterprises. This bill is a recommendation of the Joint Subcommittee Studying the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities pursuant to HJR 159 (2002). This bill is identical to HB 2427.

Patron - Ruff

PSB1069 Sheriffs; courthouse security. Removes the sunset on the provision that allows a portion of the costs assessed on criminal and traffic cases, in which the defendant is convicted, to be used for courthouse security.

Patron - Rerras

PSB1146 Jail policies. Provides that jailers shall keep a written policy stating the criteria and condition of earned credit in the facility; clarifies the rate for earning good conduct credit for prisoners convicted of misdemeanors; and provides that in order for a prisoner to work on certain properties on a voluntary basis (in order to receive credit on his sen-

tence for the work done), orders must be specific for identified individual prisoners. The bill also provides that for all offenses committed on or after July 1, 2003, any order that does not specifically identify individual prisoners shall be void. This bill is a recommendation of the Virginia State Crime Commission. This bill is identical to HB 2180.

Patron - Stolle

PSB1169 Financial responsibility of sheriffs and localities for medical treatment of inmates. Clarifies that a sheriff, jail superintendent or a locality is not required to pay for the medical treatment of an inmate for an injury, illness, or condition that existed prior to the inmate's commitment to a local or regional facility except that medical treatment shall not be withheld for any communicable diseases or life threatening conditions. This bill is identical to HB 2222.

Patron - Puckett

Failed

FHB2002 Local correctional facilities; minimum length of sentence served. Requires that no misdemeanor be released from any local correctional facility until he has served at least 85 percent of each misdemeanor sentence ordered by the court. State-responsible prisoners, whether eligible for parole or not, shall not be eligible for or receive good conduct credits. The bill requires the Department of Corrections to report on the compliance of each local jail facility with this provision by November 30, 2003. The Commonwealth is to reimburse localities for any increased costs associated with this bill.

Patron - Bell

FHB2003 State and local correctional facilities; home/electronic incarceration programs. Prohibits the earning of good conduct credits, earned sentence credits, good conduct allowance or any other sentence reduction during any time in which a prisoner is assigned to a home/electronic incarceration program.

Patron - Bell

FHB2218 Prisoner work forces; liability. Provides that the sheriff (or his employees), locality or local governing body shall not be liable for civil damages for personal injury or property damage sustained by a prisoner participating in a local work force unless the damage arises from an employee's willful misconduct.

Patron - Suit

FHB2223 Felonies and misdemeanors by prisoners. Makes it a Class 1 misdemeanor for a prisoner in a state, local, or community correctional facility, or in the custody of an employee thereof, to procure, sell, secrete, or have in his possession any tobacco, or tobacco product.

Patron - Keister

FHB2293 Good conduct allowance; mandatory functional literacy requirement. Provides for good conduct allowance for prisoners depending on their performance and conduct in which escalating credits toward good conduct allowance are available in four class levels. The highest level available is 50 percent credit for those prisoners with exemplary behavior and who have earned or are making progress toward earning their general educational development (GED) certificate.

Patron - Devolites

FHB2394 Corrections; identification card. Requires the Director of the Department of Corrections to

work with appropriate state entities to ensure that each offender, prior to release, receives a valid identification card with his photograph and release address.

Patron - Athey

FHB2734 Home/electronic incarceration program.

Allows good conduct credit, earned sentence credit, good conduct allowance or any other reduction of sentence to accrue during any time in which a prisoner is assigned to a home/electronic incarceration program.

Patron - Melvin

FSB709 Death penalty; moratorium on executions.

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

Patron - Marsh

FSB776 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 - Blevins

FSB928 Rehabilitative passport.

Allows a convicting court or the Parole Board to issue a "rehabilitative passport" to a person who has been convicted of no more than one felony, meets certain criteria and is not incarcerated in a state correctional facility. The relief granted must be consistent with the rehabilitation of the person and with the public interest. The rehabilitative passport removes disabilities, forfeitures and bars selected by the court or Parole Board that the person might otherwise face because of his criminal record. There are provisions for revocation of a passport if the person violates certain conditions.

Patron - Byrne

FSB1085 Parole eligibility.

Provides that a person who was sentenced to a life sentence under the three-time-loser law in effect prior to the abolition of parole in 1995 may petition the Parole Board for conditional release if his sentence is based on three robbery convictions where there was no physical injury to the victim, he has served at least 20 years of the sentence imposed and is at least 55 years old.

Patron - Lambert

FSB1254 Good conduct allowance; mandatory functional literacy requirement.

Provides for good conduct allowance for prisoners depending on their performance and conduct in which escalating credits toward good conduct allowance are available in four class levels. The highest level available is 50 percent credit for those prisoners with exemplary behavior and who have earned or are making progress toward earning their general educational development (GED) certificate.

Patron - Maxwell

FSB1317 State funds available to local correctional facilities for operating costs.

Requires the Compensation Board to recover the state-funded personnel costs associated with housing federal inmates, District of Columbia inmates, or contract inmates from other states.

Patron - Ruff

Professions and Occupations

Passed

PHB1441 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, only 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 agreement will include findings of fact and may include an admission or a finding of a violation. Such agreement 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 and the information required to be reported to the Board of Medicine. 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. This bill is identical to SB 1334.

Patron - Sears

PHB1706 Board of Medicine's guidelines for ethical practice in the performance of surgery and other invasive procedures by interns and residents.

Broadens the Board of Medicine's responsibility for developing guidelines for ethical practice of physicians practicing in emergency rooms, and surgeons, interns and residents practicing in hospitals. This provision adds the Medical Society of Virginia and the Virginia Hospital and Health Care Association to Virginia's medical schools as cooperating parties in the development of these guidelines. The enhanced guidelines address: (i) obtaining informed consent from patients or the next of kin or the legally authorized representative, when the patient is incapable of making an informed decision after the consenting party has been informed as to which physicians, residents, or interns will perform the surgery or other invasive procedure; (ii) the presence of an attending physician during the surgery except in an emergency or other unavoidable situation; (iii) policies to avoid situations in which one person represents that he will perform a surgery or other invasive procedure and then fails to do so; and (iv) policies addressing informed consent and the ethics of appropriate care of patients in the emergency room. Such policies must take into consideration the nonbinding ban developed

by the American Medical Association in 2000 on using newly dead patients as training subjects without the consent of the next of kin or other legal representative.

Patron - Purkey

PHB1749 Board for Contractors; application affidavits. Removes the requirement for applicants to notarize their applications for licensure. The purpose behind the bill is move to on-line acceptance of applications through My Virginia PIN.

Patron - Suit

PHB1792 Defaults on certain educational loans; health care professional and occupational license suspension. Authorizes an obligee to petition the relevant health regulatory board for the suspension of any state-issued license, certificate, registration or other authorization to engage in a health care profession when an obligor is delinquent or in default in the payment of a federal or state guaranteed educational loan or work-conditional scholarship. Thirty days' notice must be given prior to filing the petition. The relevant health regulatory board will order the suspension of the license, certificate, registration or other authorization to engage in the practice of a health profession, when appropriate. The relevant health regulatory board may order reinstatement of the license upon compliance with payment terms by the obligor.

Patron - Tata

PHB1820 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 any successor in interest thereof on the Internet shall only disclose the city or county provided to the Department of Health Professionals and shall not include any street, rural delivery route or post-office address. However, the street address of facilities regulated by the Boards of Funeral Directors and Embalmers, Nursing, Pharmacy, and Veterinary Medicine shall be posted.

Patron - Morgan

PHB1824 Health professions; pharmacy technicians. Extends from six months to one year after the promulgation of regulations the date pharmacy technicians must register with the Board of Pharmacy. Regulations are scheduled to be adopted by July 1, 2003.

Patron - Morgan

PHB1825 Health professions; pharmacy and the schedule of drugs. Adds dichloralphenazone to Schedule IV and reschedules buprenorphine from Schedule V to Schedule III to conform to recent changes in federal regulation, and to correct and conform the categories of drugs in Schedule III to those in federal regulation by moving nalorphine from the "depressants," which is an incorrect category for this drug, and placing it into its own category.

Patron - Morgan

PHB1870 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 SB 799.

Patron - O'Bannon

PHB1871 Health professions; multistate nursing compact. Authorizes Virginia's membership in a multistate nursing compact that provides the structure for the reciprocal recognition of other states' licenses to practice as a registered nurse or a licensed practical nurse. The compact also provides for each state's autonomy in setting licensure standards for the persons licensed in their home state as well as in disciplinary proceedings. The bill would provide for a data collection system and increased interaction between party states to help in health care management as well as to provide an effective screening tool for persons who are changing residence and wish to practice nursing in a state that is a party to the Compact. The bill has a delayed effective date of January 1, 2005.

Patron - O'Bannon

PHB1899 Schools of optometry; enrollment funding. Provides by an uncodified act that, at such time as the General Assembly may provide funding to support enrollments of Virginia students in accredited schools of optometry, such funding shall be allocated first to support enrollments of such students at accredited schools of optometry in the Commonwealth.

Patron - Stump

PHB1900 Health professions; practice of dentistry. Clarifies that the all-volunteer, nonprofit organizations providing donated services by dentists and dental hygienists who are not licensed in the Commonwealth may have paid employees and do not have to meet the criteria of providing services "throughout the world." The bill contains an emergency provision.

Patron - Stump

PHB1933 Physical therapist assistants; supervision. Authorizes a physical therapist assistant to perform his duties solely under the direction and control of a licensed physical therapist. Current law requires that a physical therapist assistant perform his duties under the direction and control of both a licensed physical therapist and the patient's physician.

Patron - Nixon

PHB1934 Physical therapists; administration of controlled substances. Authorizes a physical therapist to possess and administer topical controlled substances pursuant to an oral or written order or standing protocol issued by a prescriber.

Patron - Nixon

PHB1941 Board of Barbers and Cosmetology; regulation of hair braiders. Provides for a separate category of licensure for individuals wishing to perform hair-braiding services only. The bill also permits licensed cosmetologists to perform hair braiding without a separate license; exempts from licensure any braider working in a licensed cosmetology salon under the direct supervision of a licensed cosmetologist; and includes a waiver of examination for individuals who apply in the first year and have at least three years of documented work experience, completed a training program satisfactory to the Board, or have a certificate or license as a hair braider from another jurisdiction.

Patron - Drake

PHB2125 Board of Funeral Directors and Embalmers; inspection of crematories. Authorizes the Board of Funeral Directors and Embalmers to inspect both registered crematories and crematories licensed as a funeral service estab-

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 - McDougle

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 - Abbitt

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

Passed

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)

Passed

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

Failed

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

Study Resolutions

Passed

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

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