

Administration of Government

Passed

HB1691 Virginia Research and Technology Advisory Commission; membership. Increases from 29 to 31 the membership of the Virginia Research and Technology Advisory Commission by adding the Vice-Provost of Research at the Eastern Virginia Medical School or his designee and one citizen member representing research- and technology-intensive industries appointed by the Governor. The bill also contains technical amendments. This bill incorporates HB 2753.

Patron - Purkey

HB1712 Council on Indians. Increases the membership of the Council on Indians from the current 16 members to 18. The bill gives the Council two new powers: (i) to advise the Governor on issues affecting Virginia's Indian communities and (ii) to educate the public on Virginia Indians.

Patron - McDougle

HB1763 Secretary of Public Safety; duties. Requires the Secretary to establish a system for coordinating offender transitional and reentry services among state, local, and non-profit agencies. The bill also states the intent of the General Assembly is that funds used for these purposes be leveraged to the fullest extent possible. This bill incorporates HB 1842 and HB 2725.

Patron - Dillard

HB1944 Department of General Services; authority of the director. Clarifies the authority of the Director of the Department of General Services to establish divisions within the Department and to reassign the duties of the Department among its divisions.

Patron - Saxman

HB1946 Department of Human Resource Management; employee suggestions program. Provides that state employees who make a suggestion or proposal under the Employee Suggestion Program shall receive initial confirmation of receipt within 30 days. A determination of the feasibility of the suggestion or proposal shall occur within 60 days of initial receipt. The bill also requires the Department of Human Resource Management to report annually to the Governor and the General Assembly on (i) the number of proposals received and what, if any, actions were taken on them; (ii) the number of proposals that were implemented and the results of those efforts in eliminating or reducing state expenditures or improving operations; (iii) the number of dollars and awards made to employees for adopted proposals; (iv) the actual cost savings realized as a result of implementing such proposals; and (v) the number of proposals that were not implemented or acted upon with an explanation or justification for inaction.

Patron - Saxman

HB1948 Administrative Process Act; impact on small businesses. Requires the Department of Planning and Budget, in addition to the economic impact analysis it already prepares concerning a proposed regulation, to differentiate between small businesses and other businesses identified; estimate the projected reporting, recordkeeping and other administrative costs required for compliance by such small businesses with the regulation; and include a description of any alternative method for achieving the purpose of the regulation while minimizing adverse impact on small businesses. The bill defines "small business" as a business entity, including its affiliates,

that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million. The bill also requires agencies to periodically review their regulations to minimize the economic impact on small businesses. This bill incorporates HB 1735 and HB 2115 and is identical to SB 1122.

Patron - Saxman

HB1967 Department of Planning and Budget; powers and duties; school efficiency review program. The bill requires school divisions to pay 25 percent of the cost of the school efficiency review in the fiscal year immediately following the completion of the final school efficiency review report. Provides for the Director of the Department of Planning and Budget to develop, coordinate and manage a school efficiency review program. The bill also provides that commencing with reviews completed in fiscal year 2006, partial recovery of the cost of individual reviews may be made in the fiscal year beginning not less than 12 months and not more than 24 months following the release of a final efficiency review report for an individual school division. Such recovery may occur if the affected school division superintendent or superintendent's designee has not certified that at least half the recommendations have been implemented or at least half of the equivalent savings of such efficiency review have been realized. Lacking such certification, the school division shall reimburse the state for 25 percent of the cost of the school efficiency review. Such reimbursement shall be paid into the general fund of the state treasury.

Patron - Amundson

HB1980 Designation of a day of recognition for direct care staff and other long term care professionals. Designates the second Wednesday of every June as a day of recognition to acknowledge the contributions of and pay tribute to the direct care staffs and members of other professions that provide dedicated assistance and health care services to enhance the quality of life of persons receiving long term care in the Commonwealth.

Patron - Howell, A.T.

HB1993 Department of Planning and Budget; submissions to the General Assembly. Requires the Department of Planning and Budget, in addition to providing copies of all agency budget estimates, to prepare an analysis of such estimates for the deliberative use of the Governor and the General Assembly, such analysis to include, but not be limited to (i) appropriations requested as compared to the prior year, (ii) a brief description of each agency's priorities for receiving funding, and (iii) a discussion of major changes or initiatives recommended for the ensuing fiscal year. The Department is required to submit the estimates and analysis to the Governor and, within 30 days thereof, submit the same to the chairmen of the House Committee on Appropriations and the Senate Committee on Finance.

Patron - Griffith

HB2027 Virginia Economic Development Partnership Authority; economic development services in distressed areas. Requires various authorities, state agencies, and institutions of higher education to jointly develop and implement a rural economic development strategic plan that at a minimum addresses: (i) education, including pre-kindergarten, primary, secondary and post-graduate resources, and comprehensive workforce development programs, as they may pertain to the Workforce Development Act; (ii) infrastructure, including capital for water and sewer upgrading, waste management, law enforcement, housing, primary and secondary roads, and telecommunications; (iii) traditional industrial development and industry retention programs, including assistance in

financing and in workforce training; (iv) recreational and cultural enhancement and related quality of life measures, including parks, civic centers, and theaters; (v) agribusiness incentives to promote the use of new technologies, and the exploration of new market opportunities; and (vi) a revolving loan fund or loan guarantee program to help start or expand entrepreneurial activities, especially small business activities in rural communities. The bill also requires an annual report until the strategic plan is fully implemented. This bill is identical to SB 893.

Patron - Dudley

HB2037 The Interagency Civil Admissions Advisory Council established. Establishes the Interagency Civil Admissions Advisory Council (the Council) as an advisory council in the executive branch of state government. The purpose of the Council is to study issues related to the provisions of Virginia law regarding the emergency custody, temporary detention, admission, and involuntary inpatient and outpatient treatment of persons with mental illness, to propose recommendations and provide advice addressing those issues, and to improve the coordination and effectiveness of the implementation of those recommendations.

Patron - Hamilton

HB2051 Virginia Public Procurement Act; methods of procurement. Requires approval of the Chief Information Officer of the Commonwealth for the purchase of information technology and telecommunications goods and services from a public auction or off of another public body's contract. The bill also provides that its provisions do not in any way amend or affect (i) the Commonwealth's institutions of higher education as such institutions are delegated the authority to purchase information technology facilities and services pursuant to any appropriation act adopted by the General Assembly or (ii) delegations of telecommunications procurement granted by the Virginia Information Technologies Agency.

Patron - Nixon

HB2052 Clerks of court; posting certain information on the Internet; prohibitions. Extends the sunset clause prohibiting clerks from posting certain information on a court-controlled website from July 1, 2005, to July 1, 2007. The clerk is immunized against suit arising from any acts or omissions related to providing remote access on the Internet so long as he was not grossly negligent and did not engage in willful misconduct.

Patron - Nixon

HB2054 Alternative Dispute Resolution; pilot project. Allows the Virginia Information Technologies Agency (VITA) to promulgate administrative rules concerning the use of alternative dispute resolution in lieu of the provisions set forth in the Virginia Public Procurement Act concerning procurement protests. The Chief Information Officer of the Commonwealth must report to the General Assembly on the implementation of the rules. The pilot project will expire on July 1, 2008.

Patron - Nixon

HB2111 State and Local Government Conflict of Interest Act; disclosure of economic interests. Provides that the filing of a single current statement of economic interests or financial disclosure statement by a state officer or employee shall suffice as the economic interest statement or financial disclosure statement for all state positions or offices held or sought during a single reporting period. The bill also provides that a state officer or employee who meets the annual January filing requirement shall not be required to file an additional

statement upon such individual's reappointment provided that the reappointment occurs within 12 months after the submission of the annual filing. The bill is a recommendation of the HJR 186 (2004) Joint Subcommittee.

Patron - McQuigg

HB2112 Lobbyist Disclosure and Regulation Act; reporting. Changes from January 5 to December 15 the date on which registered lobbyists must provide statements to legislative and executive officials with whom they have lobbied. The bill also changes the reporting period for the statements from January 1 through December 31 to December 1 through November 30. This bill is a recommendation of HJR 186 (2004) Joint Subcommittee.

Patron - McQuigg

HB2136 Conflict of Interests Act; disclosure filings. Provides that the Secretary of the Commonwealth distributes the required disclosure statement forms to state officers and employees, including officers appointed by legislative authorities. This bill is a recommendation of the Joint Subcommittee to Study the Appropriate Balance of Power between the Legislative and Executive Branches to Support a Two-Term Governor in the Commonwealth (HJR 13, 2004).

Patron - Purkey

HB2151 Virginia Public Procurement Act; preference for Virginia firms. Provides that whenever the lowest responsive and responsible bidder is a resident of any other state and such state under its laws allows a resident contractor of that state a preference, a like preference shall be allowed to the lowest responsive bidder who is a resident of Virginia. The bill provides if the lowest bidder is a resident of another state with an absolute preference, that bid shall not be considered. Currently, a preference for Virginia resident may be given. The bill further requires the Department of General Services to post and maintain certain information on the agency's website regarding preferences provided by other states.

Patron - Amundson

HB2166 Long-term health care public information campaign. Requires the Secretary of Health and Human Resources and the Commissioner of Insurance to develop a long-term health care public information campaign to inform the citizens of the Commonwealth of (i) the impending long-term health care crisis, its effect on the Virginia Medicaid program, and its effect on the finances of families and their estates; (ii) alternatives to institutional long-term health care; and (iii) common terminology contained in long-term care insurance policies and certificates and explanations therefor.

Patron - Reese

HB2283 Virginia Public Procurement Act; contract disputes. Provides a default contract claim procedure in the event a public body has not included such a procedure in the procurement contract. The bill also provides that a failure of a public body to render a final decision on a contractual claim shall be deemed a denial of the claim, for which the contractor would have the right to institute legal action. The bill contains technical amendments.

Patron - Janis

HB2321 Reporting requirements of certain agencies and collegial bodies. Changes or clarifies the reporting requirements of certain reports by the Commissioner of Agriculture and Consumer Services (farmers' market system report and consumer affairs activities report), the Alcoholic Beverage Control Board (annual report), the Alzheimer's Disease and Related Disorders Commission (annual report), the Virginia College Savings Plan (annual report), the Board of Education

(Virginia advancement via individual determination (VAID) report), the Department of Environmental Quality (air permit program evaluation report), the Hampton Roads Sports Facility Authority (annual report), Virginia Military Institute (annual report of the treasurer), the Pesticide Control Board (annual report), Virginia Resources Authority (airports revolving fund annual report and annual report on activities), the Supreme Court of Virginia (judicial performance evaluation report), the board of visitors of Virginia's public universities and colleges (retirement compensation plans and annual financial reports), joint subcommittees (study reports), and legislative statutory commissions (annual reports). The bill also gives the Director of the Division of Legislative Automated Systems the authority to enter into agreements with the publishing authority to provide equivalent access to the reports, such as the hosting of the information on the publisher's website with a link from the General Assembly's homepage.

Patron - Griffith

HB2326 Department of General Services; regulations of the Division of Purchases and Supply; sheltered workshops. Requires the Division of Purchases and Supply to adopt regulations that establish conditions under which a public body shall demonstrate a good faith effort to ensure that state contracts or subcontracts for goods or services that involve the manual packaging of bulk supplies or the manual assemblage of goods where individual items weigh less than 50 pounds be offered to nonprofit sheltered workshops or other nonprofit organizations that offer transitional or supported employment services for the handicapped.

Patron - Athey

HB2365 Stormwater management program. Updates the Department of Conservation and Recreation's stormwater management program authorities including: (i) exempting from the Administrative Process Act permits issued through a federally delegated program, (ii) changing the timing of the terms for the three at-large members of the Soil and Water Conservation Board, (iii) creating new reporting requirements for local plan-approving authorities, and (iv) authorizing the Soil and Water Conservation Board to establish a statewide permit fee schedule for stormwater management related to municipal separate storm sewer system permits. These changes are necessitated to clarify language related to the 2004 Stormwater Management Act consolidation.

Patron - Bryant

HB2399 Freedom of Information Act (FOIA); public safety exemptions; certain 911 or E-911 records. Exempts from the mandatory disclosure requirements of FOIA, subscriber data (defined as the name, address, telephone number, and any other information identifying a subscriber of a telecommunications carrier) collected by a local governing body in accordance with the Enhanced Public Safety Telephone Services Act (§ 56-484.12 et seq.), and other identifying information of a personal, medical or financial nature provided to a local governing body in connection with a 911 or E-911 emergency dispatch system or an emergency notification or reverse 911 system, if such records are not otherwise publicly available. The bill further provides that nothing shall prevent the release of subscriber data generated in connection with specific calls to a 911 emergency system, where the requester is seeking to obtain public records about the use of the system in response to a specific crime, emergency or other event as to which a citizen has initiated a 911 call.

Patron - Phillips

HB2404 Virginia Freedom of Information Act; exemptions; local wireless service authorities. Excludes confidential proprietary records and trade secrets developed by or

for a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) that provides qualifying communications services as authorized by Article 5.1 (§ 56-484.7:1 et seq.) of Chapter 15 of Title 56 where disclosure of such information would be harmful to the competitive position of the authority from the mandatory disclosure requirements of the Virginia Freedom of Information Act (FOIA). The bill also grants an open meeting exemption for discussions of such records by a local wireless service authority. The bill contains technical amendments.

Patron - Phillips

HB2420 Latino Advisory Board. Establishes the Latino Advisory Board to advise the Governor regarding the development of economic, professional, cultural, educational, and government links between the Commonwealth of Virginia, the Latino community in Virginia, and Latin America. The Council is composed of 21 citizen members of whom at least 15 must be of Latino descent. In addition, Secretaries of the Commonwealth, Commerce and Trade, Education, Health and Human Resources, Public Safety, and Transportation, or their designees, serve as ex officio members. The bill has a delayed effective date of October 15, 2005.

Patron - McQuigg

HB2428 Veterans; hiring preference. Requires the state in its employment selection practices to give additional consideration to veterans who have a service-connected disability rating fixed by the United States Veterans Administration. The bill also requires local governing bodies to give a preference to veterans in their employment policies and practices. This bill incorporates HB 2064.

Patron - Cole

HB2478 Department of Accounts; recovery audits of state contracts. Eliminates the 10 percent cap on the percentage of payment errors a private contractor may retain for performing recovery audits of state agency contracts.

Patron - Scott, E.T.

HB2520 Civil immunity; certain emergency services and preparedness personnel. Amends the immunity provisions of the Virginia State Government Volunteers Act, the law relating to isolation of persons with communicable diseases of public health threat, and the emergency services and disaster statutes to cover persons who serve in a Medical Reserve Corps (MRC) unit or on a Community Emergency Response Team (CERT).

Patron - O'Bannon

HB2557 Secretary of Administration; state job elimination due to privatization; report. Requires the Secretary of Administration, on or before November 30 of each year, to report to the Governor and the General Assembly on the number of state jobs eliminated in the immediately preceding fiscal year due to the privatization of commercial activities to a commercial source. The bill provides that "commercial activities" and "commercial source" shall mean the same as those terms are defined in § 2.2-2620.

Patron - Cline

HB2612 State employees; telecommuting and alternative work schedules. Requires the Secretary of Administration, in developing a telecommuting policy for state employees, to include identification of broad categories of positions determined to be ineligible to participate in telecommuting and the justification for that determination. The bill also requires each agency head in his annual report to the Secretary of Administration to include specific budget requests for information technology, software, or other equipment needed

to increase opportunities for telecommuting and participation in alternate work locations.

Patron - Hugo

HB2729 Freedom of Information Act; exemptions; Department of Criminal Justice Services. Exempts from mandatory disclosure records of active investigations that are conducted by the Department of Criminal Justice Services involving applicants and regulants as private security, businesses, special conservators of the peace, bail bondsmen, and bail enforcement agents.

Patron - Scott, J.M.

HB2732 Investment Partnership Act. Authorizes the Virginia Economic Development Partnership authority to issue grants under certain circumstances and distinguishes between Virginia companies that are located in large metropolitan areas and those located in other areas of the state by establishing different criteria for eligibility in terms of job creation and capital investment.

Patron - O'Bannon

HB2787 Comprehensive Services Act; State Executive Council. Adds two General Assembly members to the State Executive Council for Comprehensive Services for At-Risk Youth and Families.

Patron - Johnson

HB2844 Competitive Government Act; reporting dates. Changes from January 1, 2006, to October 1, 2005, the date by which the report of the commercial activities being performed by state employees at state agencies and institutions must be completed by the Secretary of Administration. The bill also changes from January 1 to October 1 of each biennium the date by which subsequent reports of examination of commercial activities not already examined must be completed.

Patron - Saxman

HB2850 Veterans' Care Center; expansion. Authorizes the Governor to request federal funds to expand the capacity of the Veterans' Care Center by an additional 80 beds. Upon receipt of the federal funds, the Treasurer shall advance a no-interest loan of \$2.8 million to the Department of Veterans Services for the state share of the expansion.

Patron - Cox

HB2851 Department of Veterans Services; department personnel. Provides that the Commissioner shall be responsible for appointing the personnel assigned to each service office and for determining the compensation to be paid to such personnel. In determining the number of personnel assigned to each service office, the Commissioner is required to ensure the number of employees assigned to the processing of benefit claims is sufficient to maintain a ratio of one staff person for every 26,212 veterans residing in the Commonwealth. The Commissioner is also required to ensure that the personnel assigned to processing benefit claims provide these services to veterans in locations other than the service office at least one day per week.

Patron - Cox

HB2860 Innovative Technology Authority. Repeals the requirement for the Innovative Technology Authority to establish a technical advisory committee. Other entities now fulfill that role.

Patron - Petersen

HB2872 Virginia Personnel Act; rights of employees to contact elected officials. Provides that nothing in the Virginia Personnel Act or Chapter 12 (§ 2.2-1200 et seq.) of

Title 2.2 shall be construed to prohibit or otherwise restrict the right of any state employee to express opinions to state or local elected officials on matters of public concern, nor shall a state employee be subject to acts of retaliation because the employee has expressed such opinions. The bill defines "matters of public concern" as those matters of interest to the community as a whole, whether for social, political, or other reasons and shall include discussions that disclose any (i) evidence of corruption, impropriety, or other malfeasance on the part of government officials; (ii) violations of law; or (iii) incidence of fraud, abuse, or gross mismanagement.

Patron - Saxman

HB2907 Human Rights Council; limitation on causes of actions. Increases from 180 to 300 days, the time within which an action may be brought by an employee challenging an unlawful discharge. The bill contains technical amendments.

Patron - Keister

HB2925 Virginia Defense Industrial Authority. Establishes the Virginia Defense Industrial Authority to promote business, technology, transportation, education, economic development and other efforts in support of the mission, execution and transformation of the United States government military and national defense activities located in the Commonwealth.

Patron - Lingamfelter

HJ821 2006 Inaugural Ceremonies at the Reconstructed Capitol in Williamsburg. Directs the Joint Rules Committee to develop the plans for the 2006 Inaugural Ceremonies for the Governor to be held at the Reconstructed Capitol in Williamsburg.

Patron - Rapp

SB752 Electronic meetings of the Board of Visitors of the University of Virginia. Extends from 2005 to 2007 the sunset for 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. The bill requires University of Virginia to report to the Virginia Freedom of Information Advisory Council on these meetings, in addition to the Secretary of Education and the General Assembly.

Patron - Wampler

SB791 Arbor Day. Changes the date that Virginia celebrates Arbor Day from the second Friday in April to the last Friday in April. This change brings Virginia's date into conformity with the date of the federally designated Arbor Day. The bill contains an emergency clause.

Patron - Watkins

SB893 Virginia Economic Development Partnership Authority; economic development services in distressed areas. Requires various authorities, state agencies, and institutions of higher education to jointly develop and implement a rural economic development strategic plan that at a minimum addresses: (i) education, including pre-kindergarten, primary, secondary and post-graduate resources, and comprehensive workforce development programs, as they may pertain to the Workforce Development Act; (ii) infrastructure, including capital for water and sewer upgrading, waste management, law enforcement, housing, primary and secondary roads, and telecommunications; (iii) traditional industrial development and industry retention programs, including assistance in financing and in workforce training; (iv) recreational and cultural enhancement and related quality of life measures, including parks, civic centers, and theaters; (v) agribusiness

incentives to promote the use of new technologies, and the exploration of new market opportunities; and (vi) a revolving loan fund or loan guarantee program to help start or expand entrepreneurial activities, especially small business activities in rural communities. The bill also requires an annual report until the strategic plan is fully implemented. This bill is identical to HB 2027.

Patron - Hawkins

SB932 Investment of funds in corporate notes; Department of the Treasury. Allows the Department of the Treasury to invest money belonging to it or within its control in high quality corporate notes with a rating of at least BBB or Baa2 by two rating agencies as long as one of the rating agencies is either Moody's Investors Service, Inc., or Standard and Poors, Inc. If investing in investment securities rated below A, the Commonwealth Treasury Board must establish guidelines concerning the investment and monitor their performance.

Patron - Stosch

SB934 Auditor of Public Accounts; maintenance of database containing historical information. Requires the Auditor of Public Accounts to establish and maintain each year on its Internet web site a searchable database that contains certain state expenditure, revenue, and demographic information for the 10 most recently ended fiscal years of the Commonwealth. The online database shall be made available to citizens of the Commonwealth to allow public access to historical revenue collections and appropriations with related demographic information. The bill also authorizes the Auditor of Public Accounts to perform an audit of the monies furnished to the Washington Metropolitan Transit Authority by the Commonwealth.

Patron - Stosch

SB1027 Virginia Information Technologies Agency; Virginia Information Providers Network. Dissolves the Virginia Information Providers Network as a separate division of the Virginia Information Technologies Agency (VITA) and gives its authority directly to VITA.

Patron - Newman

SB1054 Virginia Liaison Office; moratorium on off-shore natural gas exploration. Directs the Virginia Liaison Office to work with members of the State Congressional Delegation and executive agencies to develop and enact legislation or executive action that would provide an exemption to the existing moratorium on off-shore natural gas exploratory activity. The Office is required to report annually to the Governor and the chairs of the Senate and House Commerce and Labor Committees.

Patron - Wagner

SB1079 Employment discrimination; causes of action in cases alleging employment discrimination. Provides that the current limitation of 180 days from the discharge for bringing a court action alleging employment discrimination is extended in instances where the employee has filed a discrimination complaint with the Virginia Human Rights Council or a local human rights or human relations agency. In such instances the time for bringing the court action is 90 days from the date that the Council or a local human rights or human relations agency or commission has rendered a final disposition on the complaint.

Patron - Ticer

SB1122 Administrative Process Act; regulatory flexibility for small businesses. Requires the Department of Planning and Budget, in addition to the economic impact analysis currently required for proposed regulations, to identify and

estimate the number of small businesses subject to the regulation; the projected reporting, recordkeeping and other administrative costs required for compliance by such small businesses with the regulation; the probable effect of the regulation on affected small businesses; and any alternative method for achieving the purpose of the regulation while minimizing adverse impact on small businesses. A small business is defined as a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million. An agency proposing a regulation is also required to prepare a regulatory flexibility analysis in which it considers utilizing regulatory methods that will accomplish the objectives of applicable law while minimizing the adverse effect on small businesses. Agencies are also required to periodically review their regulations to determine if they should be continued, amended or repealed, in order to minimize the economic effect on small businesses. The measure also gives small businesses the right to judicial review of agency compliance with these requirements. This bill incorporates SB 1218 and SB 1308 and is identical to HB 1948.

Patron - Obenshain

SB1148 Virginia Research and Technology Advisory Commission. Increases the membership of the Virginia Research and Technology Advisory Commission from 29 to 31 by adding the Eastern Virginia Medical School as an academic research institution member and by adding an additional member representing research- and technology-intensive industries appointed by the Governor. The bill also includes technical amendments to reference the correct titles and names of certain ex officio members and to alphabetize the research institutions.

Patron - Stolle

SB1188 Virginia Interagency Coordinating Council; establishment of local early intervention systems. Authorizes the state lead agency for early intervention to contract with local lead agencies for the implementation of local early intervention systems statewide. Under the bill, a local lead agency shall have the duty to (i) establish and administer a local system of early intervention services that are in compliance with all relevant federal and state policies and procedures, (ii) implement consistent and uniform policies and procedures for the determination of parental liability and fees for intervention services, and (iii) manage relevant state and federal early intervention funds for the local early intervention system.

Patron - Locke

SB1192 Posting and availability of certain information on the Internet. Clarifies that circuit court clerks may provide secure remote access to any document that is filed among the land records in the circuit court, and also allows the clerks to provide secure remote access by any person and his counsel to documents filed in matters to which such person is a party. "Land records" are defined as those records authorized to be recorded that affect title to real property. Nothing in the revised statute prohibits the Supreme Court or other courts from providing online access to a case management system that may include abstracts of case filings and proceedings in the courts of the Commonwealth. The sunset clause applicable to this section is extended from July 1, 2005, to July 1, 2007.

Patron - Devolites Davis

SB1196 Freedom of Information Act; electronic communication meetings. Reduces the notice required for electronic communication meetings from 30 days to seven working days. The bill also (i) eliminates the 25 percent limitation on the number of electronic meetings held annually; (ii) eliminates the requirement that an audio or audio/visual recording be made of the electronic communication meeting,

but retains the requirement that minutes be taken pursuant to § 2.2-3707; (iii) allows for the conduct of closed meetings during electronic meetings; (iv) changes the annual reporting requirement from the Virginia Information Technology Agency to the Virginia Freedom of Information Advisory Council and the Joint Commission on Technology and Science; and (v) expands the type of information required to be reported. The bill specifies that regular, special, or reconvened sessions of the General Assembly held pursuant Article IV, Section 6 of the Constitution of Virginia are not meetings for purposes of the electronic communication meeting provisions. The bill also defines "electronic communication means." The bill is a recommendation of the Freedom of Information Advisory Council and the Joint Commission on Technology and Science. This bill incorporates SB 711.

Patron - Newman

SB1258 Virginia Human Rights Act. Extends the amount of time that an employee has to bring an action under the Act from 180 days to 300 days after discharge from employment.

Patron - Edwards

SB1294 Attorney General; duties; representation of soil and water conservation districts. Allows the Attorney General to represent soil and water conservation districts and district directors in civil litigation if requested by the attorney for the Commonwealth. Currently such representation is provided by the attorney for the Commonwealth of the county or city in which the suit or action arises.

Patron - Ruff

SB1298 Virginia Economic Development Partnership Authority; membership of the board of directors. Increases the membership of the board of directors of the Virginia Economic Development Partnership Authority from 15 to 19 by adding four members appointed by the Speaker of the House of Delegates and two members appointed by the Senate Committee on Rules. Under the bill, the six members appointed by the General Assembly shall reside in regions of the Commonwealth that have a higher unemployment rate than that of the statewide unemployment average as reported by the Virginia Employment Commission for the preceding four years from the date of employment. The bill also provides for staggered initial terms of the new members.

Patron - Wampler

SB1301 Center for Rural Virginia. Provides that in the event of the dissolution of the Center, assets shall be distributed for one or more exempt purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code or shall be distributed to the Commonwealth or a local government for a public purpose. This bill contains an emergency clause.

Patron - Ruff

SB1307 Virginia Tourism Authority. Requires the Virginia Tourism Authority to develop a comprehensive plan to promote destinations of historical and other significance located throughout the Commonwealth in anticipation of the 400th anniversary of the Jamestown settlement.

Patron - O'Brien

Failed

HB1560 Biennial budget; failure to enact. Provides for the continuation of the budget in effect through June 30 of an even-numbered year for the next fiscal year in the event that

the General Assembly fails to enact a biennial budget by May 1 of that even-numbered year.

Patron - Marshall, R.G.

HB1568 Automatic reduction in general fund appropriations by Governor. Requires the 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, to 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

HB1572 Venture capital investments; investment return guarantees. Creates a program under which the Commonwealth makes investment return guarantees for certain investments in venture capital funds that invest in technology firms located in the Commonwealth. The Virginia Economic Development Partnership Authority shall administer the program. A venture capital fund eligible under the program must have an office in the Commonwealth, an established history of investing in businesses or industries that are in the early stages of development, and must enter into a contract with the Authority under which it promises to use its best efforts to invest three times the amount of principal it receives in technology firms located in Virginia. Pension funds, endowments, and other institutions investing in eligible venture capital funds shall receive investment return guarantees from the Commonwealth. The Commonwealth guarantees a 10 percent average annual rate of return over a 10-year horizon to such institutions incorporated or having administrative headquarters located in the Commonwealth. The Commonwealth guarantees to all other institutions that they will not lose any of their principal investment over the 10-year period. The financial guarantees are in the form of supplemental appropriations to such institutions such that the guaranteed rates of return are realized.

Patron - Purkey

HB1661 Financial and management review of all state agencies. Directs the Governor to initiate, within 120 days of taking office, a financial and management review of governor-selected executive branch state agencies, except public institutions of higher education, with total agency appropriations of two percent or more of the total state-appropriated funds. The review shall be conducted by a private management consulting firm. The bill identifies areas to be reviewed. This bill incorporates HB 2441.

Patron - Lingamfelter

HB1692 Virginia Technology and Biotechnology Research and Development Fund created. Creates the Virginia Technology and Biotechnology Research and Development Fund to attract technology or biotechnology companies to, or assist these companies located in, the Commonwealth. Moneys in the Fund shall only be applied to qualified research expenses and basic research payments (as defined by § 41 of the Internal Revenue Code) for research conducted in the Commonwealth. Qualified research expenses are defined as in-house expenses or contract research expenses, paid by a technology or biotechnology company. Basic research payments are defined as payments made to companies and nonprofit research institutions and organizations located in the Commonwealth for research in technology and biotechnology. No grant to a company from the Fund is to exceed \$500,000 per year.

The Innovative Technology Authority shall administer this fund.

Patron - Purkey

HB1720 Office of the Governor; personal staff as commander in chief; Division of Military Aides-de-Camp. Provides that military aides-de-camp appointed by the Governor shall be entitled to pay, benefits of their rank in the performance of their duty, and to training, and shall also be allowed to perform two-week annual training. The bill also creates, in the Office of the Governor, the Division of Military Aides-de-Camp, which shall be commanded by a general or flag officer appointed by the Governor.

Patron - Callahan

HB1733 Freedom of Information Act; record exemption for certain e-mail addresses. Revises a current exemption for personal information, including electronic mail addresses, to allow the withholding of such information unless the subject of the record waives the protections afforded by the exemption. Currently, the presumption is that the record is open unless the subject of the record indicates that the record should not be released.

Patron - Cosgrove

HB1735 Administrative Process Act; impact on small businesses. Requires the Department of Planning and Budget, in addition to the economic impact analysis it already prepares concerning a proposed regulation, to differentiate between small businesses and other businesses identified; estimate the projected reporting, recordkeeping and other administrative costs required for compliance by such small businesses with the regulation; and include a description of any alternative method for achieving the purpose of the regulation while minimizing adverse impact on small businesses. The bill defines "small business" as a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million. The bill also requires agencies to periodically review their regulations to minimize the economic impact on small businesses. This bill has been incorporated into HB 1948.

Patron - Cosgrove

HB1750 Department of Law; establishment of Division of Human Rights; elimination of the Human Rights Council; penalties. Eliminates the Human Rights Council and establishes the Division of Human Rights within the Department of Law to carry out the powers and duties of the Human Rights Council. The bill contains technical amendments.

Patron - Landes

HB1752 Administrative Process Act; judicial review. Provides that the right to direct review of an agency action authorized under the Administrative Process Act shall be in addition to, and not in limitation of, the right of any person to seek declaratory relief in cases of actual controversy between such person and any agency concerning any matter, other than the adoption of a regulation or case decision.

Patron - Janis

HB1753 Administrative Process Act; exemption for Department of Medical Assistance Services. Provides an exemption from the Administrative Process Act for the withholding of payments by the Department of Medical Assistance Services in cases of fraud and willful misrepresentation by providers under the Medicaid program pursuant to 42 CFR § 455.23.

Patron - Janis

HB1802 Department of Minority Business Enterprise; consolidated with the Department of Business Assistance. Continues the Department of Minority Business Enterprise as a division within the Department of Business Assistance. As a result, the Department of Business Assistance, through its Division of Minority Business Enterprise, shall exercise the powers and duties previously vested in the Department of Minority Business Enterprise. The bill does not take effect until July 1, 2006; however, on or before December 1, 2005, the Directors of the Department of Minority Business Enterprise and the Department of Business Assistance shall report to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws on the plans developed to implement this consolidation.

Patron - Landes

HB1842 Secretary of Public Safety; duties. Requires the Secretary to establish a system for coordinating offender transitional and reentry services among local and regional jails, the Departments of Corrections, Correctional Education, Criminal Justice Services, and local nonprofit pre- and post-release service providers. The bill also states the intent of the General Assembly is that funds used for these purposes be leveraged to the fullest extent possible. This bill has been incorporated into HB 1763.

Patron - Van Yahres

HB1849 Department of General Services; light-colored roofing and other materials for state buildings. Requires the Division of Purchases and Supply to adopt regulations that require state public bodies to procure only light-colored materials for paving state parking lots and to provide for waivers of this requirement when the Division of Purchases and Supply determines that a bona fide operational, temporary, safety, or specific aesthetic need is indicated or that such paving materials are not cost effective over the life cycle of the materials. The bill also requires the Division of Engineering and Buildings to adopt standards requiring the installation of light-colored roofing materials during construction of new state buildings and for replacement roofing on existing state buildings to ensure energy savings and reduce reflective heat. The roofing standards shall include provision for waivers of this requirement when the Division Engineering and Buildings determines that a bona fide operational, temporary, safety, or specific aesthetic need is indicated or that such roofing materials are not cost effective over the life cycle of the materials.

Patron - Eisenberg

HB1958 Department of Minority Business Enterprise; powers. Establishes the Director of the Department of Minority Business Enterprise as the Governor's principal advisor on issues relating to minority business enterprise and as the special assistant to the Governor for minority business enterprise policy reporting directly to the Governor.

Patron - Jones, D.C.

HB2062 State Inspector General. Establishes the Office of the State Inspector General to examine the management and operation of state agencies and nonstate agencies that receive state funds, conduct independent evaluations of the programs and activities of such agencies, and investigate complaints alleging fraud, waste, abuse, or corruption by state officers and state employees. A record exemption from the Freedom of Information Act is also provided for investigative notes, correspondence, and information furnished in confidence to the State Inspector General during the investigation of a complaint.

Patron - Brink

HB2064 Veterans; hiring preference. Requires the state in its employment selection practices to give additional consideration to veterans who have a service-connected disability rating fixed by the United States Veterans Administration. The bill also requires local governing bodies to give a preference to veterans in their employment policies and practices. This bill has been incorporated into HB 2428.

Patron - Parrish

HB2069 Coordinating administration of workforce training resources. Provides for the coordination of workforce training resources in the Commonwealth by making the newly-named Department of Business Assistance and Workforce Services the fiscal agent and coordinator for policy development, planning and program evaluation for four key workforce development programs. The affected programs include programs authorized under Titles I and II of the Workforce Investment Act, workforce assistance for persons dislocated as a result of trade, and the unemployment compensation program. The local program delivery structure remains intact while planning, funding, and reporting activities are coordinated at the state level. Staggered effective dates provide for creating the department and transferring to it responsibility both for administering the Workforce Investment Act programs and for assisting the Virginia Workforce Council by December 1, 2005. The balance of the provisions will go into effect July 1, 2006.

Patron - Hogan

HB2115 Administrative Process Act; regulatory flexibility for small businesses. Requires the Department of Planning and Budget, in addition to the economic impact analysis currently required for proposed regulations, to identify and estimate the number of small businesses subject to the regulation; the projected reporting, recordkeeping and other administrative costs required for compliance by such small businesses with the regulation; the probable effect of the regulation on affected small businesses; and any alternative method for achieving the purpose of the regulation while minimizing adverse impact on small businesses. A small business is defined as a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million. An agency proposing a regulation is also required to prepare a regulatory flexibility analysis in which it considers utilizing regulatory methods that will accomplish the objectives of applicable law while minimizing the adverse effect on small businesses. Agencies are also required to periodically review their regulations to determine if they should be continued, amended or repealed, in order to minimize the economic effect on small businesses. The measure also gives small businesses the right to judicial review of agency compliance with these requirements. This bill has been incorporated into HB 1948.

Patron - Kilgore

HB2127 Telecommuting by state employees. Requires each state agency, by July 1, 2009, to have not less than 50 percent of its eligible workforce participating in telecommuting at least one day per week.

Patron - Eisenberg

HB2132 Traveling on state business; reimbursement for private vehicles. Provides that the rate of reimbursement when using a private vehicle for traveling on state business shall be an amount equal to the most recent business standard mileage rate as established in the Internal Revenue Code for employees or self-employed individuals to use in computing their income tax deductible costs for operating pas-

senger vehicles owned or leased by them for business purposes. Currently, the rate is specified in the general appropriation act.

Patron - Gear

HB2233 Excess funds in the Revenue Stabilization Fund. Establishes a mechanism to provide tax relief to Virginia taxpayers when the Auditor of Public Accounts determines the Revenue Stabilization Fund has reached its maximum size as provided in the Constitution of Virginia. The excess funds will be deposited in a special nonreverting fund titled the "Virginia Taxpayer Surplus Relief Fund" and must be used by the next session of the General Assembly to provide tax relief to Virginia taxpayers.

Patron - O'Bannon

HB2320 Significant Regional Project Advisory Board. Creates the Significant Regional Project Advisory Board to advise the Governor concerning assistance grants of over \$1 million that are made from the unused balance of any state budget to a major regional employer located in a distressed area of the Commonwealth. Under the bill, an affirmative vote by five of the seven members of the board is required for any recommendation. The Governor is not authorized to make a grant in an amount over \$1 million without the recommendation of the board.

Patron - Griffith

HB2397 Public Procurement Act; prohibited contracts; required contract provisions. Provides that no public body shall enter into any contract for services unless the contract provides that only citizens of the United States, legal resident aliens, and individuals with a valid visa will perform the services under the contract or any subcontract of that contract. The bill further requires all public bodies to include in every contract for goods or services the following provisions: During the performance of this contract, the contractor agrees to (i) post in conspicuous places, available to employees and applicants for employment, a statement notifying such persons that only citizens of the United States, legal resident aliens, and individuals with a valid visa will be hired to perform the services under the contract or any subcontract of such contract; (ii) state in all solicitations or advertisements for employees placed by or on behalf of the contractor that the contractor will hire only citizens of the United States, legal resident aliens, and individuals with a valid visa to perform the services under the contract or any subcontract of such contract; and (iii) include the provisions of the foregoing clauses in every subcontract or purchase order, so that the provisions will be binding upon each subcontractor or vendor.

Patron - Phillips

HB2419 Public Procurement Act; prohibited contracts; required contract provisions. Provides that no public body shall enter into any contract for services unless the contract provides that only citizens of the United States, legal resident aliens, and individuals with a valid visa will perform the services under the contract or any subcontract of that contract. The bill further requires all public bodies to include in every contract for goods or services the following provisions: During the performance of this contract, the contractor agrees to (i) post in conspicuous places, available to employees and applicants for employment, a statement notifying such persons that only citizens of the United States, legal resident aliens, and individuals with a valid visa will be hired to perform the services under the contract or any subcontract of such contract; (ii) state in all solicitations or advertisements for employees placed by or on behalf of the contractor that the contractor will hire only citizens of the United States, legal resident aliens, and individuals with a valid visa to perform the services under the

contract or any subcontract of such contract; and (iii) include the provisions of the foregoing clauses in every subcontract or purchase order, so that the provisions will be binding upon each subcontractor or vendor.

Patron - Armstrong

HB2441 Secretary of Administration; performance review; report. Requires the Secretary of Administration, during the first year of each new gubernatorial administration, to cause to be conducted a performance review of state agencies and programs, focusing on the prioritization of program needs, return on program investment, effective program management, and effective, accountable fiscal management of state resources. The bill provides that the performance review shall be conducted by an independent contractor, the services of whom shall be procured in accordance with the Virginia Public Procurement Act or the Public-Private Education Facilities and Infrastructure Act of 2002. The bill requires the performance review to be completed within three years, with a written report to the Governor and the General Assembly. This bill has been incorporated into HB 1661.

Patron - Saxman

HB2474 Use of social security numbers. Requires that the identification number for state employee insurance plans not be the employee's social security number. The bill also amends the Virginia Consumer Protection Act to remove the requirement that a consumer submit a written request before a supplier is required to use a number, other than the social security number, as the consumer's account number.

Patron - May

HB2495 Public Procurement Act; prohibited contracts; required contract provisions. Provides that no public body shall enter into any contract for services unless the contract provides that only citizens of the United States, legal resident aliens, and individuals with a valid visa will perform the services under the contract or any subcontract of that contract. The bill further requires all public bodies to include in every contract for goods or services the following provisions: During the performance of this contract, the contractor agrees to (i) post in conspicuous places, available to employees and applicants for employment, a statement notifying such persons that only citizens of the United States, legal resident aliens, and individuals with a valid visa will be hired to perform the services under the contract or any subcontract of such contract; (ii) state in all solicitations or advertisements for employees placed by or on behalf of the contractor that the contractor will hire only citizens of the United States, legal resident aliens, and individuals with a valid visa to perform the services under the contract or any subcontract of such contract; and (iii) include the provisions of the foregoing clauses in every subcontract or purchase order, so that the provisions will be binding upon each subcontractor or vendor.

Patron - Keister

HB2555 Surplus agency operating funds; retention by state agency. Requires the Department of Planning and Budget to implement a program to permit any state agency that has surplus operating funds at the end of any fiscal year to retain up to 20 percent of the surplus.

Patron - Cline

HB2556 Procurement of services by certain state agencies. Requires the Division of Purchases and Supply of the Department of General Services, by regulation, to require all state agencies to procure services from the private sector if the services are listed as a commercial activity on the commercial activities list developed by the Commonwealth Competition Council in accordance with § 2.2-2622. The bill does not

apply to two- and four-year institutions of higher education or the hiring of law-enforcement personnel. The bill also provides an exception to the requirement that government cease performing services that can be obtained from a commercial source where the state agency, upon a written determination, finds that the procurement of services from a commercial source is either not practicable or fiscally advantageous. The bill also requires that beginning July 1, 2005, the Commonwealth Competition Council annually update its commercial activities list.

Patron - Cline

HB2569 Defense Infrastructure Grant Fund. Creates the Defense Infrastructure Grant Fund to be used by the Governor for providing grants to support local and regional infrastructure projects deemed to have a positive impact on the military value of installations within the State. The fund shall be used solely for the purposes of supporting infrastructure projects that benefit both the economy and residents of the region and military bases, installations or families located in the region. Infrastructure projects eligible for funding shall include but not be limited to those relating to encroachment, transportation and access, utilities, communications, housing, schools, environment, and security. On-base military construction projects shall not be eligible for funding. Under the bill, the Virginia Economic Development Partnership shall assist the Governor in developing objective guidelines and criteria that shall be used in awarding grants from the Fund.

Patron - Baskerville

HB2585 Virginia Public Procurement Act; preferences for Virginia firms; road construction. Provides that in awarding contracts for road construction where the amount of the contract is in excess of \$500,000, the Virginia Department of Transportation (VDOT) shall give consideration to the beneficial effect of the award on Virginia's economy. As stated in the terms and conditions of the solicitation, VDOT shall award a three percent preference to any road construction firm or corporation with facilities located in Virginia.

Patron - Cosgrove

HB2614 Secretary of Commerce and Trade; use of state-owned buildings as economic incentives. Requires the Secretary of Commerce and Trade to establish economic incentives by offering the use of available state-owned or state-leased buildings vacated by agencies as a result of state telecommuting and shared office programs to private businesses.

Patron - Hugo

HB2621 State and Local Conflict of Interest Act; prohibited contracts. Prohibits state and local officers and employees from having a personal interest in a comprehensive agreement entered into under the Public-Private Education Facilities and Infrastructure Act. "Personal Interest" is defined in the State and Local Conflict of Interest Act as a financial benefit or liability accruing to an officer or employee or to a member of the immediate family of the officer or employee and is subject to certain thresholds.

Patron - Byron

HB2626 Coordinating administration of workforce training resources. Transfers responsibility for administering the workforce training programs under Title I of the Workforce Investment Act from the Virginia Employment Commission to the Department of Business Assistance, which is renamed the Department of Business Assistance and Workforce Services. The local program delivery structure remains intact while planning, funding, and reporting activities will be coordinated at the state level.

Patron - Byron

HB2672 Virginia Freedom of Information Act; meetings exemption. Amends an existing meetings exemption to allow for closed meetings to discuss records exempt from public disclosure relating to the Public-Private Education Facilities and Infrastructure Act (PPEA).

Patron - Plum

HB2717 Virginia Public Building Authority; authorizing capital project. Authorizes the Virginia Public Building Authority to issue bonds in a principal amount not to exceed \$16 million for the demolition of the "8th Street Office Building" in Richmond, and for the construction of a parking facility in its place.

Patron - Morgan

HB2725 Secretary of Public Safety; duties. Requires the Secretary to establish a system for coordinating offender transitional and reentry services among local and regional jails, the Departments of Corrections, Correctional Education, Criminal Justice Services, and local nonprofit pre- and post-release service providers. The bill also states the intent of the General Assembly is that funds used for these purposes be leveraged to the fullest extent possible. This bill has been incorporated into HB 1763.

Patron - Scott, J.M.

HB2753 Virginia Research and Technology Advisory Commission. Updates names of member organizations and their titles. The bill also changes the Senate appointing authority from the Committee on Privileges and Elections to the Committee on Rules. This bill has been incorporated into HB 1691.

Patron - Petersen

HB2760 Freedom of Information Act (FOIA); electronic meetings. Allows local public bodies to conduct meetings under FOIA through electronic communication means (telephone or audio/visual). Currently, only state public bodies may conduct meetings in this manner. The bill contains technical amendments.

Patron - Reese

HB2845 Procurement; small business participation in state procurement transactions. Encourages small business participation in state transactions. The bill requires all state agencies, including those with independent purchasing authority, the Department of General Services, and the Virginia Information Technology Authority, to set aside exclusively for Virginia small businesses every acquisition of goods and services by a public body in state government anticipated to be under \$50,000, unless the purchasing officer finds that there is a reasonable expectation of fewer than two bids by small businesses. The bill defines the terms minority-owned, small business, and woman-owned.

Patron - Baskerville

HB2858 Virginia Economic Development Partnership Authority; required provisions in economic development agreements. Provides that any contract or agreement entered into between the Authority and a business that includes monetary or other financial incentives to encourage the business to locate in or expand its existing operations to a designated community shall contain a provision that requires the business to remain in such community for a period of at least five years from the date of the agreement. Any such agreement shall further provide that should the business leave the community or substantially terminate its business in the community before the end of the five-year period, it shall be required to

refund any monetary or other financial incentive given to it pursuant to the agreement.

Patron - Petersen

HB2874 Government Performance and Results Act; strategic plan. Requires each state agency in its strategic plan to include a review of the performance of state services offered by the agency using adopted performance measures.

Patron - Miller

HB2882 Surplus agency operating funds. Requires the Department of Planning and Budget to implement a program to permit any state agency that has surplus operating funds at the end of any fiscal year to allow the agency to retain 25 percent of the surplus for any purpose the agency selects.

Patron - Louderback

HB2894 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, J.M.

HB2908 Public Procurement Act; prohibited contracts; required contract provisions. Provides that no public body shall enter into any contract for services unless the contract provides that only persons who are not unauthorized workers under federal immigration law will perform the services under the contract or any subcontract of that contract. The bill further requires public bodies to include in their contracts provisions whereby contractors agree to hiring and subcontracting practices in conformity with the provisions of the section. The bill also provides for remedies in cases of violation.

Patron - Gear

HB2924 Virginia Public Procurement Act; exemption from competitive sealed bidding and competitive negotiation. Broadens the current exemption for public bodies purchasing services if purchased through an association of which the public body is a member by eliminating the requirement that the services be for insurance or electric utilities. The bill also grants an exemption from competitive sealed bidding and competitive negotiation to public bodies for services if provided by such an association of which the public body is a member, provided the public body has made a determination in advance after reasonable notice to the public and set forth in writing that competitive sealed bidding and competitive negotiation are not fiscally advantageous to the public.

Patron - Morgan

SB711 Freedom of Information Act; electronic communication meetings. Reduces the notice required for electronic communication meetings from 30 days to seven working days. The bill also (i) eliminates the 25 percent limitation on the number of electronic meetings held annually, (ii) eliminates the requirement that an audio or audio/visual recording be made of the electronic communication meeting, but retains the requirement that minutes be taken pursuant to § 2.2-3707, (iii) allows for the conduct of closed meetings during electronic meetings, and (iv) changes the annual reporting requirement from the Virginia Information Technology Agency to the Virginia Freedom of Information Advisory Council and the Joint Commission on Technology and Science and expands the type of information required to be reported. The bill defines "electronic communication means." The bill is a recommendation of the Freedom of Information Advisory Council. This bill has been incorporated into SB 1196.

Patron - Houck

SB773 Virginia Arts, Cultural and Historical Commission. Establishes the Virginia Arts, Cultural and Historical Commission (Commission) to replace the Commission for the Arts. The Commission will include the 13 current members of the Commission for the Arts and 13 additional members appointed by the Joint Rules Committee. The bill establishes the Commission as a policy commission to receive, allocate, and dispense funds for the support of the arts and designated cultural and historical organizations of the Commonwealth. The bill also provides for 3.125 percent of the net revenue generated by the sales and use tax to be allocated to the Commission to fund nonstate arts, cultural and historic organizations.

Patron - Bell

SB879 Virginia Freedom of Information Act (FOIA); exemptions for proprietary records of cable television and telecommunication services provided by localities. Exempts from the mandatory disclosure requirements of FOIA, confidential proprietary records and trade secrets developed and held by a local public body (i) providing telecommunication services pursuant to § 56-265.4:4 and (ii) providing cable television services pursuant to Article 1.1 (§ 15.2-2108.2 et seq.) of Chapter 2 of Title 15.2, to the extent that disclosure of such records would be harmful to the competitive position of the locality. The bill provides that in order for confidential proprietary information or trade secrets to be excluded from FOIA, the locality in writing shall (i) invoke the protections of FOIA, (ii) identify with specificity the records or portions thereof for which protection is sought, and (iii) state the reasons why protection is necessary. The bill also grants an open meeting exemption for discussions of such records by a public body. The bill contains technical amendments.

Patron - Wampler

SB930 Virginia Economic Development Incentive Act. Establishes the Virginia Economic Development Incentive Fund (Fund) administered by the Virginia Economic Development Partnership to provide grants to Virginia companies. The Fund distinguishes between Virginia companies that are located in large metropolitan areas and those located in other areas of the state by establishing different criteria for eligibility in terms of job creation and capital investment. The maximum amount of grants that may be approved in a fiscal year is \$10 million and no more than three grants can be awarded to an eligible company in any single biennium. A company that has received a Virginia Investment Partnership grant would be ineligible for a grant from the Fund.

Patron - Stosch

SB942 Virginia State Defense Force; special license plates. Authorizes the issuance of special license plates to members of the Virginia State Defense Force. The bill also makes a nonsubstantive, technical change involving the composition of the Virginia Military Advisory Council. This bill has been incorporated into SB 884.

Patron - Puckett

SB970 Department of Consumer Affairs. Removes the Office of Consumer Affairs from the Department of Agriculture and Consumer Services and establishes it as the Department of Consumer Affairs (DCA). The DCA will be headed by a Director appointed by the Governor to serve at his pleasure. The DCA will be the successor in interest to the Office of Consumer Affairs by serving as the central coordinating agency and clearinghouse for receiving and investigating complaints by Virginia consumers of illegal, fraudulent, deceptive or dangerous practices. The bill also provides that it shall not become effective unless an appropriation of general funds effectuating

the purposes of the bill is included in the general appropriation act passed by the 2005 Session of the General Assembly.

Patron - O'Brien

SB998 Circuit court clerks; posting certain information on the Internet; prohibitions; sunset. Provides that the clerks of the circuit courts are immune from suit arising from any acts or omissions relating to providing remote access to information on the Internet, unless such acts or omissions were intentional or the result of gross negligence. This section was set to expire on July 1, 2005, but this bill extends that sunset to July 1, 2007.

Patron - Devolites Davis

SB1119 Virginia Commission on Higher Education Board Appointments. Codifies the Virginia Commission on Higher Education Board Appointments, which currently exists pursuant to Executive Order of the Governor. The Commission is required to (i) review and evaluate potential appointees to the boards of visitors of Virginia public institutions of higher education, the State Council of Higher Education, and the State Board for Community Colleges, and (ii) make recommendations to the Governor regarding appointments to these entities. The bill expires on July 1, 2008.

Patron - Norment

SB1190 Virginia Investment Partnership Act. Allows qualified research and development services eligibility to receive investment performance grants. The bill also (i) lowers the maximum amount of individual awards that may be made, and (ii) reduces the time for payouts for all grants awarded on or after July 1, 2005.

Patron - Colgan

SB1213 Long-Term Care Ombudsman Volunteer Training and Assistance Fund and fees; established. Establishes the Long-Term Care Ombudsman Volunteer Training and Assistance Fund ("Fund"). Moneys in the Fund shall be used for the training, technical assistance, and education of local long-term care ombudsman volunteers in order to increase the number of local volunteers, improve the quality of volunteer training, and better protect the rights of and ensure the quality of care of Virginians receiving or in need of long-term care services. The bill also creates an annual service charge of \$1 per patient bed or resident for which nursing homes and assisted living facilities are licensed. These fees shall be paid into the state treasury and credited to the Long-Term Care Ombudsman Volunteer Training and Assistance Fund.

Patron - Miller

SB1218 Administrative Process Act; impact on small businesses. Requires the Department of Planning and Budget, in addition to the economic impact analysis it already prepares concerning a proposed regulation, to differentiate between small businesses and other businesses identified; estimate the projected reporting, recordkeeping and other administrative costs required for compliance by such small businesses with the regulation; and include a description of any alternative method for achieving the purpose of the regulation while minimizing adverse impact on small businesses. The bill defines "small business" as a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million. The bill also requires agencies to periodically review their regulations to minimize the economic impact on small businesses. This bill has been incorporated into SB 1122.

Patron - Bolling

SB1245 Transportation funding. Provides that moneys in the Commonwealth Transportation Fund, Transportation Trust Fund, and the Highway Maintenance and Operating Fund shall be used for (i) administering, planning, constructing, improving, or maintaining the roads embraced in the systems of highways for the Commonwealth and its localities, or furthering the interests of the Commonwealth in the areas of highways, public transportation, railways, seaports, or airports; (ii) making payments on bonds or other obligations that have been issued or entered into to finance transportation projects; or (iii) making loans to finance transportation projects. In general, the bill provides that moneys designated for deposit into the general fund shall not be used for transportation purposes except that general fund moneys shall be used for (i) debt service on the \$317 million in principal amount of Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes that were issued for certain transportation projects specified in the 2002 Appropriations Act; and (ii) making the annual \$40 million deposit of state recordation taxes to the U.S. Route 58 Corridor Development Fund and the annual \$40 million distribution of state recordation taxes to counties and cities. However, if the general fund revenue forecast for the fiscal year is for growth of at least eight percent, then moneys deposited into the general fund in that fiscal year may be used for transportation-related purposes.

Patron - Williams

SB1249 Information Technology Investment Board; designation of board chair. Designates the Secretary of Technology as the chair of the Information Technology Investment Board. Currently the Board elects the chair from among its membership for two-year terms.

Patron - Devolites Davis

SB1252 Security audits; report. Changes the requirement for security audits of government databases from periodically to annually. The bill also requires the CIO to report the results of these audits annually to the Governor and the General Assembly and authorizes the CIO to monitor and assist with any remediation that may be required to mitigate any risks or vulnerabilities discovered by audits.

Patron - O'Brien

SB1286 Public Procurement Act; prohibited contracts; required contract provisions. Provides that no public body shall enter into any contract for goods or services unless the contract provides that only citizens of the United States, legal resident aliens, and individuals with a valid visa will provide the goods or perform the services under the contract or any subcontract of that contract. The bill further requires all public bodies to include in every contract for goods or services the following provisions: During the performance of this contract, the contractor agrees to (i) post in conspicuous places, available to employees and applicants for employment, a statement notifying such persons that only citizens of the United States, legal resident aliens, and individuals with a valid visa will be hired to perform the services under the contract or any subcontract of such contract; (ii) state in all solicitations or advertisements for employees placed by or on behalf of the contractor that the contractor will hire only citizens of the United States, legal resident aliens, and individuals with a valid visa to perform the services under the contract or any subcontract of such contract; and (iii) include the provisions of the foregoing clauses in every subcontract or purchase order, so that the provisions will be binding upon each subcontractor or vendor.

Patron - Puckett

SB1308 Administrative Process Act; regulatory flexibility for small businesses. Requires the Department of Planning and Budget, in addition to the economic impact analysis currently required for proposed regulations, to identify and estimate the number of small businesses subject to the regulation; the projected reporting, recordkeeping and other administrative costs required for compliance by such small businesses with the regulation; the probable effect of the regulation on affected small businesses; and any alternative method for achieving the purpose of the regulation while minimizing adverse impact on small businesses. A small business is defined as a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million. An agency proposing a regulation is also required to prepare a regulatory flexibility analysis in which it considers utilizing regulatory methods that will accomplish the objectives of applicable law while minimizing the adverse effect on small businesses. Agencies are also required to periodically review their regulations to determine if they should be continued, amended or repealed, in order to minimize the economic effect on small businesses. The measure also gives small businesses the right to judicial review of agency compliance with these requirements. This bill has been incorporated into SB 1122.

Patron - O'Brien

Agriculture, Horticulture and Food

Passed

HB1644 Membership of the Pesticide Control Board. Changes the membership of the Pesticide Control Board. Currently at least one member of the Board is to represent commercial applicators. Under this bill, at least one of the two appointees representing the commercial sale or application sector must be a structural commercial applicator. This bill is identical to SB 699.

Patron - Orrock

HB1746 Referendum on question of levying excise tax on apples; penalty. Directs the Board of Agriculture and Consumer Services to authorize the holding of a referendum on the levy of an excise tax of 2.5 cents per tree run bushel of ungraded apples grown in the Commonwealth for sale by producers of at least 5,000 tree run bushels per calendar year. The bill defines "tree run bushel" as a bushel of harvested apples that have not yet been graded or sized. This bill is identical to SB 1008.

Patron - Sherwood

HB1947 Agricultural Enterprise Act of 2005; penalty. Directs the Department of Agriculture and Consumer Services to establish, as an element of the Office of Farmland Preservation, agricultural enterprise districts upon application by localities with established agricultural or forestal districts, locally designated agricultural enterprise districts, or purchase of development rights programs. "Qualified agricultural businesses" and "qualified farm businesses" located in such districts may apply to the Department for assistance in developing a new business plan and grant funding for up to 50 percent of the associated costs of implementing that plan, up to a maximum \$500,000. "Qualified agricultural businesses" are agricultural businesses that establish a new business operation or plan to expand and improve an existing operation within a des-

ignated agricultural enterprise district. "Qualified farm businesses" are farm businesses that establish a new agricultural or forestal production operation or plan to expand or improve an existing operation within an agricultural enterprise district. This bill contains a delayed enactment clause of January 1, 2007, which is conditioned upon funding for the program being included in the appropriations act for fiscal years 2006-2008.

Patron - Saxman

HB2221 Enforcement of animal laws in towns. Gives towns the option of adopting by reference any ordinance of the surrounding county to be applied within its town limits, instead of adopting an ordinance of its own.

Patron - Rust

HB2295 Right to consume farm products. Provides that no regulation shall prohibit a person, his immediate family, or his guests from consuming products or commodities grown or processed on his property provided that the products or commodities are not offered for sale.

Patron - Lingamfelter

HB2338 Permits to sell companion animals; penalty. Authorizes localities that adopt an ordinance to require permits for pet shops or companion animal dealers to provide either a criminal penalty not to exceed a Class 3 misdemeanor or a civil penalty not to exceed \$500 for any violation of the ordinance.

Patron - Athey

HB2423 Horse Industry Board; penalty. Authorizes the Board of Agriculture and Consumer Services, upon petition, to conduct a referendum of horse owners in the Commonwealth on the question of whether or not an assessment of \$3 per ton or \$0.075 per 50-pound bag of manufactured horse feed should be established to support additional market development, education, publicity, research, and promotion of the equine industry. This bill is identical to SB 1009.

Patron - Scott, E.T.

HB2629 Master Settlement Agreement; release of escrow funds. Implements uniform language concerning the release of escrow funds to cigarette manufacturers that are not participating manufacturers under the Master Settlement Agreement. At the manufacturer's request, the new provisions will not be applied to those escrow funds associated with cigarettes sold prior to July 1, 2005, for which cigarettes the manufacturer places funds into escrow on or before April 15, 2006. This bill is identical to SB 1202.

Patron - Albo

HB2737 Assessment on cotton. Authorizes the Board of Agriculture and Consumer Services, upon petition, to conduct a referendum of cotton producers in the Commonwealth on the question of whether or not the Cotton Board should be authorized to increase the current assessment of \$0.85 per bale of ginned cotton by a maximum of \$0.15 to support education, research, and promotion of the growth and use of cotton.

Patron - Councill

HB2837 Weights and measures; inspections. Eliminates (i) the annual minimum inspection of commercial weights and measures by the Department of Agriculture and Consumer Services and grants the Commissioner of Agriculture and Consumer Services discretion to determine the frequency of inspections, and (ii) the required official inspection of new or used weights or measures. This bill also (i) allows the Commissioner to accept private companies' inspection of

weights and measures as official inspections and (ii) requires that the Commissioner report annually to the General Assembly on the Department's testing and inspection activities for the weights and measures program including the number and frequency of inspections. This bill incorporates HB 2641 and HB 2730.

Patron - Sherwood

HB2919 Assignment of escrow funds by nonparticipating tobacco manufacturers; incentive payments for assignment. Allows nonparticipating tobacco manufacturers to assign tobacco escrow funds to the Commonwealth and after certain amounts are used for incentive payments, the remainder goes into the Virginia Health Care Fund. This bill incorporates HB 2035 and HB 2918.

Patron - Hogan

SB699 Membership of the Pesticide Control Board. Changes the membership of the Pesticide Control Board. Currently, at least one member of the Board is to represent commercial applicators. Under this bill, at least one of the two appointees representing the commercial sale or application sector must be a structural commercial applicator. This bill is identical to HB 1644.

Patron - Houck

SB1008 Referendum on question of levying excise tax on apples; penalty. Directs the Board of Agriculture and Consumer Services to authorize the holding of a referendum on the levy of an excise tax of 2.5 cents per tree run bushel of ungraded apples grown in the Commonwealth for sale by producers of at least 5,000 tree run bushels per calendar year. The bill defines "tree run bushel" as a bushel of harvested apples that have not yet been graded or sized. This bill is identical to HB 1746.

Patron - Hanger

SB1009 Horse Industry Board; penalty. Authorizes the Board of Agriculture and Consumer Services, upon petition, to conduct a referendum of horse owners in the Commonwealth on the question of whether or not an assessment of \$3 per ton or \$0.075 per 50-pound bag of manufactured horse feed should be established to support additional market development, education, publicity, research, and promotion of the equine industry. This bill is identical to HB 2423.

Patron - Hanger

SB1202 Master Settlement Agreement; release of escrow of funds. Implements uniform language concerning the release of escrow funds to cigarette manufacturers that are not participating manufacturers under the Master Settlement Agreement. At the manufacturer's request, the new provisions will not be applied to those escrow funds associated with cigarettes sold prior to July 1, 2005, for which cigarettes the manufacturer places funds into escrow on or before April 15, 2006. This bill is identical to HB 2629.

Patron - Stosch

SB1332 Assignment of escrow funds by nonparticipating tobacco manufacturers; incentive payments for assignment. Allows nonparticipating tobacco manufacturers to assign tobacco escrow funds to the Commonwealth and after certain amounts are used for incentive payments, the remainder goes into the Virginia Health Care Fund.

Patron - Puckett

Failed

HB1547 Restricted fertilizer permits. Requires all distributors of restricted fertilizers to obtain a restricted fertilizer permit from the Department of Agriculture and Consumer Services in addition to current licensing and permitting requirements. In this bill, a restricted fertilizer permit holder may refuse to sell to persons attempting to purchase restricted fertilizers out of season, in unusual quantities, or under suspect purchase patterns. Also, a restricted fertilizer permit holder must record a valid state or federal driver's license number, or other picture identification card number approved by the Department, for the purchaser of restricted fertilizer. This bill defines restricted fertilizer as a commercial fertilizer having a potential explosive capacity that is determined by the Department to present an unreasonable threat to public safety.

Patron - Frederick

HB1884 Animal license taxes. Increases the amount that localities can charge for animal license taxes from \$10 to \$35, and limits the tax for each additional dog or cat to \$2. Funds collected under this bill will be used by the localities to (i) defray the cost of local animal control shelters, (ii) promote sterilization of dogs and cats, and (iii) support affordable rabies vaccination clinics.

Patron - Hargrove

HB2128 Agri-tourism Incentives Act; penalty. Creates the Agri-tourism Incentives Act to allow qualified farm businesses to have restaurants and provide overnight accommodations on agriculturally zoned land under certain conditions. The Department of Agriculture and Consumer Services is tasked with administering this new program.

Patron - Saxman

HB2405 Exemptions from dairy regulations. Exempts from all Virginia Department of Agriculture milk regulations farmers who own no more than three milking cows or 12 milking goats and (i) sell the milk from these animals direct to the final consumer at the farm only or (ii) who make cheese or butter on the farm from the milk of these animals and sell these products directly to the final consumer at the farm only. This bill has been incorporated into HB 2903.

Patron - Phillips

HB2641 Weights and measures. Directs the Commissioner to inspect commercially used weights and measures every two years and collect any fees associated with the testing, inspection, or registration of weights and measures every two years. This bill has been incorporated into HB 2837.

Patron - Hurt

HB2691 Labeling fertilizer products. Requires that fertilizer sold in packages of 50 pounds or less for general household lawn and garden use include a label with directions for proper fertilizer use and precautionary statements to educate users.

Patron - Pollard

HB2723 Potentially dangerous dogs; penalty. Allows localities to regulate potentially dangerous dogs, defined as dogs that have when unprovoked, endangered a person by exhibiting dangerously threatening behavior normally associated with an attack. Currently, localities may regulate dangerous and vicious dogs.

Patron - Scott, J.M.

HB2730 Weights and measures; inspections. Eliminates (i) the annual minimum inspection of commercial

weights and measures by the Department of Agriculture and Consumer Services and grants the Commissioner of Agriculture and Consumer Services discretion to determine the frequency of inspections, and (ii) the required official inspection of new or used weights or measures. This bill also allows the Commissioner to accept private companies' inspection of weights and measures as official inspections. This bill has been incorporated into HB 2837.

Patron - Scott, J.M.

HB2846 Use of gas chambers at animal shelters and pounds prohibited. Prohibits the use of gas chambers at animal shelters and pounds. This bill has a delayed effective date of October 1, 2005.

Patron - Scott, J.M.

HB2859 Regulation of pet shops. Establishes an annual schedule for pet shop inspections by the State Veterinarian and authorizes him to set up a system for issuing citations for violations.

Patron - Petersen

HB2903 Selling of farm products; penalty. Allows farmers to sell products or commodities legally grown or processed on their farms if they meet certain conditions, including annually notifying in writing the Department of Agriculture and Consumer Services of their intent to sell products and commodities under this section. If a farmer fails to meet any of the conditions, he is subject to a Class 4 misdemeanor penalty and will have his right to sell such products and commodities revoked. This bill incorporates HB 2405.

Patron - Pollard

HB2918 Assignment of escrow funds by non participating tobacco manufacturers. Allows non participating tobacco manufacturers to assign tobacco escrow funds to the Commonwealth. After certain amounts are used for incentive payments, the remainder goes into the Virginia Health Care Fund. This bill has been incorporated into HB 2919.

Patron - Hogan

HB2927 Companion animals; civil penalties. Amends the Comprehensive Animal Laws to require: (i) companion animal dealers to obtain an annual dealer business license to sell companion animals or to advertise companion animals for sale; and (ii) all releasing agencies, including dealers, pet stores, and for-profit breeders, to sterilize and implant a microchip in any companion animal before it is released to a new owner.

Patron - Kilgore

SB765 Animal license taxes. Establishes the maximum tax that localities can charge for each spayed or neutered dog or cat at \$10 per year, and for each unsterilized dog or cat at \$20 per year. This bill keeps the maximum license tax for kennels at \$50 per year, but requires every dog or cat contained in a kennel to have a current rabies vaccination.

Patron - Locke

SB1268 Labeling fertilizer products. Requires that specialty fertilizers include a label with directions for proper fertilizer use and precautionary statements to educate users. Specialty fertilizer means a fertilizer distributed for nonfarm use, including home gardens, lawns, shrubbery, flowers, golf courses, and nurseries.

Patron - Ticer

SB1331 Assignment of escrow funds. Allows non-participating manufactures to assign to the Commonwealth

their rights to any escrow fund payments required by Virginia law of nonparticipating manufacturers.

Patron - Puckett

Alcoholic Beverage Control Act

Passed

HB1721 **Alcoholic beverage control; limitations on manufacturers; exception.** Allows a manufacturer of beer or wine to obtain only one banquet license for a special event lasting no more than three consecutive days. Current law provides that a banquet license is required for each day of an event. The bill increases the state and local license tax for the three-day banquet license to \$100 and \$20 respectively. The bill contains technical amendments.

Patron - Albo

HB1822 **Alcoholic beverage control; wine and license for day spas.** Creates a day spa license that allows the licensee to give no more than two-five ounce glasses of wine or one 12-ounce glass of beer to customers of the day spa for on-premises consumption. The bill also defines day spa and sets the amount of state and local license taxes. The bill contains technical amendments.

Patron - Suit

HB2255 **Underage drinking and provision of alcohol; penalties.** The bill criminalizes underage consumption and punishes anyone who aids or assists in providing alcohol to an underage person with a Class 1 misdemeanor.

Patron - Bell

HB2582 **Alcoholic beverage control; mixed beverage licenses for certain properties.** Authorizes the Alcoholic Beverage Control Board to grant mixed beverage licenses to establishments to be located (i) on property fronting U.S. Route 11, with portions fronting Route 659, adjoining a city with a population between 17,000 and 18,000 and located approximately 2,700 feet north of mile marker 7.7 on Interstate 81; and (ii) on property bounded on the north by U.S. Route 11 and to the south by Interstate 81, and located between mile markers 8.1 and 8.5 of Interstate 81. Both properties are located in Washington County. The bill contains technical amendments and is identical to SB 1151.

Patron - Kilgore

HB2710 **Alcoholic Beverage Control Board; regulations; purchases by certain licensees.** Provides that the Alcohol Beverage Control Board shall provide notice to licensees on Board policies relating to the assignment of government stores from which licensees may purchase products and any procedure for the licensee to elect to make purchases from an alternative government store.

Patron - Sickles

HB2740 **Alcoholic beverage control; wine and beer licenses.** Authorizes the granting of a retail on-premises wine and beer license to persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility which has capacity for more than 9,500 persons and is located in any county operated under the county manager form of government (Henrico County).

Patron - Reid

HB2791 **Purchase of alcohol for others; penalties.** Allows the court to suspend for up to one year the driver's

license of someone who purchases alcohol for someone who is underage, intoxicated, or interdicted. A restricted permit is allowed.

Patron - Albo

SB1151 **Alcoholic beverage control; mixed beverage licenses for certain properties.** Authorizes the Alcoholic Beverage Control Board to grant mixed beverage licenses to establishments to be located (i) on property fronting U.S. Route 11, with portions fronting Route 659, adjoining a city with a population between 17,000 and 18,000 and located approximately 2,700 feet north of mile marker 7.7 on Interstate 81; and (ii) on property bounded on the north by U.S. Route 11 and to the south by Interstate 81, and located between mile markers 8.1 and 8.5 of Interstate 81. Both properties are located in Washington County. The bill contains technical amendments and is identical to HB 2582.

Patron - Stolle

SB1309 **Alcoholic beverage control; applications for licenses; criminal history checks.** Provides that the Alcoholic Beverage Control Board may waive, for good cause shown, the requirement for a criminal history records search and completed personal data form for officers, directors, non-managing members, or limited partners of any applicant corporation, limited liability company, or limited partnership.

Patron - Williams

Failed

HB1498 **Alcoholic beverage control (ABC); retail franchising of new government stores by the ABC Board.** Provides for the granting of retail franchises by the ABC Board for the sale of spirits, vermouth, and mixers by retail franchisees. Mixed beverage licensees may purchase alcoholic beverages from the retail franchisees. The bill provides that no new government stores may be owned or operated by the ABC Board on or after July 1, 2005. Instead, the ABC Board shall enter into franchise agreements for the ownership and operation of retail franchised establishments in such counties, cities, and towns considered advisable by the Board, subject to the provisions of any local referendum. The bill provides that the Retail Franchising Act shall not apply to retail franchises granted by the ABC Board. The bill contains an emergency clause. The bill contains numerous technical amendments to achieve the retail franchising of new government stores.

Patron - Louderback

HB2015 **Alcoholic Beverage Control Board; membership.** Requires one member of the Alcoholic Beverage Control Board to be a representative of the restaurant industry. The bill provides that it does not apply to the current Alcoholic Beverage Control Board, unless there is a vacancy.

Patron - Hall

HB2024 **Alcoholic beverage licensees; prohibiting loaded firearms on premises.** Requires the Alcoholic Beverage Control Board to provide notice to persons licensed to sell and serve alcoholic beverages for on-premise consumption of their right to prohibit the carrying of loaded firearms at the location for which the license was issued, if such location is on private property.

Patron - Amundson

SB859 **Alcoholic Beverage Control Board; conditions to refuse licenses.** Requires the Alcoholic Beverage Control Board (ABC) to refuse to grant a mixed beverage license if the ABC Board determines that in the licensed establishment there are customers, who are not law enforcement

officers, that the licensee knows or should know are carrying firearms and who are served alcoholic beverages.

Patron - Howell

SB1181 Alcoholic beverage control; mixed beverage nightclub license. Creates a new license, the mixed beverage nightclub license, and sets out the privileges of this new license. The bill defines “nightclub” as an establishment of at least 4,000 square feet, including kitchen facilities, with an occupant load density of less than 15 square feet per person, that provides entertainment at night, where, in consideration of payment, meals or other foods prepared on the premises are regularly sold, and that has a floor show or provides music and space for dancing. The bill provides for the state and local taxes on this new license. The bill also contains technical amendments.

Patron - Rerras

Aviation

Passed

HB1597 Roanoke Regional Airport Commission. Allows the Commission to change the name of Roanoke Regional Airport, Woodrum Field to another name, provided the words “Woodrum Field” are part of the new name. The bill makes other technical and editorial corrections as well.

Patron - Fralin

HB1792 Aircraft insurance requirements. Allows proof of financial responsibility with respect to ultralight aircraft to be satisfied by a liability insurance policy issued by a surplus lines carrier. Currently, ultralight aircraft may be insured by a single-limit policy with limits of \$100,000, but the policy must be issued by an insurance company licensed in Virginia. Insurance on other types of aircraft may currently be obtained either from a licensed insurance company or through a surplus lines broker.

Patron - Cox

SB1113 Clarksville-Boydton Airport Commission. Allows the towns of Boyton and Clarksville to create an airport commission with powers typical of other airport commissions.

Patron - Ruff

Failed

HB1603 Department of Aviation; Commonwealth Airport Fund. Takes \$5 million per year for three years “off the top” of the Commonwealth Airport Fund to be used by the Department of Aviation to award grants to nonhub and small hub Virginia airports to provide incentives for service by low-cost airlines.

Patron - Fralin

SB1094 Eminent domain; accident potential zones of Master Jet Base. Permits any locality in which a Master Jet Base is located and any adjacent locality to acquire property within an accident potential zone of the Master Jet Base through the power of eminent domain. Once acquired, the property or interest therein may be transferred to the United States or any department or agency of the United States, but shall not be sold to a private party other than the original owner or successor in title.

Patron - Stolle

SB1311 Flying under the influence; penalties. Provides that any person who performs or is assigned to perform any duty in an aircraft during the time in which the aircraft is undergoing preflight inspection or maintenance, boarding or carrying passengers or crew, or at any time the aircraft is under power or in flight while under the influence of alcohol or drugs is guilty of a crime. The current felony of operating an aircraft while under the influence of intoxicating liquor or any narcotic or habit-forming drug remains unchanged. Violation of the other provisions is a Class 1 misdemeanor. The offender is prohibited from acting as flight crew for 12 months for a first offense and for 24 months for a second or subsequent offense within five years of the prior offense. Provisions regarding implied consent, blood alcohol concentrations, tests and refusal are added. The existing crime of reckless operation of an aircraft is moved to a new section.

Patron - Norment

Banking and Finance

Passed

HB1156 Payday lending practices. Prohibits a licensed payday lender from entering into a payday loan with a member of the armed forces from a location that has been declared off-limits by a military base commander. With respect to payday loans to military personnel or their spouses, lenders shall not garnish military wages or conduct collection activities when the service member is deployed to a combat or combat support posting. The measure also clarifies that loans based on income tax refunds are not payday loans, and prohibits unlicensed person from engaging in payday loans or arranging or brokering payday loans for consumers residing in Virginia, whether or not the lender has a location in Virginia.

Patron - Morgan

HB1586 Consumer Real Estate Settlement Protection Act; separate charge limited. Prohibits settlement agents from charging more than \$10 for complying with requirements that settlement agents collect, maintain, and report to the Department of Taxation information regarding transactions involving the transfer of title to real estate. This bill is identical to SB 875.

Patron - Reese

HB1777 Consumer Finance Act licensing. Requires a person to seek approval from the State Corporation Commission prior to acquiring 25 percent or more of the ownership interest in a lender licensed under the Consumer Finance Act. The measure also updates the Act by modifying the contents of the application for licensure, establishing qualifications for principals of new licensees, and requiring licensees to give notice to the Commissioner of the Bureau of Financial Institutions of the opening or closing of offices and of changes in senior officers, members, partners, and directors.

Patron - Purkey

HB2010 Judgment rate of interest. Provides that the rate of interest on a judgment is that rate in effect at the time of entry of the judgment, and is not affected by any subsequent changes to the statutory rate of interest.

Patron - Armstrong

HB2061 Virginia Economic Development Revolving Fund; community development financial institution. Eliminates the Virginia Economic Development Revolving

Fund and provides for the transfer of the Fund's assets and associated records from the Small Business Financing Authority to an eligible qualifying community development financial institution, upon approval by the Secretary of Commerce and Trade. The bill requires the Secretary of Commerce of Trade to report to the General Assembly by December 1, 2005.

Patron - Landes

P HB2457 Money transmission services; exemption from licensure. Exempts a person, firm, corporation or other entity from the requirement that it be licensed by the State Corporation Commission to engage in the business of money transmission, to the extent of providing money transmission services to or for banks or other financial institutions.

Patron - Ware, R.L.

P HB2460 Credit counseling. Eliminates the requirement that licensed credit counseling agencies be nonprofit, tax-exempt organizations. The measure also requires that an applicant for licensure as a credit counseling agency not be the subject of a current material administrative or regulatory proceeding and not have received a material adverse determination in any past administrative or regulatory proceedings. An applicant is also required to file a consumer disclosure form with the State Corporation Commission.

Patron - Nixon

P HB2571 Business of banks. Enumerates the business activities in which banks are authorized to engage. Banks are authorized to engage directly in activities in which a controlled subsidiary corporation may engage, including transacting business as a real estate brokerage firm. Other enumerated business activities include acting as an agent in the sale of insurance and annuities; dealing in or making a market in securities; providing financial, investment, or economic advisory services; and providing other products and services that the State Corporation Commission deems to be financial in nature.

Patron - Dudley

P SB776 Use of the name, logo or symbol of a financial institution; penalty. Prohibits any person from using the name, logo or symbol of a bank, trust company, savings institution, or credit union, or a deceptively similar name, logo or symbol, in any marketing material in a manner that would cause a reasonable person to believe that the material is from the financial institution. A violation is punishable as a Class 1 misdemeanor. In addition, a financial institution whose name, logo or symbol is used in such manner is entitled to injunctive relief, the destruction of the material, and a private action for damages, disgorgement of profit, and attorneys' fees, under the Virginia Trademark and Service Mark Act.

Patron - Potts

P SB875 Consumer Real Estate Settlement Protection Act; separate charge limited. Prohibits settlement agents from charging more than \$10 for complying with requirements that settlement agents collect, maintain, and report to the Department of Taxation information regarding transactions involving the transfer of title to real estate. This bill is identical to HB 1586.

Patron - Deeds

P SB936 Revolving credit agreements. Affirms that a state bank or savings institution is authorized to amend the terms of a revolving credit agreement by following the procedures set forth in the agreement for effecting changes in its terms, subject to compliance with the federal Truth in Lending Act. This provision is stated to be declaratory of existing law. The measure also specifies that, unless a contract or plan otherwise expressly provides, the lender may amend the contract or

plan in any respect at any time and from time to time, whether or not the amendment or the subject of the amendment was originally contemplated or addressed by the lender and borrower or is integral to their relationship.

Patron - Stosch

P SB1029 Mortgage loans by state banks. Eliminates requirements that certain mortgage loans be amortized by periodic payments of principal and interest or by regular payments of principal. A provision of the Code that allows the Commissioner of Financial Institutions to authorize investment in mortgage loans that provide for lesser payments during early periods of maturity of such loans is eliminated. This bill incorporates SB 974.

Patron - Newman

Failed

F HB1575 Consumer Real Estate Settlement Protection Act; separate charge prohibited. Prohibits settlement agents from making a separate charge on a settlement statement for complying with requirements that settlement agents collect, maintain, and report to the Department of Taxation information regarding transactions involving the transfer of title to real estate. Though the cost of compliance with such requirements may not be assessed as a separate charge, settlement agents are not prohibited from taking this cost into account in establishing their charges for performing escrow, closing or settlement services.

Patron - Albo

F HB1623 Interest rates incurred for certain debts for health care services. Provides that the rate of interest that may be charged with respect to an outstanding debt of an indigent person to a health care provider, or its assignee, which debt (i) was incurred by the indigent person as a result of the provision of health care services by the health care provider to the indigent person, (ii) has remained unpaid for 30 or more days following the provision of such health care services, and (iii) has been assigned by the health care provider to a debt collection agency for collection purposes, shall not exceed an annual rate of four percent.

Patron - Purkey

F HB1864 Payday lending; database; rollovers. Requires the establishment, by July 1, 2006, of a database that must be accessed by payday lenders prior to making a payday loan, in order to determine whether the person applying for the loan has an outstanding payday loan or has terminated a payday loan within the preceding 24 hours. The measure also requires payday lenders to check an internal database and to obtain a certification from the person, in order to confirm that the person does not have an outstanding payday loan and has not terminated a payday loan within the preceding 24 hours, and prohibits payday lenders from making loans to such persons. Finally, lenders are prohibited from engaging in the rollover of payday loans.

Patron - Morgan

F HB1886 Money transmission services; exemption from licensure. Exempts a person from the requirement that it be licensed by the State Corporation Commission to engage in the business of money transmission, if the person provides money transmission services, directly or through a wholly owned subsidiary, only to a bank or other financial institution.

Patron - Ware, R.L.

F HB1961 Payday lending; rollovers; database. Requires the State Corporation Commission on or before July

1, 2006, to contract with a third party to establish and administer a database with real-time access through an Internet connection to ensure compliance with the Payday Loan Act. The measure also prohibits payday lenders from entering into a payday loan with a person who has an outstanding payday loan with that licensee or affiliate or with any other payday lender, or with a person whose previous payday loan has been terminated for less than 30 days, and from extending or continuing a payday loan where the lender continues to hold the borrower's check or substitutes a new check.

Patron - Jones, D.C.

SB824 Payday loans. Excludes any loan made in conjunction with tax return preparation or electronic filing services by a commercial entity that is approved by the Internal Revenue Service as an e-file provider from the definition of a payday loan.

Patron - Williams

SB886 Consumer Finance Act; motor vehicle title loans. Makes revolving loans that are secured by a non-purchase-money security interest in a motor vehicle subject to the provisions of the Consumer Finance Act if they are for amounts of less than \$6,000 and are made for personal, family, household, or other nonbusiness purposes. Currently, revolving loans are exempt from the Consumer Finance Act. The maximum annual rate of interest on loans subject to the Consumer Finance Act of up to \$2,500 is 36 percent.

Patron - Bell

SB974 Interest-only mortgage loans. Authorizes banks to make interest-only loans by eliminating the requirement that mortgage loans with a loan-to-value ratio of less than 50 percent be amortized by payments of principal. This bill has been incorporated into SB 1029.

Patron - O'Brien

Boundaries, Jurisdiction and Emblems of the Commonwealth

Passed

HB2579 Emblems of the Commonwealth; designation of the state bat. Designates the Virginia Big-eared bat (*Corynorhinus townsendii virginianus*) as the official bat of the Commonwealth.

Patron - Stump

Civil Remedies and Procedure

Passed

HB1518 Verdict and judgment; damages. Provides that where the court awards a plaintiff judgment for unlawful detainer or entry, the plaintiff may choose to receive a final, appealable judgment for possession and continue the case for up to 90 days in order to establish final rent and damages. At least 15 days prior to any authorized continuance date, the plaintiff shall mail a notice to the defendant, at the defendant's last known address, advising of (i) the continuance date; (ii)

the amounts of final rent and damages; and (iii) that the plaintiff is seeking judgment for additional sums.

Patron - Reese

HB1556 Immunity for medical services; Board of Medicine to inform licensees. Requires the Board of Medicine to provide its licensees with a full description of the protections from civil liability that may apply where health care services are provided without compensation to a patient of a clinic that is organized in whole or in part for the delivery of health care services without charge.

Patron - Purkey

HB1588 Unlawful detainer; removal. Makes the provisions governing removal of residential unlawful detainer actions applicable to unlawful detainer actions involving commercial tenancies.

Patron - Reese

HB1594 Enforcement of judgments. Makes consistent the treatment of foreign and domestic judgments with respect to the timeframes for their enforcement. This bill is identical to SB 722.

Patron - Ware, O.

HB1604 Civil recovery for professional services. Corrects a cross-reference in the statute providing for civil recovery for professional services from a citation to the statute dealing with warranties made by attorney signatures and other actions to the statute providing for additional recovery in certain civil actions concerning checks.

Patron - Kilgore

HB1616 Civil action for shoplifting and employee theft. Conforms the civil recovery provisions for shoplifting with the criminal shoplifting provisions by (i) basing civil recovery on retail value of the goods rather than the merchant's actual wholesale cost, and (ii) making the civil recovery provision applicable when an offender appropriates goods or cash to another. This bill is identical to SB 1209.

Patron - Janis

HB1621 Tort Claims Act; general district court jurisdiction. Extends the concurrent jurisdiction of general district courts under the Tort Claims Act to claims up to \$15,000, and permits the removal of cases brought under the Act from general district court where the claim amount exceeds \$4,500.

Patron - Janis

HB1757 Servicemembers Civil Relief Act; attorney fees; failure to file affidavit. Provides that (i) where appointment of counsel is required for a servicemember pursuant to federal law the court may assess attorney fees and costs against any party as the court deems appropriate, and (ii) failure to file an affidavit relating to the defendant's status as a servicemember is not grounds to set aside an otherwise valid default judgment against a defendant who was not, at the time of service of process or entry of default judgment, a servicemember.

Patron - Janis

HB1892 Sheriff's sales; reimbursement of excess costs associated with disposal of manufactured home. Authorizes the sheriff, pursuant to an action of ejectment or unlawful detainer and at the request of the owner of the property upon which the home is located, to move a manufactured home to a designated storage area. Any excess costs relating to disposal of a manufactured home that remain after a sheriff's sale shall be paid by the owner of the property from which the

home was removed. The sheriff may refuse to remove or dispose of a manufactured home until the owner of the real property pays to the sheriff the estimated removal and disposition costs.

Patron - Carrico

HB2094 Declaratory judgment; personal jurisdiction. Authorizes Virginia courts to exercise personal jurisdiction to the extent permitted by the Constitution of the United States over officials from other states in declaratory judgment actions relating to collection of sales taxes. A second enactment clause makes this act declaratory of existing law. This bill is identical to SB 888.

Patron - Hugo

HB2109 Change of name. Provides that in cases involving a change in a minor's name, where one parent does not join in the name change application, service of the application shall be made on that parent in accordance with the provisions governing service of process in civil actions. Service is not required on any parent who files an answer to the application.

Patron - McQuigg

HB2174 Privileged marital communications. Provides that in criminal and civil cases confidential communications made by one spouse to another during the course of the marriage may not be disclosed without the agreement of both spouses regardless of marital status at the time disclosure is proposed. The privilege may not be asserted in any proceeding in which the spouses are adverse parties or are charged with a crime or tort against the person or property of the other or against the minor child of either spouse.

Patron - Johnson

HB2267 Civil immunity; school employees or volunteers reporting alleged acts of bullying or crimes. Immunizes school employees or volunteers from civil liability for the prompt good faith reporting to the appropriate school official, in compliance with specified procedures, of any alleged acts of bullying or any crimes.

Patron - Bell

HB2503 Marriage and family therapists. Adds marriage and family therapists to certain Code sections that list other mental health professionals. These sections involve privileged communications in civil actions, evaluation of juvenile competency, compensation for expert testimony, and services falling outside of the definition of employment for purposes of unemployment compensation.

Patron - Shuler

HB2583 Commissioners in chancery; appointment for good cause. Provides that commissioners in chancery may be appointed only by agreement of the parties with the concurrence of the court, upon motion of a party, or upon the court's own motion. The court must make a finding of good cause shown for appointing a commissioner in chancery in each individual case.

Patron - Kilgore

HB2654 Depositions. Differentiates between party and non-party depositions and specifies where the depositions shall be taken.

Patron - Hurt

HB2659 Medical malpractice. Requires an expert witness to certify that the health care practitioner deviated from the standard of care, and that such deviation is a proximate cause of the injuries claimed, before service of process is

made. An expression of sympathy or general sense of benevolence to a patient or a patient's relative is not admissible as evidence of an admission of liability or as evidence of an admission against interest. If the patient's physical or mental condition is at issue, signs and symptoms, observations, evaluations, and histories obtained or formulated during the course of the practitioner's treatment may be disclosed. The bill revises the definition of malpractice to limit it to a tort or contract action for personal injuries or wrongful death. Medical malpractice liability insurers are required to submit annual reports to the State Corporation Commission stating information regarding claims made against health care providers. A similar requirement was in effect from 1985 until 1996. The Board of Medicine shall require a competency assessment of any person it licenses on whose behalf three medical malpractice claims are paid in a 10-year period. The bill is a recommendation of the Joint Subcommittee Studying Risk Management Plans for Physicians and Hospitals. This bill is identical to SB 1173 and incorporates HB 1544, HB 1693, HB 1694, HB 1794, HB 1903, HB 1904, HB 1940, HB 2561, and HB 2633.

Patron - Kilgore

HB2669 Civil remedies; certain persons rendering emergency care who are exempt from liability. Defines "first responders" under the administration of smallpox vaccine provision, who are exempt from liability as any law-enforcement officer, firefighter, emergency medical personnel, or other public safety personnel functioning in a role identified by a federal, state, or local emergency response plan. The bill also extends the effect of such smallpox vaccine provisions from July 1, 2005 to July 1, 2008. This bill incorporates HB 2731.

Patron - McDonnell

HB2708 Jury duty; breast-feeding mothers exempt upon request. Provides that a mother who is breast-feeding a child may be exempted from jury duty upon her request. The mother need not be "necessarily and personally responsible for a child or children 16 years of age or younger requiring continuous care.... during normal court hours" as the existing statute provides.

Patron - Sickles

HB2833 Medical malpractice; Nurse Licensure Compact. Adds persons holding a multistate privilege to practice nursing under the Nurse Licensure Compact to the definition of "health care provider" so that such persons are included under the Commonwealth's medical malpractice laws in the same manner as registered nurses or licensed practical nurses.

Patron - Reese

SB722 Enforcement of judgments. Makes consistent the treatment of foreign and domestic judgments with respect to the timeframes for their enforcement. This bill is identical to HB 1594.

Patron - Edwards

SB723 Debtor interrogatories; supplemental proceedings. Authorizes supplemental proceedings where a judgment creditor seeks to take debtor interrogatories before the court of the county or city where the debtor resides, or in a county or city contiguous thereto. If the judgment creditor chooses to undertake such supplemental proceedings in that court, he must file in that court an abstract of the judgment rendered, and pay the required filing fees. If the judgment is satisfied, the judgment creditor shall file a copy of any releases or certificates of satisfaction in that court.

Patron - Edwards

SB790 Notification of final order; post-trial relief. Provides that relief may be granted to a party who was denied the opportunity to pursue post-trial relief because through no fault of his own he did not receive notification of a final order. Under current law the provision is limited to denial of the opportunity to appeal.

Patron - Obenshain

SB827 Subpoenaed documents. Requires that all subpoenaed documents, rather than only those concerning the other party, be made available to the other party, upon that party's written request, except for good cause shown. This bill is a recommendation of the Boyd-Graves Conference.

Patron - Mims

SB832 Consumer Protection Act; accrual of cause of action. Provides that a cause of action for violations of the Consumer Protection Act based upon misrepresentation, deception, or fraud accrues when such misrepresentation, deception, or fraud is discovered or, by the exercise of due diligence, reasonably should have been discovered.

Patron - Mims

SB888 Declaratory judgment; personal jurisdiction. Authorizes Virginia courts to exercise personal jurisdiction to the extent permitted by the Constitution of the United States over officials from other states in declaratory judgment actions relating to collection of sales taxes. A second enactment clause makes this act declaratory of existing law. This bill is identical to HB 2094.

Patron - Mims

SB1018 Civil procedure; 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, cases where 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

SB1118 Circuit court civil actions. Creates a single form of pleading for civil actions. Legal and equitable claims will remain distinct, and the situations where issues are heard by a jury are unchanged. The bill is scheduled to become effective January 1, 2006, and has been endorsed by the Judicial Council of Virginia.

Patron - Norment

SB1123 Service of process. Allows a plaintiff, in circuit court cases, to ask the defendant for a waiver of service of process in lieu of official service and mandates that a defendant respond so as to avoid any unnecessary costs of service of process. The bill is modeled on Rule 4 of the Federal Rules of Civil Procedure and is a recommendation of the Boyd-Graves Conference.

Patron - Obenshain

SB1158 Indemnity bonds. Allows an officer, if he has performed more than one levy for a single plaintiff, to accept a single indemnifying bond for those multiple levies in an amount not less than the aggregate sum of the penalty amounts of the bonds necessary to bond each levy individually.

Patron - Stolle

SB1173 Medical malpractice. Requires an expert witness to certify that the health care practitioner deviated from the standard of care, and that such deviation is a proximate cause of the injuries claimed, before service of process is made. An expression of sympathy or general sense of benevolence to a patient or a patient's relative is not admissible as evidence of an admission of liability or as evidence of an admission against interest. If the patient's physical or mental condition is at issue, signs and symptoms, observations, evaluations, and histories obtained or formulated during the course of the practitioner's treatment may be disclosed. The bill revises the definition of malpractice to limit it to a tort or contract action for personal injuries or wrongful death. Medical malpractice liability insurers are required to submit annual reports to the State Corporation Commission stating information regarding claims made against health care providers. A similar requirement was in effect from 1985 until 1996. The Board of Medicine shall require a competency assessment of any person it licenses on whose behalf three medical malpractice claims are paid in a 10-year period. The bill is a recommendation of the Joint Subcommittee Studying Risk Management Plans for Physicians and Hospitals. This bill is identical to HB 2659 and incorporates SB 976 and SB 1284.

Patron - Newman

SB1209 Civil action for shoplifting and employee theft. Conforms the civil recovery provisions for shoplifting with the criminal shoplifting provisions by (i) basing civil recovery on retail value of the goods rather than the merchant's actual wholesale cost and (ii) making the civil recovery provision applicable when an offender appropriates goods or cash to another. This bill is identical to HB 1616.

Patron - Stolle

SB1274 Number of jurors constituting a panel. Allows a judge to direct that more than the previous maximum number of jurors be called to make up a panel from which a jury is selected in criminal and civil cases.

Patron - Mims

Failed

HB1538 Termination of action; attorneys' fees and court costs. Provides that if a civil action is terminated in favor of the defendant, and the court finds that the action is frivolous, clearly vexatious, brought primarily for purposes of harassment, or otherwise brought in bad faith, it may assess against the plaintiff the court costs or reasonable attorneys' fees incurred by the defendant in defending the action.

Patron - Frederick

HB1544 Medical malpractice noneconomic damages. Establishes a \$250,000 limitation on noneconomic damage awards (including attorneys' fees) in medical malpractice suits, i.e., pain and suffering awards. This provision also provides that, for the purposes of applying this limitation, future noneconomic damages will not be discounted to present value. Further, if separate awards are rendered for past and future noneconomic damages and the combined awards exceed \$250,000, the future noneconomic damages will be reduced first. Juries will not be informed about the maximum award for noneconomic damages. "Noneconomic damages" includes physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium, and other related nonpecuniary losses. This bill has been incorporated into HB 2659.

Patron - Frederick

HB1595 Debtor interrogatories; supplemental proceedings. Provides for supplemental proceedings where a judgment creditor seeks to take debtor interrogatories before the court of the county or city where the debtor resides, or in a county or city contiguous thereto, instead of before the court from which the fieri facias issued, or a court of a county or city contiguous thereto. The judgment creditor shall file in the second court an abstract of the judgment rendered, and shall pay to the second court the required filing fees. If the judgment is satisfied, the judgment creditor shall file a copy of any releases or certificates of satisfaction in the second court.

Patron - Ware, O.

HB1617 Civil immunity; manufacturers and sellers of qualified food products. Immunizes manufacturers and sellers of qualified food products from claims arising from an injury, potential injury or death resulting from consumption of a food product and weight gain, obesity or any health condition related to weight gain or obesity. Manufacturers and sellers also are exempted from liability for injury to or the death of a voluntary user of a product, where the injury is caused by an open and obvious danger of the product. "Qualified food products" are those defined in § 201(f) of the federal Food, Drug and Cosmetic Act (21 U.S.C. 321 (f)). Products having an "open and obvious danger" include tobacco products and firearms.

Patron - Janis

HB1693 Medical malpractice noneconomic damages. Establishes a \$250,000 limitation on noneconomic damage awards in medical malpractice suits. "Noneconomic damages" includes physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium, and other related nonpecuniary losses. This bill has been incorporated into HB 2659.

Patron - Purkey

HB1694 Medical malpractice; limit on attorneys' fees. Provides that beginning with medical malpractice actions accruing on or after July 1, 2003, attorneys' fees shall be limited in accordance with the following fee schedule: 33 and one-third percent of the first \$300,000 of the sum recovered; 25 percent of the next \$300,000 recovered; 20 percent of the next \$300,000 recovered; 15 percent of the next \$300,000 recovered; 10 percent of damages of at least \$2.5 million but less than \$5 million; or 5 percent of damages of \$5 million or more. The percentage limitations are applied 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. This bill has been incorporated into HB 2659.

Patron - Purkey

HB1709 Patient information; prohibition on communication. Prohibits lawyers from obtaining, in connection with litigation, information on a patient from a practitioner's employers, partners, agents, servants, employees, co-employees, or others for whom, at law, the practitioner is or may be liable, or who, at law, are or may be liable for the practitioner's acts or omissions. Under current law, the prohibition applies only to the practitioner himself.

Patron - Kilgore

HB1751 Civil case cover sheets. Requires the plaintiff/petitioner in a circuit court civil case to complete and file with the initial pleading a cover sheet. The form for the cover sheet is to be developed by the Executive Secretary of the Supreme Court and will include the name and the address of

the plaintiff and the defendant, the type of case, and if the action is a medical malpractice action, the profession and specialty of the health care professional.

Patron - Janis

HB1794 Medical malpractice; expressions inadmissible. Provides that a health care provider's expression of sympathy or general sense of benevolence to a patient or a patient's relative is not admissible as evidence of an admission (i) of liability or (ii) against interest in an action for wrongful death or medical malpractice. This bill has been incorporated into HB 2659.

Patron - Cox

HB1900 Civil procedure; limitations of actions. Provides immunity for employers providing on-site day care.

Patron - Baskerville

HB1904 Medical malpractice; expressions inadmissible. Provides that a health care provider's expression of sympathy or general sense of benevolence to a patient or a patient's relative is not admissible as evidence of an admission (i) of liability or (ii) against interest in an action for wrongful death or medical malpractice. This bill has been incorporated into HB 2659.

Patron - Baskerville

HB1907 Medical malpractice; mediation. Requires the clerk of the circuit court in which a motion for judgment in a medical malpractice action is filed to forward to the Office of the Executive Secretary of the Supreme Court, within 60 days of the filing, the motion for judgment and any responsive pleadings. Upon receipt, the Office of the Executive Secretary of the Supreme Court shall provide the parties with information on mediation or alternative dispute resolution.

Patron - Baskerville

HB2161 Physician immunity; eliminating immunity for failure to review and respond to report or result. Eliminates the current provisions immunizing physicians in most cases from civil liability for failure to review or respond to a report or result of a test or examination which the physician did not request or authorize.

Patron - Reese

HB2254 Opinion testimony. Requires expert testimony to be based upon sufficient facts or data, and to result from reliable principles and methods applied reliably to the facts of the case.

Patron - Bell

HB2375 Medical malpractice insurance; hospital practitioner requirements. Establishes a limit of \$1 million per occurrence and \$3 million in the aggregate per year on the amount of medical malpractice insurance that a hospital may require a health care provider to purchase as a condition of practicing at that hospital or medical facility.

Patron - Athey

HB2542 Persons under disability; incarcerated persons. Provides that "person under a disability" shall not include an incarcerated person for purposes of executing a will, powers of attorney, deeds, or deeds of trust.

Patron - Jones, S.C.

HB2561 Noneconomic damages. Limits noneconomic damages in tort actions to \$100,000. This bill has been incorporated into HB 2659.

Patron - Cline

HB2731 Civil immunity; small pox vaccines. Repeals the third enactment of Chapter 18 of the Acts of Assembly of 2003. This bill has been incorporated into HB 2669.

Patron - O'Bannon

HB2802 Confidential communications. Provides that all written and oral communications between a victim and a domestic violence or sexual assault advocate, serving in the capacity of an advocate, or an interpreter for an advocate or a victim, shall be confidential and shall not be subject to disclosure in any judicial or administrative proceeding without the written consent of the victim.

Patron - Moran

HB2829 Habeas corpus; inadequacy of counsel. Provides that where a petitioner alleges inadequacy of counsel in his habeas petition, he is deemed to waive attorney-client privilege relative to such counsel. Counsel may, upon request of the court or any party to the habeas proceeding, reveal confidential information provided by the client or on behalf of the client during the course of counsel's professional relationship with the client.

Patron - Hurt

HB2926 Civil immunity; manufacturers of firearms and ammunition. Immunizes manufacturers of firearms and ammunition from civil liability for damages resulting solely from the use of their products in the commission of a crime. Immunity does not attach where the products have been unlawfully distributed.

Patron - Black

HJ575 Tort reform. Expresses the General Assembly's support of meaningful tort reform.

Patron - Cosgrove

HJ631 Judicial system; pro se access. Requests the Office of the Executive Secretary of the Supreme Court to identify modifications to Virginia statutes and court rules to facilitate access to the judicial system by pro se litigants.

Patron - Jones, D.C.

SB855 Noneconomic damages. Limits noneconomic damages in all actions to \$350,000.

Patron - Cuccinelli

SB922 Civil immunity; nonprofit meal delivery program. Provides civil immunity for a nonprofit organization (and its officers, directors, employees, and volunteers) that administers a program that furnishes and delivers meals.

Patron - Blevins

SB976 Medical malpractice. Requires the plaintiff to have an expert witness certify before service of process is made on the defendant, that the health care practitioner deviated from the standard of care and the deviation caused the injuries claimed. This bill has been incorporated into SB 1173.

Patron - O'Brien

SB1082 Name change. Requires an adult petitioning the circuit court for a name change to present a valid government-issued photo identification to the court.

Patron - Ticer

SB1284 Medical malpractice; certification. Requires plaintiffs in medical malpractice cases to obtain, prior to filing suit, an opinion that the defendant for whom service of process is requested deviated from the applicable standard of

care and that such deviation caused injury to the plaintiff. This bill has been incorporated into SB 1173.

Patron - Saslaw

SB1287 Injury to real property; exemplary damages. Allows the owner of real property to recover exemplary damages in an action to recover damages or enjoin conduct if the damage is done willfully or with careless disregard.

Patron - Puckett

SB1300 Juries. Codifies the existing practice of appointing interpreters for deaf and hearing-impaired jurors and allowing their presence in the jury room during deliberations.

Patron - Mims

Commonwealth Public Safety

Passed

HB1738 Line of Duty Act; disabled State Employees. Extends the Act's benefits to any state public safety employee whose disability occurred on or after January 1, 1972. The bill also requires the state to provide an additional death benefit in the amount of \$20,000 for every employee of the Commonwealth or of a political subdivision called to federal active duty services to be paid if the employee is killed in action in any armed conflict while serving in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States, or with any reserve component of these respective services. This bill is identical to HB 1793.

Patron - Cosgrove

HB1793 Line of Duty Act; disabled State Employees. Extends the Act's benefits to any state public safety employee whose disability occurred on or after January 1, 1972. The bill also requires the state to provide an additional death benefit in the amount of \$20,000 for every employee of the Commonwealth or of a political subdivision called to federal active duty services to be paid if the employee is killed in action in any armed conflict while serving in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States, or with any reserve component of these respective services. This bill is identical to HB 1738.

Patron - Cox

HB2216 Department of Forensic Science, the Forensic Science Board, and the Scientific Advisory Committee created. Creates the Department of Forensic Science as a department within the executive branch of state government and assigns its powers and duties. The bill also creates the Forensic Science Board as a policy board, and the Scientific Advisory Committee as an advisory board and likewise assigns their respective powers and duties. The bill also abolishes the Division of Forensic Science within the Department of Criminal Justice Services. The bill contains numerous technical amendments to accomplish this. This bill is identical to SB 1153.

Patron - Albo

HB2318 Judicial discretion to require registration of minor who commits an otherwise registrable offense. Provides that a sex offender or child criminal offender over the age of 13 who is a juvenile tried as a juvenile and found delinquent of any registrable offense may be required to register after the court considers the following factors relevant to the case: (i) the age and maturity of the complaining witness, (ii)

the age and maturity of the offender, (iii) the difference in the ages of the complaining witness and the offender, (iv) the nature of the relationship between the complaining witness and the offender, (v) the offender's prior criminal history, (vi) any other aggravating or mitigating factors relevant to the case, and (vii) whether the offense was committed with force, threat or intimidation. The section applies to offenses that occur on or after July 1, 2005. Current law does not require the registration of juveniles who are not tried and convicted as adults.

Patron - Griffith

HB2627 Executive Director of the Virginia Indigent Defense Commission. Adds the Executive Director of the Virginia Indigent Defense Commission to the membership of the Criminal Justice Services Board.

Patron - Albo

HB2836 Sex Offender and Crimes Against Minors Registry Act; registration; enforcement. Amends the Sex Offender and Crimes Against Minors Registry Act to add murder of a child under 18 to the list of crimes for which registration and internet posting is required, and sexual battery against a child under six by a perpetrator 18 or older to those crimes classified as sexually violent offenses. The bill requires that a sex offender who must register in his home state register in Virginia when he moves here, regardless of whether the underlying criminal offense is similar to a Virginia offense. The bill also requires the registration of a nonresident in Virginia for an extended visit (30 days or more). Finally, the bill clarifies that local law-enforcement agencies have the authority to enforce the provisions of the Act. This bill incorporates HB 1733, HB 1867, HB 1933, HB 1937, HB 2703, HB 2767, and HB 2838.

Patron - Sherwood

SB873 Overtime compensation for law-enforcement employees. Expands the current overtime compensation provisions for fire protection employees to certain law-enforcement employees. Under the bill certain law-enforcement employees shall be required to be paid overtime at a rate of not less than one and one-half times the employee's regular rate of pay for all hours of work between the statutory maximum permitted under 29 U.S.C. 207 (k) and the hours for which an employee receives his salary, or if paid on an hourly basis, the hours for which the employee receives hourly compensation. A law-enforcement employee who is paid on an hourly basis shall have paid leave counted as hours of work in an amount no greater than the number of hours counted for other law-enforcement employees working the same schedule who are paid on a salaried basis in that jurisdiction. For purposes of computing law-enforcement employees' entitlement to overtime compensation for regularly scheduled work hours, all hours in which an employee works or is in a paid status shall be counted as hours of work.

Patron - Cuccinelli

SB963 Statewide communications interoperability. Requires the Governor to ensure that the annual review and update of the statewide interoperability strategic plan is accomplished and implemented. The bill also requires all state agencies and localities to achieve consistency with and support the goals of the plan by July 1, 2015, in order to remain eligible to receive state or federal funding for communication programs.

Patron - O'Brien

SB988 Criminal Justice Services Board; membership. Increases the membership of the Criminal Justice Services Board from 27 to 28 by adding an active duty law-enforcement officer appointed after consideration of the

names, if any, submitted by police or fraternal associations that have memberships of at least 1,000.

Patron - Devolites Davis

SB1153 Department of Forensic Science, the Forensic Science Board, and the Scientific Advisory Committee created. Creates the Department of Forensic Science as a department within the executive branch of state government and assigns its powers and duties. The bill also creates the Forensic Science Board as a policy board and the Scientific Advisory Committee as an advisory board and likewise assigns their respective powers and duties. The bill also abolishes the Division of Forensic Science within the Department of Criminal Justice Services. The bill contains numerous technical amendments to accomplish this. This bill is identical to HB 2216 and incorporates SB 1171.

Patron - Stolle

SB1346 Department of Criminal Justice Services; private security; definitions. Clarifies that the definition of electronic security equipment includes electronic or mechanical signaling devices or cameras used to detect concealment or theft, both of which are used to safeguard and protect persons and property.

Patron - Martin

Failed

HB1867 Non-resident child sex offender registration. Requires that a child sex offender who must register in his home state is also required to register in Virginia when he moves here whether or not his underlying criminal offense is similar to a Virginia offense. The bill also requires the registration of a nonresident offender who is in Virginia on an extended visit, i.e., a period of visitation for any purpose in the Commonwealth of 30 days or more. This bill has been incorporated into HB 2836.

Patron - Brink

HB1933 Non-resident child sex offender registration. Requires that a child sex offender who must register in his home state is also required to register in Virginia when he moves here, whether or not his underlying criminal offense is similar to a Virginia offense. This bill has been incorporated into HB 2836.

Patron - Shannon

HB1937 Murders and attempted murders in Sex Offender and Crimes Against Minors Registry. Includes those who commit murder or attempted murder of a child under the age of 15 in the Sex Offender and Crimes Against Minors Registry. This bill has been incorporated into HB 2836.

Patron - O'Bannon

HB2240 Line of Duty Act; definitions; fire department chaplains. Adds coverage under the Line of Duty Act to fire department chaplains and to members of any fire company or department or rescue squad of the Virginia National Guard.

Patron - O'Bannon

HB2463 Requirement that licensed professionals give notice of their sex offender registration to customers, clients or patients; penalty. Requires that a professional licensed by the Commonwealth who is also a registered sex offender and who may be expected to encounter a person under the age of 18 during the course of his profession give verbal and written notice to each customer, client or patient and to the

parent, guardian or person standing in loco parentis to a minor or person under a disability that he is a registered sex offender.

Patron - Nixon

F HB2703 Sex and child offender registration requirement for life for all offenses. Provides that any person required to register for a sex offense or an offense against a child shall have his Registry information published on the Internet for the duration of his registration period if, in the discretion of the court, the circumstances of the crime are severe enough to require publication. Currently, only Registry information of violent sex offenders is published on the Internet. This bill has been incorporated into HB 2836.

Patron - Sickles

F HB2767 Procedures upon a sex offender's failure to register or reregister. Provides that the State Police and any local law-enforcement agency may enter into a cooperative agreement whereby the agencies may together conduct investigations of violations of a sex offender's duty to register. The State Police and the local law-enforcement agency may, as a part of this agreement, provide that the local agency may seek an arrest warrant for an individual believed to be in violation of this section. This bill has been incorporated into HB 2836.

Patron - Athey

F HB2838 Sex and child offender registration requirement for life for all offenses. Provides that any person required to register for a sex offense or an offense against a child shall have his Registry information published on the Internet for the duration of his registration period if, in the discretion of the court, the circumstances of the crime are severe enough to require publication. Currently, only Registry information of violent sex offenders is published on the Internet. This bill has been incorporated into HB 2836.

Patron - Sherwood

F HB2892 Local fees; Regional Criminal Justice Academy Training Fund. Requires each locality to receive no less than the total amount of fees collected for deposit to the Regional Criminal Justice Academy Training Fund in financial support for the regional criminal justice training academy in which it participates.

Patron - Carrico

F SB718 Crisis intervention pilot programs for persons with mental illness. Permits the Department of Criminal Justice Services to establish crisis intervention team pilot programs in up to six areas of the state by January 1, 2006. The crisis intervention pilot programs shall assist law-enforcement officers to respond to crisis situations involving persons with mental illness, substance abuse, or both. By November 1, 2005, the Department shall submit to the Joint Commission on Health Care a report outlining the plan for the program. The Department, in consultation with the Department of Mental Health, Mental Retardation and Substance Abuse Services, shall establish a training program for all persons involved in the crisis intervention team pilot programs. Each crisis intervention team shall develop a protocol that permits law-enforcement officers to release from custody persons whom they encounter in crisis situations when the crisis intervention team has determined the person is sufficiently stable. The Department shall evaluate and report annually to the Joint Commission on Health Care on the impact and effectiveness of the crisis intervention team pilot programs.

Patron - Edwards

F SB878 Line of Duty Act. Provides for funding of continued health insurance and death benefit payments for eligible state employees under the Line of Duty Act from

employer contributions to a Line of Duty Act Fund administered by the Virginia Retirement System. The Retirement System shall set the rate of annual employer contributions. All payments for continued health insurance and death benefits payments for eligible state employees shall be made from the Fund. In general, health insurance coverage under the Line of Duty Act shall be the basic health insurance plan for state employees. The continued health insurance coverage shall also apply to individuals disabled on or after April 8, 1972 but before July 1, 2000, and their surviving spouses and dependents. The bill also provides that payments for eligible local employees under the Line of Duty Act shall be made by the locality. A locality has the option of contributing to the Fund, or may elect not to participate and be responsible for self-funding the continued health insurance coverage and death benefit of local eligible employees. A locality shall have the option of providing continued health insurance coverage for persons disabled on or after April 8, 1972, but before July 1, 2000, and their surviving spouses and dependents. The bill moves the Line of Duty Act to Title 51.1, relating to pensions, benefits, and retirement.

Patron - Wampler

F SB1171 Department of Criminal Justice Services; Forensic Science Advisory Board. Creates the Forensic Science Advisory Board to advise and assist the Department of Criminal Justice Services, the Criminal Justice Services Board and the Division of Forensic Science on matters related to the policies, procedures, and administration of the Division's laboratories, including forensic laboratory services research, and scientific investigations. The bill provides for the composition of the Advisory Board and sets the terms of office and compensation for the members. This bill has been incorporated into SB 1153.

Patron - Stolle

Conservation

Passed

P HB1499 Transporting of solid waste. Authorizes the Director of the Department of Environmental Quality to grant variances from the regulations that govern the commercial transportation of solid waste on Virginia waters. The conditions under which such variances can be granted include that the waste is nonhazardous, it is containerized so as to prevent the liquids, waste, and odors from escaping, and the amount of waste to be transported does not exceed 300 tons annually. This exemption would apply to the transportation of solid waste from the Town of Tangier to the landfill in Accomack County. This bill is identical to SB 1176.

Patron - Lewis

P HB1546 Solid waste management laws; penalty. Increases the maximum penalties for violations of the solid waste management laws from \$25,000 to \$32,500.

Patron - Frederick

P HB1602 Environmental permits for highway projects; timely review. Provides that any state agency, board, or commission that issues a permit required for a highway construction project pursuant to Title 10.1, 28.2, 29.1, or 62.1 of the Code of Virginia must, within 15 days of receipt of an individual or general permit application, review the application for completeness and either accept the application or request additional specific information from the Department of Transportation. The bill further provides that, unless a shorter period is

provided for by law, regulation, or agreement, the state agency, board, or commission must, within 120 days of receipt of a complete application, issue the permit, issue the permit with conditions, deny the permit, or decide whether a public meeting or hearing is required by law. If a public meeting or hearing is held, it must be held within 45 days of the decision to conduct such a proceeding, and a final decision as to the permit must be made within 90 days of completion of the public meeting or hearing.

Patron - Fralin

HB1790 Nutrient management plans. Requires state governmental entities that own or lease land upon which nutrients are applied to develop and implement a nutrient management plan by July 1, 2006. The plans are submitted to the Department of Conservation and Recreation for review and approval every three years. Each plan has to be developed by a certified nutrient planner. The Department may provide technical assistance to state governmental agencies in developing and implementing their plans and is authorized to charge a fee to cover a portion of the cost of the services rendered.

Patron - Cox

HB1832 Vapor recovery equipment. Provides that any air pollution control regulation requiring the use of stage 1 vapor recovery equipment at gasoline dispensing facilities may be applicable only in areas that have been designated at any time by the U.S. Environmental Protection Agency as nonattainment areas for the pollutant ozone. Current regulations require the use of such equipment for those areas that have been designated at any time as nonattainment areas.

Patron - Parrish

HB1890 Duties of district directors. Enumerates seven new responsibilities of soil and water conservation district directors, including: (i) identifying of soil and water issues; (ii) engaging in actions that will improve soil and water stewardship through the use of locally led programs; (iii) increasing understanding among community leaders of their role in soil and water quality protection and improvement; and (iv) participating in activities of the district and ensuring that district resources are used effectively and managed wisely.

Patron - Ware, R.L.

HB2031 Mapping of inundation zones. Authorizes localities to map inundation zones for those areas that may be threatened by a break in a dam, and encourages localities to incorporate this information into their zoning and subdivision ordinances. The bill also authorizes the Director of the Department of Conservation and Recreation to award grants to assist with mapping and digitization of dam break inundation zones.

Patron - Miles

HB2078 Virginia Antiquities Act; penalties. Authorizes the creation of the position of State Archaeologist, who shall assist the Director of the Department of Historic Resources in carrying out the agency's responsibilities.

Patron - Van Landingham

HB2079 Virginia Historic Preservation and Museum Assistance Grant Program and Fund. Creates the Virginia Historic Preservation and Museum Assistance Grant Program and Fund within the Department of Historic Resources. The source of funding for the Fund will be from gifts, donations, grants, bequests, and other funds as may be appropriated. The Program will administer the Fund in order to provide grants to nonprofit organizations, localities, business entities, and individuals for the purpose of: (i) acquiring, rehabilitating, restoring, or interpreting historic properties; (ii) financing costs directly related to a rehabilitation or restoration

project, which may include the costs of studies, surveys, plans and specifications, and architectural, engineering or other special services; or (iii) funding historic preservation education and promotion, including the research, survey, and evaluation of historic properties and the preparation of historic preservation planning documents and educational materials. The bill further provides that should no funds from any source be received in the fund by July 1, 2007, that the provisions of the bill shall expire.

Patron - Van Landingham

HB2080 Appropriation of state funds for historic preservation. Sets July 1 of even-numbered years as the cutoff date for requests and completed applications for state aid, or amendments to requests, to be submitted to the Department of Historic Preservation for consideration. This bill adds "interpretation" of sites and facilities as a funding priority along with the maintenance and operation of such sites owned by historical organizations. This bill also establishes new requirements for organizations that apply for state aid, such as: (i) applicants must certify that they have read and acknowledged all information on how the grants will be administered and how funds will be disbursed, (ii) the purpose of the grant must be stated in the application and any change in scope of a project must be approved by the Department prior to implementation of any changes, (iii) documentation of matched funding and approved expenditures must be submitted with all requests for disbursements, (iv) the Department may require progress reports from each grant recipient, (v) expenditures of grant funds are subject to state procurement requirements, (vi) the Department must be given an opportunity to review the potential impact on any historic resources for new construction or ground disturbing activities funded by grants, and (vii) for capital projects, funds will be disbursed only as reimbursement for approved activities.

Patron - Plum

HB2085 Jurisdiction of conservation officers and mutual aid agreements. Expands the jurisdiction of conservation officers and allows the Department of Conservation and Recreation to enter mutual aid agreements.

Patron - Shuler

HB2086 Conservation officers. Grants conservation officers, as law-enforcement officers for the Department of Conservation and Recreation, the power to arrest without a warrant and also allows them to coordinate the investigation of felonies if requested by the chief law-enforcement officer of a locality. This bill deletes all references to conservation officers as conservators of the peace.

Patron - Shuler

HB2192 Siting of landfills. Reduces the distance that a landfill can be sited from a surface water or a groundwater supply intake or reservoir from five miles to three miles. However, a landfill can be constructed as close as one mile from any existing surface or groundwater supply if the landfill meets certain conditions. The bill also increases the acreage threshold for allowing a landfill to be constructed or expanded in a nontidal wetland. Under the existing law, permits may be issued for the construction or expansion of a landfill that impacts less than 1.25 acres of nontidal wetlands. This bill would allow the issuance of a permit for a landfill that would impact less than two acres. The bill authorizes the Director of the Department of Environmental Quality to issue a permit for an expansion of a landfill located in a wetland only under certain specific conditions, such as the proposed site has to be at least 100 feet from any surface water body and one mile from any tidal wetland and that there is a minimum two-to-one wetlands mitigation ratio. This bill incorporates HB 2923.

Patron - Abbitt

HB2212 The Natural Area Preservation Fund. Adds fees, lease proceeds, and funds accruing from the use or management of state natural area preserves acquired or held by the Department of Conservation and Recreation to the Natural Area Preservation Fund.

Patron - Dillard

HB2440 Financial assurances for hazardous waste facilities. Directs any forfeited financial assurances for abandoned hazardous waste storage, treatment, or disposal facilities be paid to the Director of the Department of Environmental Quality to assure proper closure and maintenance of the facilities. This is similar to how financial assurances are structured in the solid waste program and the federal hazardous waste program. Current law provides that, should a facility fail to properly close a hazardous waste management facility, the financial assurances provided are available only to the locality to assure proper closure.

Patron - Saxman

HB2459 Matching grants for the material restoration of a presidential home. Provides that certain material restoration work (i) that restores a historic home of a President of the United States located in Orange County to within the period of significance stated in the National Historic Landmark individual designation of such home and (ii) that is consistent with "The Secretary of the Interior's Standards for Restoration" shall be eligible for matching grants from the Commonwealth. The grant match shall equal \$0.20 for each \$1 in private contributions for the restoration that is actually expended or spent for the restoration work.

Patron - Ware, R.L.

HB2464 Stream channel restoration. Provides a definition of natural channel design concepts and exempts stream restoration and relocation projects that incorporate these concepts from any flow rate capacity and velocity requirements for channels that are in the Erosion and Sediment Control Law regulations.

Patron - Rust

HB2616 Inspection of dams. Authorizes the Soil and Water Conservation Board or its designees to enter any property at a reasonable time and under reasonable circumstances in order to perform their dam safety responsibilities, provided they make a reasonable effort to obtain the consent of the landowner. If the landowner does not allow entry, they may apply to the magistrate for a warrant.

Patron - Orrock

HB2620 Forest regulations. Transfers current regulations that only pertain to the Department of Forestry's duties and powers, specifically the Virginia State Forest Regulations and the Virginia Reforestation of Timberlands Regulations, from the Department of Conservation and Recreation to the Department of Forestry.

Patron - Ingram

HB2777 Capitalizing the Water Quality Improvement Fund. Appropriates \$50 million from the general fund to the Water Improvement Quality Fund on July 1, 2005. The money is to be used solely to finance the costs of design and installation of biological nutrient removal facilities or other nutrient removal technologies at publicly-owned sewage systems. In addition, beginning July 1, 2005, the annual appropriations to the Fund provided from the 10 percent general fund surplus and the 10 percent of any unreserved general fund year-end balance will have a different distribution formula. Seventy percent of these moneys will be allocated to the

Department of Historic Resources to be used for the implementation of best management practices that reduce nitrogen and phosphorous nonpoint source pollution, and 30 percent will be allocated to the Department of Environmental Quality to make grants to significant dischargers and to treatment works that utilize the Public-Private Education Facilities and Infrastructure Act, to design and install state-of-the-art nutrient removal technology. The amount of financing available to the treatment facility for point source nutrient removal technologies, whether the source of funding is the 10 percent surplus and 10 unexpended balance, or the \$50 million appropriation, will depend on the financial need of the community, which will be determined by comparing the annual sewer charges expended within the service area to the reasonable sewer costs established for the community. The bill also directs the chairman of the committees of oversight to develop recommendations for a permanent source of funding that will clean up the Chesapeake Bay and its tributaries, as well as other impaired waters outside the Bay watershed. This bill is identical to SB 810 and SB 1235.

Patron - Louderback

HB2902 Watershed improvement districts. Requires a simple majority of the votes cast to pass a referendum held to create a watershed improvement district. Currently, at least two-thirds of the votes cast must be (i) in favor of the watershed improvement district and (ii) represent ownership of at least two-thirds of the land in the proposed district.

Patron - McDougle

HB2937 Erosion and sediment control plans. Authorizes the Department of Conservation and Recreation to issue a special order to a locality that has not taken action to correct the manner in which it is administering its erosion and sediment control program. Those localities which have not initiated or implemented an approved corrective action agreement are subject to a civil penalty not to exceed \$5,000 per day with the maximum amount not to exceed \$20,000 per violation. Prior to issuing a special order, the Soil and Water Conservation Board is to conduct a formal hearing pursuant to the Administrative Process Act.

Patron - Dillard

SB810 Capitalizing the Water Quality Improvement Fund. Appropriates \$50 million from the general fund to the Water Improvement Quality Fund on July 1, 2005. The money is to be used solely to finance the costs of design and installation of biological nutrient removal facilities or other nutrient removal technologies at publicly-owned sewage systems. In addition, beginning July 1, 2005, the annual appropriations to the Fund provided from the 10 percent general fund surplus and the 10 percent of any unreserved general fund year-end balance will have a different distribution formula. Seventy percent of these moneys will be allocated to the Department of Historic Resources to be used for the implementation of best management practices that reduce nitrogen and phosphorous nonpoint source pollution, and 30 percent will be allocated to the Department of Environmental Quality to make grants to significant dischargers and to treatment works that utilize the Public-Private Education Facilities and Infrastructure Act, to design and install state-of-the-art nutrient removal technology. The amount of financing available to the treatment facility for point source nutrient removal technologies, whether the source of funding is the 10 percent surplus and 10 percent unexpended balance, or the \$50 million appropriation, will depend on the financial need of the community, which will be determined by comparing the annual sewer charges expended within the service area to the reasonable sewer costs established for the community. The bill also directs the chairman of the committees of oversight to develop recommendations for a

permanent source of funding that will clean up the Chesapeake Bay and its tributaries, as well as other impaired waters outside the Bay watershed. This bill is identical to SB 1235 and HB 2777.

Patron - Williams

SB842 Access roads and bikeways to historic sites. Involves the Director of the Department of Historic Resources in the Commonwealth Transportation Board's decision on construction and maintenance of access roads and bikeways to historic sites.

Patron - Deeds

SB1088 Virginia Environmental Excellence Program. Codifies the existing environmental excellence program and gives the Air Pollution Control Board, the Virginia Waste Management Board, and the State Water Control Board the authority to approve alternative compliance methods, including but not limited to changes to monitoring and reporting requirements and schedules, streamlined submission requirements for permit renewals, the ability to make certain operational changes without prior approval, and other changes that would not increase a facility's impact on the environment. Such alternative methods would be available only to those facilities that have demonstrated a strong compliance record, and only if the proposed compliance method would (i) meet the purpose of the applicable regulatory standard, (ii) promote achievement of those purposes through increased reliability, efficiency, or cost effectiveness, and (iii) afford environmental protection equal to or greater than that provided by the applicable regulatory standard. The Governor's Environmental Excellence Awards shall be awarded each year to recognize participants in the Virginia Environmental Excellence Program.

Patron - Watkins

SB1089 Environmental enforcement; civil penalties. Strengthens the Department of Environmental Quality's environmental enforcement programs by granting it the authority to impose civil penalties of up to \$32,500 for each violation, not to exceed \$100,000 per order, after a hearing before a hearing officer appointed by the Supreme Court if (i) the person has been issued at least two written notices of alleged violation by the Department for the same or substantially related violations at the same site and (ii) such violations have not been resolved by demonstration that there was no violation, by an order issued by the Board or the Director, or by other means, and (iii) at least 130 days have passed since the issuance of the first notice of alleged violation. The penalties would be subject to appeal. This bill also helps simplify water enforcement actions by allowing the Water Board to delegate approval of consent orders. It increases the maximum civil penalty for violations of the Air, Waste, and Water programs from \$25,000 to \$32,500.

Patron - Watkins

SB1103 Chesapeake Bay Preservation Act. Eliminates the Chesapeake Bay Local Assistance Department and transfers responsibility for administration of the Chesapeake Bay Preservation Act to the Department of Conservation and Recreation. The bill reflects language in Item 382, Subsection J, of Chapter 4 of the 2004-2006 Appropriation Act enacted during the 2004 Session (Special Session I) that eliminated the Chesapeake Bay Local Assistance Department and transferred its responsibilities to the Department of Conservation and Recreation. The Chesapeake Bay Local Assistance Board continues as the policy board for administration of the Preservation Act.

Patron - Whipple

SB1141 Foundation for Virginia's Natural Resources. Creates the Foundation for Virginia's Natural

Resources to assist in developing and to encourage the nonregulatory conservation programs within the agencies of the Secretariats of Natural Resources and Agriculture and Forestry and to foster collaboration and partnerships among businesses, communities, and the Commonwealth's environmental enhancement programs. The Foundation will expire on July 1, 2007, if no moneys have been received in the Foundation's fund by that time.

Patron - Hanger

SB1176 Transporting of solid waste. Authorizes the Director of the Department of Environmental Quality to grant variances from the regulations that govern the commercial transportation of solid waste on Virginia waters. The conditions under which such variances can be granted include that the waste is nonhazardous, it is containerized so as to prevent the liquids, waste, and odors from escaping, and the amount of waste to be transported does not exceed 300 tons annually. This exemption would apply to the transportation of solid waste from the Town of Tangier to the landfill in Accomack County. This bill is identical to HB 1499.

Patron - Rerras

SB1235 Capitalizing the Water Quality Improvement Fund. Appropriates \$50 million from the general fund to the Water Improvement Quality Fund on July 1, 2005. The money is to be used solely to finance the costs of design and installation of biological nutrient removal facilities or other nutrient removal technologies at publicly-owned sewage systems. In addition, beginning July 1, 2005, the annual appropriations to the Fund provided from the 10 percent general fund surplus and the 10 percent of any unreserved general fund year-end balance will have a different distribution formula. Seventy percent of these moneys will be allocated to the Department of Historic Resources to be used for the implementation of best management practices that reduce nitrogen and phosphorous nonpoint source pollution, and 30 percent will be allocated to the Department of Environmental Quality to make grants to significant dischargers and to treatment works that utilize the Public-Private Education Facilities and Infrastructure Act, to design and install state-of-the-art nutrient removal technology. The amount of financing available to the treatment facility for point source nutrient removal technologies, whether the source of funding is the 10 percent surplus and 10 unexpended balance, or the \$50 million appropriation, will depend on the financial need of the community, which will be determined by comparing the annual sewer charges expended within the service area to the reasonable sewer costs established for the community. The bill also directs the chairman of the committees of oversight to develop recommendations for a permanent source of funding that will clean up the Chesapeake Bay and its tributaries, as well as other impaired waters outside the Bay watershed. This bill is identical to SB 810 and HB 2777.

Patron - Quayle

SB1253 Virginia Recreational Facilities Authority; membership of the board of directors. Increases the membership of the board of directors of the Virginia Recreational Facilities Authority from 13 to 19. Of the new members, four are appointed by the Speaker of the House and two by the Senate Committee on Rules.

Patron - Bell

Failed

HB1760 Solid waste disposal fees. Establishes a \$1 per ton municipal solid waste disposal fee to be collected by localities in which municipal solid waste landfills are located.

This bill directs the host localities to retain 50 percent of the moneys collected for the abatement of pollution caused by landfills or the improper management of waste, groundwater monitoring and cleanup, litter control, recycling, or for other waste-related purposes, including solid waste management operating fees. This bill also directs the host localities to remit 50 percent of all moneys collected to the Commonwealth to be deposited into the proposed Virginia Solid Waste Management and Clean-up Fund and the Water Quality Improvement Fund.

Patron - Dillard

HB2290 Commission on Soil Quality Improvement. Establishes a 21-member Commission on Soil Quality Improvement. The purpose of the Commission is to evaluate the potential for adopting soil quality improvement approaches designed to address agricultural nonpoint source pollution control measures. Among the Commission's duties are to (i) evaluate the degree to which various approaches to improve soil quality will enable Virginia to cost-effectively meet water quality goals while improving the overall competitiveness of agriculture and agribusiness in the Commonwealth, (ii) recommend policies to the General Assembly to achieve soil improvements, and (iii) develop outreach programs to inform farmers on the environmental and economic benefits of adopting practices that improve soil quality.

Patron - Lingamfelter

HB2493 Reimbursement of local monitoring of land application of sewage sludge. Provides that localities shall be reimbursed for all direct costs associated with testing and monitoring of the land application of sewage sludge.

Patron - Louderback

HB2546 Severe nonattainment areas. Directs any electric generating facility in a severe nonattainment area to meet the following emission reduction requirements no later than January 1, 2009: (i) reduce aggregate sulfur dioxide emissions by at least 75 percent from levels allowed under full implementation of the federal Clean Air Act Phase II sulfur dioxide requirements, (ii) limit annual nitrogen oxide emissions to an amount no greater than 25 percent of the facility's 1997 nitrogen oxide emissions, and (iii) remove 99 percent of particulate matter PM10 and smaller from emissions as compared to the unit's emissions without environmental controls. Also, this bill prohibits any electric generating facility from operating after January 1, 2009, unless it has complied with the above emission reduction requirements or entered into a consent decree with the State Air Pollution Control Board or its designee, agreeing to cease operations by January 1, 2014.

Patron - Van Landingham

HB2680 Water Quality Improvement Fund grants. Changes several of the criteria for prioritizing requests for funding from the Water Quality Improvement Fund. The bill removes the criterion that places a priority on the issuance of grants from the Fund for projects that exceed state or federal water quality requirements. The purpose of eliminating this condition regarding the awarding of grants is to ensure that grants may be awarded to assist wastewater treatment plants in meeting the new permit requirements that have been proposed by the State Water Control Board. The bill requires the Secretary of Natural Resources to include among the criteria used for prioritizing funding requests incentives for projects that are developed pursuant to the Public-Private Education Facilities and Infrastructure Act. The bill also establishes a formula for funding biological nutrient removal facilities and technologies using a sliding scale that is based upon the percentage of median household income that is expended for annual sewage charges within a given locality.

Patron - Lingamfelter

HB2694 Clean stream fee. Requires localities to assess residences connected to a municipal sewer system, septic system, or other wastewater treatment system \$52 per year, and industrial facilities connected to a municipal sewer system \$1,200 per year. Localities are to develop criteria to exempt persons who can demonstrate financial hardship. The money collected is deposited into the Water Quality Improvement Fund and is to be disbursed for the design and installation of state-of-the-art nutrient removal technology and for agricultural best management practices. Each locality can withhold up to \$50,000 or three percent of the money due to cover their administrative costs. The bill creates the 10-member Virginia Clean Streams Advisory Commission. The Commission's purpose is to review, comment, and advise the Departments of Environmental Quality and Conservation and Recreation on the implementation of the Virginia Clean Streams Act. This bill is identical to SB 1240.

Patron - Pollard

HB2696 Water Quality Improvement Fund grants. Requires that at least 80 percent of the moneys in the Water Quality Improvement Fund be awarded in grants for the financing of the cost of design and installation of biological nutrient removal facilities or other nutrient removal technologies until such time when Virginia's surface waters meet applicable water quality criteria. Historically, moneys in the Fund have been allocated almost equally between point sources of pollution and nonpoint sources of pollution.

Patron - Pollard

HB2742 Reduction of smokestack emissions. Establishes maximum limits for sulfur dioxide and nitrogen oxide emissions that are allowed to be released into the atmosphere from facilities with coal-fired electric generating units that produce at least 25 megawatts of electricity. These limits go into effect on May 1, 2011. Facilities located within 1,000 feet of an occupied dwelling or body of water must complete a refined modeling analysis to assess the effects of emissions from their facility on ambient concentrations of PM2.5, gaseous sulfur dioxide, and mercury in the area immediately surrounding the facility and compare them to established standards. This bill requires the Department of Environmental Quality to (i) develop a strategy to reduce mercury emissions from electric generating units and other sources and to conduct an analysis of the issues related to the development and implementation of standards and programs to control emissions of carbon dioxide (CO2) from coal-fired generating units and other stationary sources of air pollution; (ii) evaluate available control technologies; and (iii) estimate the benefits and costs of alternative strategies to reduce emissions of CO2.

Patron - Reid

HB2798 Veterans of the War of 1812; care of graves. Sets forth the procedure for the disbursement and use of any funds appropriated by the General Assembly to the Society of the War of 1812 in the Commonwealth of Virginia to care for cemeteries, graves, monuments, and markers for veterans of the War of 1812.

Patron - Rust

HB2922 Control program for unauthorized wastes. Establishes a program to protect the public health, safety, and welfare and the environment of the Commonwealth from the improper disposal of solid waste by directing landfills, transfer stations, incinerators, and waste-to-energy facilities to establish programs to ensure that only authorized types of solid waste are accepted at the facilities. This bill provides that any municipal solid waste landfill, transfer station, incinerator, or waste-to-energy facility may accept waste that was

generated outside of the Commonwealth only if the owner or operator demonstrates that the state or the locality where the solid waste was generated has adopted standards to ensure that only wastes that meet the standards set by the Waste Management Board will be sent to the Commonwealth.

Patron - Morgan

HB2923 Siting of landfills. Provides requirements and procedures for locating a landfill within the established buffer zones for water supply intakes or reservoirs and wetlands. This bill allows for the location of a new landfill within five miles, but not closer than one mile, of a public water supply if: (i) all other requirements of the Waste Management Act and the Resource Conservation and Recovery Act are met; (ii) the permit requires certain groundwater protection standards; and (iii) any other conditions required by the Director to protect against water contamination are met. This bill also allows for the location of a new landfill or the expansion of a landfill in a wetland if: (i) the proposed landfill site is at least one mile from any surface water body or tidal wetland; and (ii) the creation or restoration of a wetland in another location would provide enhanced wetlands benefits. Finally, this bill eliminates the exemption for landfills that impact less than 1.25 acres of nontidal wetlands, and provides that no additional localities will be granted an exemption for the siting of landfills unless the proponent submits to the Department of Environmental Quality an assessment of the potential impacts to public water supplies or wetlands, the need for the exemption, and the alternatives considered, and the information is made available for public review for at least 60 days prior to the first day of the Regular Session of the General Assembly. The bill grandfathers in the existing individual landfill siting exemptions. This bill has been incorporated into HB 2192.

Patron - Morgan

SB697 Park fees exemption. Exempts any person who is renting or leasing a facility within a state park from having to pay an entrance or parking fee.

Patron - Reynolds

SB937 Annual landfill fees. Exempts closed landfills that are owned or operated by localities and political subdivisions from having to pay the annual solid waste fees imposed by the Department of Environmental Quality.

Patron - Chichester

SB1056 Chesapeake Bay Preservation Act. Expands the boundaries of the Chesapeake Bay Preservation Act to include the entire watershed of the Chesapeake Bay, not just Tidewater. The bill also includes provisions that reflect language in Item 382, Subsection J, of Chapter 4 of the 2004-2006 Appropriation Act enacted during the 2004 Session (Special Session I) that eliminated the Chesapeake Bay Local Assistance Department and transferred its responsibility for administration of the Chesapeake Bay Preservation Act to the Department of Conservation and Recreation.

Patron - Wagner

SB1240 Clean stream fee. Requires localities to assess residences connected to a municipal sewer system, septic system, or other wastewater treatment system \$52 per year, and industrial facilities connected to a municipal sewer system \$1,200 per year. Localities are to develop criteria to exempt persons who can demonstrate financial hardship. The money collected is deposited into the Water Quality Improvement Fund and is to be disbursed for the design and installation of state-of-the-art nutrient removal technology and for agricultural best management practices. Each locality can withhold up to \$50,000 or three percent of the money due to cover their administrative costs. The bill creates the 10-member Virginia

Clean Streams Advisory Commission. The Commission's purpose is to review, comment, and advise the Departments of Environmental Quality and Conservation and Recreation on the implementation of the Virginia Clean Streams Act. This bill is identical to HB 2694.

Patron - Whipple

SB1277 Agricultural and pasture land. Defines what constitutes agricultural and improved pasture under the Erosion and Sediment Control Act.

Patron - Bolling

SB1317 Recycling of cell phones. Requires a retailer selling a cell phone to have in place by July 1, 2007, a system of acceptance and collection of used cell phones for reuse, recycling, or proper disposal. The bill requires the recycling system to include specific elements. Under the bill, on and after July 1, 2007, any cell phone retailer who sells a cell phone to a consumer without complying with the provisions of the bill may be subject to a civil penalty of up to \$1,000. The Department of Environmental Quality is required on July 1, 2008, and each July 1 thereafter, to post on its website an estimated Virginia recycling rate for cell phones. The bill also calls for state agencies that purchase or lease cell phones to require prospective bidders to certify that they have complied with the recycling requirements.

Patron - Deeds

Corporations

Passed

HB1829 Names of business entities; emergency. Clarifies that the words permitted to be in a business trust name pursuant to the Business Trust Act can be considered in determining whether a corporate, limited liability company, business trust or limited partnership name is distinguishable from the names of other such entities that have been recorded, reserved or registered in the office of the clerk of the State Corporation Commission. If the name of a corporation that has ceased to exist is not distinguishable from that of another entity, it shall change its name upon reinstatement to one that is distinguishable before engaging in business. The measure also narrows existing cross-references and makes technical corrections.

Patron - Parrish

SB933 Limited liability companies. Establishes a procedure for the filing of articles of restatement of a limited liability company as adopted by its members, managers, or persons who formed the limited liability company. Other provisions (i) clarify that limited liability company operating agreements may contain provisions benefiting third parties; (ii) allow a successor in interest to the last member of a limited liability company to provide for the continuation of the limited liability company and the designation of a new member; (iii) clarify that the articles of organization or operating agreement may provide that a membership interest consists only of non-economic rights; and (iv) provide that existing civil immunity protections available to principals of certain tax-exempt organizations apply to principals of tax-exempt partnerships and limited liability companies. The measure also includes several technical corrections.

Patron - Stosch

SB1228 Stock Corporation Act. Updates the Virginia Stock Corporation Act to incorporate refinements to the

Revised Model Business Corporation Act that have been adopted by the Business Law Section of the American Bar Association since its Model Act was enacted by Virginia. Substantive changes include permitting several corporate actions to be taken electronically; confirming that provisions in corporate documents filed with the State Corporation Commission may be made dependent on statistical or market indices or other objectively ascertainable facts; making the process for amending articles of incorporation more flexible; streamlining the process for combining corporations with other types of business entities; expanding situations where a shareholder can exercise appraisal rights; revising the test for determining whether a sale of corporate assets requires shareholder approval; establishing a shareholder buy-out alternative to court-ordered dissolution; and establishing a process for resolving contingent liabilities of a dissolving corporation.

Patron - Stosch

Counties, Cities and Towns

Passed

HB1514 Sheriffs; reimbursement of expenses incurred in responding to traffic incidents. Allows a locality to adopt an ordinance making a person convicted of certain traffic infractions or crimes liable in a separate civil action for reasonable expenses incurred by the sheriff's office of such locality for emergency response to an accident related to the violation. Current law allows the same for the locality itself and for volunteer rescue squads, but because sheriffs' offices are constitutional offices and not technically departments of the locality, the amendment is needed for clarity. Volunteer fire departments are also added to the provisions.

Patron - Cline

HB1649 Industrial development authorities; civil actions; attorneys' fees. Provides that any written contract of the authority shall contain provisions addressing the issue of whether attorneys' fees shall be recoverable by the prevailing party in the event the contract is subject to litigation. The bill also provides that in any instance in which an authority has unsuccessfully challenged certain contracts related to easements, the authority shall be prohibited from bringing any further action against the landowner related to such matters.

Patron - Orrock

HB1674 Reimbursement of expenses related to certain traffic incidents. Includes juvenile defendants in existing provisions that allow localities to seek reimbursement of expenses related to providing an emergency response to certain traffic and DUI incidents.

Patron - Cosgrove

HB1775 Sale of personal property by locality. Provides that in any instance in which one of certain categories of personal property is sold with the intent to lease back the property, approval by the governing body, after notice and a public hearing, shall be required when the value of the proposed sale amount exceeds \$2,000,000.

Patron - Purkey

HB1843 Activities of certain former local officials. Adds Charlottesville to those localities that may place certain limits on the activities of former officers and employees for one year after their service has ended.

Patron - Van Yahres

HB1877 Graffiti; mandatory minimum fine and jail. Amends local graffiti ordinance provisions to require that any violation carry a mandatory minimum fine of \$500, where the defacement is (i) more than 20 feet off the ground, (ii) gang-related, or (iii) on an overpass. The bill also provides for cleaning of graffiti by a locality at its own expense.

Patron - McDougle

HB1889 Procedure for enactment of certain local fees. Rewrites and clarifies the advertisement requirements for enactment of certain local fees.

Patron - Ware, R.L.

HB1911 Uniform requirements for sheriffs and sheriff's deputies. Allows sheriffs and their deputies to wear any uniform that easily identifies the local law-enforcement officers to members of the public, so long as the design and style are approved by the sheriff and worn in accordance with policies established by the sheriff. This bill is identical to SB 890.

Patron - Orrock

HB1916 Appointment of advisory boards, committees and commissions. Removes limits on the number of monthly meetings by such board, committees, and commissions for purposes of compensation, and eliminates the cap on maximum compensation.

Patron - Cole

HB1922 Sewer fees and liens. Provides that certain sewer fees and charges shall be a lien on the property served only if certain procedures are followed including first obtaining a judgment against the lessee or tenant who contracted for the service. This bill incorporates HB 2004 and HB 2563.

Patron - Marshall, D.W.

HB1923 Handley Board of Trustees in City of Winchester; terms. Decreases from 12 to six years the term for members of the Handley Board of Trustees. The board was created in 1896 for the purpose of carrying out the wishes of the late John Handley. This bill contains an emergency clause.

Patron - Sherwood

HB2012 Memorials for war veterans. Adds Operation Iraqi Freedom to the list of wars and conflicts for which localities may erect monuments and memorials.

Patron - Armstrong

HB2063 County manager plan; encroachments. Adds encroachments to those items for which a county with the county manager plan of government (Arlington County) may charge an application processing fee. This bill is identical to SB 1074.

Patron - Brink

HB2158 Wireless service authority act. Allows multiple localities to create a wireless service authority.

Patron - Nutter

HB2159 Boards of zoning appeals. Rewrites the criteria for instances in which the zoning administrator may grant a modification, currently referred to as a variance, from the zoning ordinance by including requirements related to the size, height, location or features of any building on the parcel of land. This bill incorporates HB 2152 and HB 2839.

Patron - Reese

HB2168 Displacement of private waste companies. Adds requirements to the procedures localities must follow

before displacing private companies providing garbage, trash, or refuse collection services. Such requirements include making a written finding of at least one of the following: (i) privately-owned refuse collection and disposal services are not available; (ii) the use of privately-owned and operated services has substantially endangered the public health or created a public nuisance; (iii) privately-owned services, although available, are not able to provide needed services in a reasonable and cost-efficient manner; (iv) or displacement is necessary to provide for the development or operation of a regional system of refuse collection or disposal for two or more localities.

Patron - Reese

HB2228 Nonconventional sewage disposal systems; local authority; civil penalties. Authorizes localities to establish, by ordinance, a schedule of civil penalties for violations relating to the operation and maintenance of nonconventional sewage disposal systems. "Nonconventional sewage disposal system" means any Type II or Type III system, as defined in the Sewage Handling and Disposal Regulations 12 VAC 5-610-10 et seq., including holding tanks and residential discharging wastewater treatment systems.

Patron - Rust

HB2234 Hospital authorities; commissioners. Allows the director of a local health department to serve as a commissioner, but not as chairman, on a hospital authority.

Patron - O'Bannon

HB2282 Noise standards; shooting ranges. Provides that no locality shall submit a sport shooting range to noise control standards more stringent than those in effect at the time an application was submitted for construction or operation of the range. The existing law refers to the time of construction, not the time of application.

Patron - Janis

HB2364 Appointment to planning district commissions. Allows planning district 14 to include representatives of higher education institutions on the planning district commissions.

Patron - Hogan

HB2377 Inoperable motor vehicles; civil penalties. Conforms civil penalty provisions for violations of inoperable motor vehicle ordinances to those currently existing for zoning violations.

Patron - Rapp

HB2381 Community development authorities. Removes population and tract size limitations for counties that want to establish a community development authority. No such limitations currently exist for cities and towns. Also, authorities are given powers related to the financing and funding of land acquisition.

Patron - Hall

HB2386 Conveyance of easements. Eliminates the public hearing requirement for localities that convey certain site development easements across public property.

Patron - Barlow

HB2391 Authority to cut grass. Adds Isle of Wight County to the counties with authority to require that the owner of occupied residential real property cut the grass or lawn area of less than one-half acre on such property when growth on the grass or lawn area exceeds 12 inches in height; or may whenever the governing body deems it necessary, after reasonable notice, have the grass or lawn area cut by its agents or employees, in which event, the cost and expenses thereof shall be

chargeable to and paid by the owner of the property and may be collected by the county as taxes and levies are collected.

Patron - Barlow

HB2407 Comprehensive plan; accessible housing. Adds provisions regarding the elderly, persons with disabilities, age-restricted housing, nursing homes and assisted living facilities to the statutory guidelines for local comprehensive plans. The bill provides that localities shall implement these provisions by July 1, 2008. This bill incorporates HB 2113.

Patron - Phillips

HB2408 Solid waste disposal fees; included on real estate tax bills. Permits counties to include solid waste disposal fees on the corresponding real estate tax bills.

Patron - Phillips

HB2450 Regulation of stormwater; combined billing. Removes the requirement of passing an ordinance when a locality is establishing the order in which payments are applied for combined billing of stormwater charges and other charges.

Patron - Suit

HB2455 Entitlement to tax revenues; baseball stadiums. Reinstates provisions to the Virginia Baseball Stadium Authority that expired on January 1, 2005, and extends them to January 1, 2008. These provisions entitle the Virginia Baseball Stadium Authority, subject to appropriation, to all personal income tax, corporate tax, and pass-through tax revenues collected by the Commonwealth as a result of the existence of a major league stadium. The locality in which the stadium is located may pledge all BPOL tax revenue generated on the premises of the stadium to the Authority. The Authority cannot issue bonds or lease the stadium to the Commonwealth if either would be considered a debt of the Commonwealth supported by debt revenues or a direct or contingent financial obligation of the Commonwealth. The locality may levy an admissions surcharge to be used to reimburse the locality for its expenses in connection with the stadium. This bill incorporates HB 2606.

Patron - Suit

HB2456 Cash proffers requested or accepted by a locality. Provides that no locality shall require payment of a cash proffer prior to issuance of a building permit; however, a landowner may voluntarily agree to an earlier payment. Also, no locality shall either request or accept a cash proffer whose amount is scheduled to increase annually, from the time of proffer until tender of payment, by a percentage greater than the annual rate of inflation, as calculated by referring to the Consumer Price Index published by the United States Department of Labor, Bureau of Labor Statistics or the Marshall and Swift Building Cost Index.

Patron - Suit

HB2521 Emergency medical services; maintenance of services. States that each locality shall seek to ensure that emergency medical services are maintained throughout the entire locality.

Patron - O'Bannon

HB2532 Code enforcement by volunteers. Adds the City of Portsmouth to the list of localities that may utilize volunteers to help enforce certain local ordinances. This bill is identical to SB 1062.

Patron - Melvin

HB2574 Maintenance of certain private roads. Provides that Buchanan County may make appropriations in such sums and at such times as the governing body deems

proper, for maintenance of private roads that provide the sole access to private family cemeteries containing 10 or more graves. Appropriations shall be made for this purpose only when necessary to keep the roads passable by motor vehicle. This bill is identical to SB 945.

Patron - Stump

HB2615 Actions prior to convening of meeting. States that during the time prior to the governing body's actual call to order or convening of business, any expressions by members of the governing body or members of the public shall be held consistent with the individual's First Amendment right of freedom of speech.

Patron - Orrock

HB2622 Return of local surplus funds. Allows any locality to develop a method for returning surplus real property tax revenues to taxpayers who are assessed real property taxes in any fiscal year in which the locality reports a surplus. Currently, this authority is granted to Albemarle County.

Patron - Byron

HB2667 Terrorism hoax; reimbursement of expenses. Raises the flat fee that may be charged to a person convicted of certain terrorism hoax incidents in order to reimburse the locality for related expenses.

Patron - McDonnell

HB2692 Northern Neck Chesapeake Bay Public Access Authority Act. Allows the Counties of Lancaster, Northumberland, Richmond and Westmoreland by resolution to declare that there is a need for a public access authority to be created. If an operating agreement is developed for the purpose of establishing or operating a public access authority for any such localities, these localities may form the Northern Neck Chesapeake Bay Public Access Authority. The Authority's duties shall include: (1) Identifying land, either owned by the Commonwealth or private holdings that can be secured for use by the general public as a public access site; (2) Researching and determining ownership of all identified sites; (3) Determining appropriate public use levels of identified access sites; (4) Developing appropriate mechanism for transferring title of Commonwealth or private holdings to the Authority; (5) Developing appropriate acquisition and site management plans for public access usage; and (6) Determining what holdings should be sold to advance the mission of the Authority. The Authority shall be governed by a board of directors with authority to (i) acquire, establish, construct, enlarge, improve, maintain, equip, operate, and regulate any public access site within the territorial limits of the participating political subdivisions; (ii) construct, install, maintain, and operate facilities for managing access sites; (iii) determine fees, rates, and charges for the use of its facilities; (iv) apply for and accept gifts or other financial assistance; (v) appoint, employ, or engage such officers and employees as may be necessary or appropriate, and to fix their duties and compensation; (vi) contract with any participating political subdivision for such subdivision to provide legal services, engineering services, depository, and investment services; and (vii) borrow money and incur debt. Whenever it shall appear to the Authority that the need for the Authority no longer exists, the Authority, or in the proper case, any such subdivision, may petition the circuit court of a participating political subdivision for the dissolution of the Authority.

Patron - Pollard

HB2695 Protection of established commercial fishing operations. Provides that registered commercial fishermen and seafood buyers who operate their businesses from their waterfront residences shall not be prohibited by a locality

from continuing their businesses, notwithstanding the provisions of any local zoning ordinance. This section shall only apply to businesses that have been in operation by the current owner, or a family member of the current owner, for at least 20 years at the location in question. The protection granted by this section shall continue so long as the property is owned by the current owner or a family member of the owner.

Patron - Pollard

HB2741 Shooting of arrows in populated areas. Adds the outdoor shooting of arrows from bows to existing provisions that allow counties to prohibit the shooting of firearms in heavily populated areas. Bows intended to be used as toys are excluded from the provisions.

Patron - Reid

HB2770 Charitable donations by localities. Adds Habitat for Humanity to those organizations to which a locality may make a charitable donation.

Patron - Saxman

HB2800 Development of former federal areas. Provides an alternative method for creating an authority under the Authorities for Development of Former Federal Areas Act, with such authority to be created by the City of Hampton rather than the governor, and expands the powers of such authorities.

Patron - Ward

HB2865 Connection to public water systems. Allows localities to require developers to extend and connect to abutting or adjacent public water or sewer systems. Also, localities may require that all buildings constructed on lots resulting from subdivision of a larger tract that abuts or adjoins a public water or sewer system or main shall be connected to that public water or sewer system.

Patron - Byron

HB2878 Burying of high voltage power lines. Provides that in Loudoun County and the Towns of Hamilton, Leesburg, and Purcellville, the governing body may enter into an agreement with a company providing electricity to the locality that calls for an additional charge to be included in the billing of customers that are in a special rate district for the purpose of placing proposed transmission lines underground, rather than overhead. The locality shall by ordinance set the boundaries of the special rate district and fix the amount of such tax. Thereafter, upon petition of over 60 percent of the owners of real estate within the boundaries of the proposed special rate district who shall collectively own not less than 60 percent of the property of the proposed special rate district, the agreement shall be submitted to the SCC for approval.

Patron - May

HB2888 Proffer cash payments and expenditures by localities. Makes numerous changes to the existing law on the use of cash proffers by localities, including amendments that provide that any locality accepting a cash payment voluntarily proffered on or after July 1, 2005, pursuant to § 15.2-2298, 15.2-2303, or 15.2-2303.1 shall within seven years of receiving full payment, begin construction or other improvements for which the cash payment was proffered. A locality that does not begin construction of the improvements for which the cash payment was proffered within seven years of receipt of the proffered cash payment, or make other authorized alternative improvements, shall pay the amount of that proffered cash payment to the Commonwealth Transportation Board for allocation to the appropriate construction program.

Patron - Lingamfelter

SB777 Arts and cultural districts. Adds the cities of Falls Church, Petersburg, and Winchester to the list of localities that may establish an arts and cultural district for the purpose of increasing awareness and support for the arts and culture in the city. Each city may provide incentives for the support and creation of arts and cultural venues in the district. Each city may also grant tax incentives and provide certain regulatory flexibility in an arts and cultural district.

Patron - Potts

SB795 Water and sewer liens. Adds Cumberland County to the list of localities that may provide that taxes on water and sewer service may be a lien on the property served.

Patron - Watkins

SB869 Virginia Water and Waste Authorities Act; authorities' power to acquire property and grant security interests. Authorizes authorities formed under the Virginia Water and Waste Authorities Act to grant security interests in any personal property or any interest, right or estate held by the authority.

Patron - Quayle

SB890 Uniform requirements for sheriffs and sheriff's deputies. Allows sheriffs and their deputies to wear any uniform that easily identifies the local law-enforcement officers to members of the public, so long as the design and style are approved by the sheriff and worn in accordance with policies established by the sheriff. This bill is identical to HB 1911.

Patron - Mims

SB894 Grievance procedures for local departments of social services. Requires a local social service department or local board to adopt a grievance procedure that is either (i) adopted by the locality, (ii) approved by the State Board of Social Services, consistent with the state grievance procedure.

Patron - Howell

SB900 Agricultural and forestal districts processing fees. Increases from \$300 to \$500 the cap on the fees that localities can charge for processing and reviewing an application for the creation of an agricultural or forestal district.

Patron - Norment

SB921 Vacation of boundary lines. Authorizes localities to allow relocation or alteration of lot lines by recordation of a deed, without the requirement for a subdivision plat.

Patron - Blevins

SB926 Relocation of public easements. Provides that all public easements, except those for public passage, occupying easements, those that contain private utility facilities, common or shared easements for the use of franchised cable operators and public service corporations, may be relocated by recordation of plat or replat signed by the owner of the real property, approved by an authorized official of a locality, regardless of the manner of acquisition or the type of instrument used to dedicate the original easement. If the purpose of the easement is to convey stormwater drainage from a public roadway then the entity responsible for the operation of the roadway shall first determine that the relocation does not threaten either the integrity of the roadway or public passage. The bill requires the clerk to index the locality as grantor of any easement or portion thereof terminated and extinguished under this section.

Patron - Blevins

SB938 Appointment of advisory boards, committees and commissions. Increases limits on compensation from \$75 to \$100 and removes the limit on the number of monthly meetings to be compensable.

Patron - Chichester

SB945 Highway maintenance by Buchanan County. Authorizes the Board of Supervisors of Buchanan County to make appropriations for the maintenance of private roads that provide the sole access to private family cemeteries containing more than 10 graves. The bill allows such appropriations only when necessary to keep the roads passable by motor vehicle, and only if such action does not conflict with certain provisions contained in Chapter 3 of Title 57 related to access to cemeteries located on private property. This bill is identical to HB 2574.

Patron - Puckett

SB956 Allegheny-Highlands Economic Development Authority. Provides that all appointments to the authority shall be made by the participating local governing bodies and eliminates a mandatory funding component.

Patron - Deeds

SB957 Activities of certain former local officials. Adds Charlottesville to those localities that may place certain limits on the activities of former officers and employees for one year after their service has ended. The bill also replaces population brackets with specific localities.

Patron - Deeds

SB1012 Relocation of courthouse. For purposes of courthouse relocation, "contiguous" includes contiguous property directly across a public right of way. The bill also replaces population brackets with specific localities.

Patron - Hanger

SB1062 Code enforcement by volunteers. Adds the City of Portsmouth to the list of localities that may utilize volunteers to help enforce certain local ordinances. This bill is identical to HB 2532.

Patron - Lucas

SB1074 County manager plan; encroachments. Adds encroachments to those items for which a county with the county manager plan of government (Arlington County) may charge an application processing fee. This bill is identical to HB 2063.

Patron - Ticer

SB1075 Zoning; transfer of development rights. Allows any county with the county manager plan of government to provide in its zoning ordinances for the dedication of density or other rights to develop real property, as defined by the county, from one or more parcels of property located in the county that are not the subject of a development application to one or more parcels of property located elsewhere in the county that are the subject of a development application. The provisions expire on July 1, 2008, if no eligible county adopts such an ordinance. Currently, Arlington County is the only county with the county manager plan of government. This bill is identical to HB 1851.

Patron - Ticer

SB1086 Boards of zoning appeals. Amends current variance provisions by authorizing zone administrators to grant modifications from zoning ordinance provisions with respect to physical requirements, such as size, height, location or other features related to any building, structure, or improvements.

The bill contains provisions regarding the issuance of modifications and appeals from denials of modification requests. The bill also replaces population brackets with specific localities.

Patron - Ticer

SB1160 Airport noise zones. Provides that any locality in whose jurisdiction a United States Master Jet Base is located or any adjacent locality may adopt and enforce building regulations relating to the provision or installation of acoustical treatment measures applicable to certain nonresidential buildings and structures.

Patron - Stolle

SB1189 Development of former federal areas. Provides an alternative method for creating an authority under the Authorities for Development of Former Federal Areas Act and exempts such authorities from the provisions of the Personnel Act and the Procurement Act.

Patron - Locke

SB1220 Notice of certain planning and zoning amendments. Adds licensed public-use airports to those entities that shall receive written notice of certain planning and zoning proposals that are located within 3,000 feet of a boundary of the entity.

Patron - Colgan

SB1230 Utility improvements; assessments. Adds the City of Chesapeake to the list of localities that may charge to abutting property owners the entire cost of qualifying utility improvements.

Patron - Quayle

SB1238 Comprehensive plan; accessible housing. Adds provisions regarding the elderly, persons with disabilities, age-restricted housing, nursing homes and assisted living facilities to the statutory guidelines for local comprehensive plans. The bill's second enactment clause requires local implementation by July 1, 2008.

Patron - Puller

SB1281 Water and sewer connections. Adds Campbell County to those counties that may require connection to their water and sewage systems by owners of property that may be served by such systems.

Patron - Hawkins

SB1282 Automobile graveyards. Adds Campbell County to those counties that may require screening of automobile graveyards and junkyards.

Patron - Hawkins

SB1313 Inoperable motor vehicles. Amends the Code sections authorizing localities to restrict the keeping of inoperable motor vehicles on residential or commercial property by requiring the one additional inoperable motor vehicle that is being used for restoration or repair to be shielded or screened from view, as well as the motor vehicle being actively restored or repaired.

Patron - Quayle

Failed

HB1631 Local water supply emergency ordinances. Provides that a local water supply emergency ordinance may limit the water usage of businesses to a specified percent of normal use; however, the ordinance shall not establish different percentages for different categories of businesses. All businesses shall be treated equally except that the ordi-

nance may exclude certain businesses from all limitations for health and safety reasons.

Patron - Van Yahres

HB1739 Reimbursement of DUI expenses. Clarifies that a DUI arrest and subsequent conviction will trigger provisions allowing a locality to recover certain expenses related to the arrest.

Patron - Cosgrove

HB1785 Control of firearms; libraries. Provides that localities may adopt an ordinance that prohibits firearms, ammunition, or components or combinations thereof, in libraries that are owned or operated by the locality.

Patron - BaCote

HB1797 Recreation facilities; fees. Provides that localities shall not charge user fees that exceed an amount calculated to cover the costs of construction and maintenance of recreation facilities and the labor costs associated with the scheduling of activities.

Patron - Albo

HB1806 Local condemnation authority; definition of public uses. Amends the definition of "public uses" for which localities may exercise the power of eminent domain such that public use shall not include any condemnation of property by a locality that (i) is made with the intent of making the property available for ownership or use by a private entity unless any benefits that will accrue to the private entity as a result of its ownership or use of the property are merely incidental when compared to the benefits that will accrue to the public or (ii) is otherwise predominantly for a private purpose.

Patron - Marshall, R.G.

HB1814 Deputy sheriffs' salaries. Removes current requirement that the salary of any deputy sheriff shall not exceed 90 percent of the salary of the sheriff by whom the deputy is employed.

Patron - Marshall, R.G.

HB1819 Affordable dwelling unit ordinances. Changes several provisions of an affordable dwelling unit ordinance from mandatory to optional. The bill also makes technical amendments.

Patron - Suit

HB1823 Zoning ordinances; transportation requirements. Provides that in determining the transportation requirements of the community, and prior to adopting a zoning ordinance or any amendment thereto, the locality shall conduct an assessment of road improvement needs within the locality and determine the impact of any proposed zoning amendment upon the existing road capacity. If a proposed zoning amendment will cause existing roads to exceed capacity, or if the impacted roads already exceed capacity, the proposed rezoning shall not be approved until the locality adopts a plan to fund road improvements necessary to meet road improvement needs and impacts.

Patron - Frederick

HB1826 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 - Frederick

HB1844 Affordable housing; Charlottesville. Adds Charlottesville to the list of localities that are currently permitted to establish an affordable housing dwelling unit program using the broadest authority permitted under the Code.

Patron - Van Yahres

HB1848 The Virginia Clean Indoor Air Act; signs relating to seating of children in smoking areas of restaurants, bars, or lounges; civil penalty. Requires the proprietor or any person who owns, manages, or otherwise controls any bar, lounge, or other area of a restaurant that is subject to the smoking restrictions of the Virginia Clean Indoor Air Act or a local ordinance and has seating in one or more designated smoking areas to post signs at or near the entrance to any area in which smoking is permitted stating "Warning: Second-hand smoke is dangerous to the health of nonsmokers. Children who are 12 years old or younger should not be seated in any area of any bar, lounge, or restaurant in which smoking is permitted." The current civil penalty of \$25 will apply to violations of the new sign requirement.

Patron - Eisenberg

HB1851 Transfer of development rights. Allows Arlington County to include in their zoning ordinances provisions for the transfer of some or all specified development rights, including density and other rights as defined by the locality, from one or more parcels of property located elsewhere in the locality. These provisions shall expire on July 1, 2008, if the county has not enacted an ordinance by that date.

Patron - Eisenberg

HB1880 Ticket scalping. Defines "resell for profit" for purposes of local ordinances that prohibit resale of tickets to certain public events.

Patron - Hargrove

HB2004 Water and sewer charges. Provides that the owner of rental property shall be liable for delinquent fees or charges only if a locality or authority has advised the owner of such real estate at the time of initiating service to a lessee or tenant of such real estate that the owner will be liable for the delinquent fees or charges. This bill has been incorporated into HB 1922.

Patron - Armstrong

HB2113 Comprehensive plan; accessible housing. Adds the designation of areas and implementation of measures for the construction, rehabilitation and maintenance of accessible housing to items that shall be included in a locality's comprehensive plan. This bill has been incorporated into HB 2407.

Patron - Van Landingham

HB2116 Urban county executive form of government; commission on human rights. Adds "sexual orientation" as prohibited discrimination and authorizes action against such discrimination by a human rights commission in a county with the urban county executive form of government (Fairfax County.)

Patron - Plum

HB2121 Signs prohibiting children under 12 from entering restaurant smoking section. Provides that the owner or proprietor of a restaurant shall post a sign prohibiting children under 12 from entering the smoking section and that he may be subject to a civil penalty of not more than \$25 for failing to do so.

Patron - Eisenberg

HB2152 Boards of zoning appeals. Rewrites the criteria for instances in which the board of zoning appeals may grant a variance to the zoning ordinance in order to grant the board additional flexibility. This bill has been incorporated into HB 2159

Patron - Amundson

HB2167 Affordable housing. Provides that notwithstanding any other provision of law, no locality may adopt an affordable housing program, or implement an existing program, after January 1, 2005, pursuant to §15.2-2304 or 15.2-2305, or as part of a comprehensive plan pursuant to § 15.2-2223, that provides that a developer pay an affordable housing contribution as part of an approval using a (i) special exception, (ii) special use permit, (iii) site plan or (iv) subdivision process. The bill does not apply to not-for-profit developers.

Patron - Reese

HB2220 Non-conventional sewage disposal systems; local authority; civil penalties. Authorizes a locality to establish, by ordinance, a schedule of civil penalties for violations relating to the operation and maintenance of non-conventional sewage disposal systems. "Non-conventional sewage disposal system" means any Type II or Type III system, as defined in the Sewage Handling and Disposal Regulations 12 VAC 5-610-10 et seq., including holding tanks and residential discharging wastewater treatment systems.

Patron - Rust

HB2276 Local ordinance requiring removal of petroleum facility improvements; penalty. Authorizes any locality to provide by ordinance that the owner of improvements at a motor fuels retail facility, within three years after the premises cease to be used as such a facility, shall remove all improvements and grade the surface, and thereafter shall maintain the surface in a natural or vegetated state until another use is established on the site. This bill is identical to SB 1199.

Patron - Oder

HB2280 Combining nonconforming lots. Allows localities to require the combination of abutting nonconforming lots under single ownership prior to issuance of a building permit for any such lot having substandard lot frontage, width, or area that is less than 50 percent of the required minimum under current lot regulations.

Patron - Spruill

HB2346 Impact fees. Allows localities to adopt provisions for the assessment of impact fees. The impact fees may be assessed in relation to the adequacy of education, transportation, parks, or public safety needs. 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 impact fee assessment, the locality must identify the particular public facility needs in its comprehensive plan, and must have in place a capital improvement program that provides a reasonable basis for determining the extent or level of inadequacy of such facilities in the area of the proposed development. If the locality does not apply impact fees paid by a developer to the capital project that served as the basis for such assessment within six years of collection, then the developer

may seek a writ of mandamus to compel the locality to do so. Any impact fee ordinances shall expire after six years, and may then be adopted for consecutive six-year periods.

Patron - Marshall, R.G.

HB2347 Local licensing of abortion clinics. Authorizes localities to adopt an ordinance requiring local licensing of abortion clinics. No person shall own, establish, conduct, maintain, manage or operate in an abortion clinic in any locality that has adopted such ordinance without obtaining a local license. Any requirements of licensure pursuant to such ordinance shall be in addition to, not in lieu of, any other requirements imposed on such facilities by law or Board of Health regulation. "Abortion clinic" is defined as any facility, other than a hospital as defined in § 32.1-123, in which 25 or more first trimester abortions are performed in any 12-month period.

Patron - Marshall, R.G.

HB2354 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

HB2395 Wireless service authorities; offering qualifying communications services. Authorizes any wireless service authority to offer qualifying communications services on the same terms as localities and other political subdivisions, except that the provision by a wireless service authority of wireless high-speed data service and Internet access service to the public throughout a locality prior to July 1, 2004, shall not require State Corporation Commission approval.

Patron - Phillips

HB2425 Family subdivision. Provides an exemption to minimum zoning requirements for certain family subdivisions.

Patron - Cole

HB2476 School impact fees. Provides that a locality may by ordinance assess and impose impact fees on a new residential development to pay all or a part of the costs of school facility improvements attributable in substantial part to such development.

Patron - May

HB2479 Cash Proffers. Provides that cash proffers accepted by certain localities for transportation purposes may be used for alternative transportation purposes that are in reasonable proximity to the development. Prior to the transfer of funds, the governing body shall conduct a public hearing and make a determination that (i) the cash proffers cannot be used in a timely manner for their original purpose, and (ii) the transfer of funds will improve transportation conditions within reasonable proximity to the development.

Patron - May

HB2498 Car tax relief; replacing car tax reimbursements with other local taxing authority. Repeals the car tax reimbursement program and replaces it by giving counties the same taxing authority as cities, and allowing all localities the option of imposing a local income tax. The bill is effective January 1, 2007, and only if a Constitutional amendment is ratified in November 2006 making motor vehicles exempt from taxation. This bill has been incorporated into HB 2066.

Patron - Amundson

HB2534 Video Infrastructure Development and Competition Act of 2005. Seeks to encourage video infra-

structure development and promote the public interest in lower prices and higher quality video services by equalizing franchise requirements for all competitors to use the public rights-of-way.

Patron - Ingram

HB2563 Water and sewer charges. Provides that the owner of rental property shall be liable for delinquent fees or charges only if a locality or authority has advised the owner of such real estate, at the time of initiating service to a lessee or tenant of such real estate, that the owner will be liable for the delinquent fees or charges. This bill has been incorporated into HB 1922.

Patron - Marshall, D.W.

HB2591 Waiver of water and sewer charges. Allows localities to provide a waiver of all or a portion of water and sewer charges to families of active duty National Guard members and reservists.

Patron - Weatherholtz

HB2606 Entitlement to tax revenues; baseball stadiums. Reinstates provisions to the Virginia Baseball Stadium Authority that expired on January 1, 2005. These provisions entitle the Virginia Baseball Stadium Authority, subject to appropriation, to all personal income tax, corporate tax, and pass-through tax revenues collected by the Commonwealth as a result of the existence of a major league stadium. The locality in which the stadium is located may pledge all BPOL tax revenue generated on the premises of the stadium to the Authority. The Authority cannot issue bonds or lease the stadium to the Commonwealth if either would be considered tax-supported debt or affect the Commonwealth's debt capacity unless authorized by the General Assembly. The locality may levy an admissions surcharge to be used to reimburse the locality for its expenses in connection with the stadium. This bill has been incorporated into HB 2455.

Patron - Callahan

HB2818 Local coal and gas road improvement tax; sunset date. Removes the December 31, 2007, sunset date for the local coal and gas road improvement tax.

Patron - Phillips

HB2839 Boards of zoning appeals. Rewrites the criteria for instances in which boards of zoning appeals may grant a variance to the zoning ordinance by changing the requirement of an "undue hardship" to a "clearly demonstrable" hardship. This bill has been incorporated into HB 2159.

Patron - Keister

HB2877 Powers of service districts. Adds the burying of high voltage power lines to the powers of service districts.

Patron - May

HB2901 Prohibition on certain legal actions; air installations compatible use zones. Provides that no person shall bring any action at law or suit in equity against any locality, the Commonwealth, or the federal government because of, or arising out of, the purchase, after July 1, 2005, of any property that falls within an air installations compatible use zone due to noise or other impacts associated with aircraft operation.

Patron - Cosgrove

HB2904 Buchanan County Tourist Train Development Authority; eminent domain. Grants the authority the power of eminent domain for the purposes of establishing ade-

quate space for an excursion train turn-around, sidings, boarding, and theme park facilities.

Patron - Stump

FHJ720 Encourage local governments to enhance disability access to public areas. Encourages local governments in the Commonwealth to enhance disability access in public buildings, facilities, and spaces by establishing teams of persons with disabilities qualified to provide advice and technical consultation on improving access to public areas.

Patron - Miller

FSB739 Binding referendum in Wythe County on adoption of zoning ordinance. Provides that the Circuit Court of Wythe County shall order a referendum to be held on the question of whether the qualified voters desire the county to adopt a zoning ordinance for their magisterial district. The referendum shall be held at the time of the 2005 November general election. If a majority of the voters voting in the referendum in a particular magisterial district vote in favor of the zoning ordinance, the proposed zoning ordinance shall become effective on January 1, 2006, in that magisterial district.

Patron - Reynolds

FSB758 Control of firearms; libraries. Provides that localities may adopt an ordinance that prohibits firearms, ammunition, or components or combinations thereof, in libraries that are owned or operated by the locality.

Patron - Locke

FSB846 Affordable housing; Charlottesville. Adds Charlottesville to the list of localities that are currently permitted to establish an affordable housing dwelling unit program using the broadest authority permitted under the Code.

Patron - Deeds

FSB947 Vacant building registration. Adds towns to the current provisions that allow cities to require payment of a fee from owners of vacant buildings.

Patron - Puckett

FSB1072 Fairfax County referendum; Dulles Corridor Rapid Transit Project. Provides for a binding referendum at the November 2005 election in Fairfax County on the question: "Shall the Fairfax County Board of Supervisors be prohibited from committing or appropriating County revenues and funds to the Dulles Corridor Rapid Transit Project?" If a majority of the voters vote yes, the Board will be prohibited from committing or appropriating county revenues to the Project beyond amounts legally committed prior to the effective date of the act.

Patron - Cuccinelli

FSB1100 Local government taxing authority; penalty. Equalizes city and county taxing authority by granting counties the same authority available to cities.

Patron - Whipple

FSB1199 Local ordinance requiring removal of petroleum facility improvements; penalty. Authorizes any locality to provide by ordinance that the owner of improvements at a motor fuels retail facility, within three years after the premises cease to be used as such a facility, shall remove all improvements and grade the surface, and thereafter shall maintain the surface in a natural or vegetated state until another use is established on the site. This bill is identical to HB 2276.

Patron - Williams

FBSB1206 Affordable housing. Provides that, notwithstanding any other provision of law, a locality shall adopt or implement an affordable housing program after January 1, 2005, that provides for a developer to pay a contribution as a part of approval using a (i) special exception, (ii) special use permit, (iii) site plan or (iv) subdivision process. However, localities may do so through bonus density. The bill does not apply to not-for-profit developers. The provisions expire on July 1, 2006.

Patron - Mims

FBSB1271 Local condemnation authority; definition of public uses. Amends the definition of "public uses" for which localities may exercise the power of eminent domain to exclude any condemnation of property by a locality that (i) is made with the intent of making the property available for ownership by a private entity, unless any benefits that will accrue to the private entity as a result of its ownership are merely incidental when compared to the benefits that will accrue to the public; or (ii) is otherwise predominantly for a private purpose. The bill further defines public use to exclude the receipt of taxes or other revenue by any government entity resulting from the condemnation of property.

Patron - Cuccinelli

FBSB1272 Solid waste disposal fees. Adds Northampton County to those counties authorized to levy a fee for the disposal of solid waste. Also, costs incurred by counties in operating convenience centers, contracting for hauling costs, and landfill tipping fees are added to the expenses for which a county may charge the fee.

Patron - Rerras

FBSB1337 Video Infrastructure Development. Seeks to encourage video infrastructure development by equalizing franchise requirements for all competitors to use the public rights-of-way.

Patron - Stosch

Courts not of Record

Passed

P HB1580 Enforcement of judgments. Streamlines the process for enforcing judgments issued by a general district court and docketed in circuit court so as to extend enforcement timeframes by (i) eliminating the requirement for district court approval of the motion for extension, (ii) eliminating the requirement that all case documents in the district court must be filed in the circuit court, and (iii) permitting executions on the docketed civil judgments to issue from the general district court in which the judgment was obtained after the abstract of the circuit court judgment has been filed in the district court.

Patron - Reese

P HB1581 Pleadings and other papers by parties not represented by counsel; notice of address change. Requires those certain parties that may represent themselves in certain civil proceedings to promptly notify the clerk of court and any adverse parties of address changes. If a party fails to provide such notification, a mailing to or service upon a party at the most recent address contained in the court file of the case is deemed effective service or other notice.

Patron - Reese

HB1789 Juveniles; information upon the commitment of a juvenile. Places upon the Department of Correctional Education the primary duty of transferring academic, and career and technical education and related achievement information to local school boards when children are returned to the community from the Department of Juvenile Justice's care.

Patron - Councill

HB2206 Delinquent juveniles; disposition. Replaces the 12-month period during which the court may defer disposition of a delinquent juvenile with a provision that the court establish a specific period of time giving due regard to the gravity of the offense and the juvenile's history.

Patron - Marrs

HB2209 General district court; medical records. Provides that if a personal injury case is removed from general district court to circuit court and the claim is under \$15,000, the parties may use general district court procedures to introduce medical evidence, rather than the circuit court procedures. In general district court a party may introduce evidence on injuries, treatment and examination and costs by a report and affidavit from the health care provider. In circuit court medical evidence is typically introduced by deposition or trial testimony of the health care provider. This bill incorporates HB 1702.

Patron - Marrs

HB2245 Mental health transition plan. Requires the Board of Juvenile Justice, after consultation with the Board of Mental Health, Mental Retardation, and Substance Abuse Services and other related agencies, to promulgate regulations for the planning and provision of mental health, substance abuse or other therapeutic treatment services for persons returning to the community following commitment to a juvenile correctional center or postdispositional detention. This bill is identical to SB 843.

Patron - Bell

HB2527 Court jurisdiction. Amends section that gives district and circuit courts for counties and cities lying on waters bounding the Commonwealth concurrent jurisdiction over the waters opposite the jurisdiction as far as the jurisdiction of the Commonwealth extends, to provide that it applies to the City of Norfolk. Under current law, the cities of Norfolk and Richmond are the only jurisdictions which do not have concurrent jurisdiction. This bill is identical to SB 1180.

Patron - Melvin

HB2529 Notice of juvenile transfer hearing; sentencing. Requires the attorney for the Commonwealth to notify the court service unit of the need for a transfer report upon motion of the Commonwealth for a juvenile transfer hearing. If a juvenile tried as an adult is sentenced as juvenile, the bill requires the clerk to provide a copy of the court's final order or judgment to the appropriate court service unit.

Patron - Melvin

HB2650 Criteria for detention of juvenile; appeal. Authorizes the attorney for the Commonwealth to appeal the decision of the intake officer or magistrate to release a juvenile over the objection of the attorney for the Commonwealth if the juvenile violated a term or condition of his release, or is convicted of or taken into custody for an additional offense, or the attorney for the Commonwealth presents evidence that incorrect or incomplete information was relied upon in establishing the initial terms of release. The attorney for the Common-

wealth may appeal the decision of a juvenile court judge if the juvenile is released over his objection.

Patron - Hurt

HB2661 Number of district judges. Adds a new general district court judge to the 15th Judicial District (Fredericksburg, Essex, Caroline, Hanover, King George, Lancaster, Northumberland, Richmond, Spotsylvania, Stafford, Westmoreland), and a new juvenile court judge to the 20th Judicial District (Loudoun, Fauquier, Rappahannock). This bill is identical to SB 1154.

Patron - McDonnell

HB2670 Juveniles; representation by attorney. Provides that juveniles may waive representation by an attorney where the charged offense would be a felony if committed by an adult only after the juvenile consults with an attorney and the court determines that his waiver is free and voluntary. In addition, the waiver must be in writing, and the court must find that the child and parent consent and that the waiver is consistent with the interests of the child. This bill incorporates HB 2409.

Patron - McDonnell

HB2734 Organized criminal gang reporting. Repeals a provision relating specifically to reporting of organized youth gang activity, and creates a general law-enforcement reporting requirement of all gang activity to the Organized Criminal Gang File in the Virginia Criminal Information Network and the Violent Criminal Gang File of the National Crime Information Center maintained by the Federal Bureau of Investigation.

Patron - McQuigg

HB2744 Foster care plans and home studies. Requires parent and child involvement in the development of foster care plans. The bill also requires home studies prior to any foster home placement, and requires the Board of Social Services to adopt regulations allowing for dual approval of homes as both foster and adoptive homes.

Patron - Alexander

SB806 Cross-designation of judges by chief district judge. Increases the maximum duration of orders authorizing the cross-designation of juvenile and general district court judges from 90 days to one year.

Patron - Marsh

SB843 Mental health transition plan. Requires the Board of Juvenile Justice, after consultation with the Board of Mental Health, Mental Retardation, and Substance Abuse Services, to promulgate regulations for the planning and provision of mental health, substance abuse or other therapeutic treatment services for persons returning to the community following commitment to a juvenile correctional center or postdispositional detention. This bill is identical to HB 2245.

Patron - Deeds

SB1070 Psychiatric Inpatient Treatment of Minors Act. Adds a procedure for the hospitalization of a juvenile who is in detention or shelter care for a criminal offense pursuant to an order of a juvenile and domestic relations district court.

Patron - Cuccinelli

SB1154 Number of district judges. Adds a new general district court judge to the 15th Judicial District (Fredericksburg, Essex, Caroline, Hanover, King George, Lancaster, Northumberland, Richmond, Spotsylvania, Stafford, Westmoreland), and a new juvenile court judge to the 20th Judicial

District (Loudoun, Fauquier, Rappahannock). This bill is identical to HB 2661.

Patron - Stolle

SB1180 Court jurisdiction. Amends section that gives district and circuit courts for counties and cities lying on waters bounding the Commonwealth concurrent jurisdiction over the waters opposite the jurisdiction as far as the jurisdiction of the Commonwealth extends, to provide that it applies to the City of Norfolk. Under current law, the cities of Norfolk and Richmond are the only jurisdictions which do not have concurrent jurisdiction. This bill is identical to HB 2527.

Patron - Rerras

SB1320 Confidentiality of juvenile records; escape exception. Amends provisions allowing the public release of juvenile information (name, age, physical description, photograph, charge, and other information that might expedite apprehension) when a juvenile becomes a fugitive from justice to apply to juveniles who are being held in custody by a law-enforcement officer or in a secure facility. Under current law release of this information is allowed only if the juvenile is charged with certain felonies (rape, robbery, burglary, or a Class 1, 2, or 3). Current law provides that the information may be released only upon court order. This bill provides that if the juvenile becomes a fugitive from justice at a time when court is not in session, the Department of Juvenile Justice, attorney for the Commonwealth or a court services unit may release such information.

Patron - Reynolds

Failed

HB328 Foster care plans; reasonable efforts. Broadens bases for eliminating requirement to make "reasonable efforts" to reunite child with parent to include cases where the parent has been convicted of certain offenses against any child (rather than a "child of the parent" or "a child with whom the parent resided at the time" the offense occurred). Makes the reference to "aggravated circumstances" consistent with the proposed statutory change by defining such circumstances as being certain acts committed against, or allowed to occur against, any child (rather than a "child of the parent" or "a child with whom the parent resided at the time" the offense occurred).

Patron - Griffith

HB1520 Pro se representation; closely held corporations. Expands the authority of a nonlawyer appearing on behalf of a closely held corporation in civil actions in general district court by authorizing him to file a bill of particulars or grounds of defense; argue motions; file or interrogate at debtor interrogatories; or file, issue, or argue any other paper, pleading, or proceeding that may be filed, issued or argued by a lawyer.

Patron - Janis

HB1579 Salaries of substitute judges. Increases the salaries of substitute judges by \$50 from \$200 to \$250 for a full day and from \$100 to \$150 for a half day.

Patron - Reese

HB1583 Removal and appeals to circuit court; jurisdictional amount. Authorizes the circuit court, where a case is appealed or removed to a circuit court, to permit amendments to increase the amount of the claim above the jurisdictional limits for the general district court. Under current

law, the circuit court holds that authority for only those cases the defendant appeals to circuit court.

Patron - Reese

HB1702 General district court; medical records. Provides that if a personal injury case is removed from general district court to circuit court and the claim does not exceed \$15,000, the parties may use general district court procedures to introduce medical evidence, rather than the circuit court procedures. In general district court a party may introduce evidence on injuries, treatment and examination, and costs by a report and affidavit from the health care provider. In circuit court medical evidence is typically introduced by deposition or trial testimony of the health care provider. This bill has been incorporated into HB 2209.

Patron - Kilgore

HB2058 Termination of parental rights; evidence. Provides that no court (i) conducting a hearing on termination of parental rights, (ii) entering an order terminating parental rights, or (iii) reviewing an order terminating parental rights shall consider any evidence based on events occurring after the date of the permanency planning hearing.

Patron - Byron

HB2076 Protective orders; temporary possession of motor vehicle. Authorizes the court to grant temporary possession of a motor vehicle to a petitioner for a protective order until the parties agree to a division of property or the court enters an equitable distribution order. In no event may the period of temporary possession last more than two years from the date of the protective order.

Patron - Plum

HB2103 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, the person taking the child into custody shall advise the child whether he is at liberty to terminate the interrogation and leave. If the child does not leave, the person taking the child into custody shall (i) 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 unless such person is a suspect in the same criminal offense for which the child is in custody; (ii) notify such counsel or parent, guardian, legal custodian, or other person standing in loco parentis unless such person is a suspect in the same criminal offense for which the child is in custody; and (iii) not interrogate the child until reasonable efforts are made to notify such parent, guardian, legal custodian, or other person standing in loco parentis and such parent, guardian, legal custodian, or other person standing in loco parentis is given an opportunity to be present unless such person is a suspect in the same criminal offense for which the child is in custody. It shall be sufficient evidence of the fact that "reasonable efforts" were made to notify such person if the person taking the juvenile into custody by affidavit certifies that the identity and location of such person is not reasonably ascertainable.

Patron - McQuigg

HB2149 Youth court program. Allows the use of a youth court program when informal action is taken on a complaint alleging a child is in need of services, in need of supervision or delinquent. A youth court program is an established youth program that is approved by the court and monitored by adults. It uses juvenile volunteers as lawyers, jurors, and other court personnel and adult volunteers as judges for peer trials and the imposition of sentences which emphasize restitution, rehabilitation, accountability, competency building and educa-

tion, but not incarceration. The program charges a nonrefundable fee to be paid directly to the program.

Patron - Amundson

HB2246 Guardian ad litem representing juvenile; duties. Specifies the duties a guardian ad litem for a juvenile may be required to undertake to ensure complete and proper representation.

Patron - Bell

HB2409 Juvenile detention; appointment of attorney. Repeals House Bill 600 enacted during the 2004 Session of the General Assembly and scheduled to become effective July 1, 2005, that required the appointment of an attorney for a child prior to an initial detention hearing unless an attorney had been retained and appeared on behalf of the child; and provided for payment for such court-appointed attorney. The 2004 bill also required that the child's attorney be notified of the detention hearing and any rehearing and specified that the attorney be given the opportunity to be heard at the detention hearing. The 2004 bill also added requirements that in order for there to be a rehearing the parent must make a written request and state that he is willing and available to supervise the child upon release from detention and will return the child to court for all scheduled proceedings. Further amendments provided that, if it is determined that the child is not indigent, the parents must pay the costs of the attorney and that a child who is alleged to have committed an offense that could lead to commitment to a juvenile correctional center may waive his right to an attorney only after he consults with an attorney. This bill has been incorporated into HB 2670.

Patron - McDougle

HB2634 Dispositions for delinquent juveniles; penalty. Allows a juvenile 11 years of age or older to be committed to the Department of Juvenile Justice for a violation of § 18.2-308.7 (possession or transportation of certain firearms by persons under the age of 18), which is a Class 1 misdemeanor, if the juvenile has previously committed a Class 1 misdemeanor and if the liberty of the juvenile constitutes a clear and substantial threat to the life or health of the juvenile or others. Under current law a juvenile cannot be committed for a Class 1 misdemeanor unless he has three previous Class 1 misdemeanors or a previous felony.

Patron - Shannon

HB2644 Juvenile and domestic relations district courts; definitions. Eliminates from the definition of "family or household member" language that includes certain in-laws who reside within the same home and replaces that language with "relatives, whether by blood or marriage," who reside within the same home. This definition is also used in sections that: prohibit recruitment of gang members by threats or force; criminalize assault and battery against a family member; criminalize stalking; allow an arrest without a warrant in certain instances when there is an assault and battery against a family member; authorize a court to exclude family members from a dwelling when an order is pending for divorce; and in the unfair insurance trade practices provisions.

Patron - Hurt

HB2651 Juvenile court petitions. Provides that matters involving custody and visitation of a child may be commenced with the filing of a single petition where all parties are the same.

Patron - Hurt

SB725 Mental health courts; pilot program. Directs the Office of the Executive Secretary of the Supreme Court to establish, by January 1, 2006, no less than two and no more

than five mental health courts in Virginia for nonviolent offenders with serious mental illnesses.

Patron - Edwards

SB826 Fixed misdemeanor and fixed felony fees. Increases the felony and misdemeanor fixed fees by \$3. The increase will go to the Virginia Crime Victim-Witness Fund, which is a nonreverting fund administered by the Department of Criminal Justice Services to support victim and witness programs.

Patron - Mims

SB927 Destruction of court records. Allows the district court clerk to destroy court records after electronic imaging.

Patron - Blevins

SB1067 Dispositions for delinquent juveniles; penalty. Allows a juvenile 11 years of age or older to be committed to the Department of Juvenile Justice for a violation of § 18.2-308.7 (possession or transportation of certain firearms by persons under the age of 18), which is a Class 1 misdemeanor, if the liberty of the juvenile constitutes a clear and substantial threat to the life or health of the juvenile or others and the juvenile was previously found delinquent based on an offense that would be a Class 1 misdemeanor if committed by an adult. Under current law a juvenile cannot be committed for a Class 1 misdemeanor unless he has three previous Class 1 misdemeanors or a previous felony.

Patron - Edwards

SB1329 Abused and neglected children; removal orders. Changes the standard of proof from preponderance to clear and convincing for a preliminary removal order or continuance of an existing order for an abused or neglected child. The bill creates a rebuttable presumption that the child should be placed with a relative or other interested person, including grandparents, pending a dispositional hearing and requires the court to consider whether such person is in a position to alleviate disruption in the child's life.

Patron - Cuccinelli

Courts of Record

Passed

HB1706 Fees collected by clerks of circuit courts; authorization to use funds for office expenses. Provides that court clerks shall use the fees paid for copying to recoup the costs of providing the copies, with the balance of the funds paid to the Commonwealth. Funds sufficient to recoup the cost of making copies shall be deposited with the locality, which shall in turn appropriate funds to support copying costs. Such costs shall include lease and maintenance agreements, but shall not include salaries or related benefits. This bill incorporates HB 1894.

Patron - Kilgore

HB1994 Designation of courtrooms. Restores a provision, repealed in a title revision, which allows the chief judges of the Twenty-first (Martinsville, Henry, and Patrick) and the Twenty-third (Roanoke, Salem, and Roanoke County) Judicial Circuits to designate particular courtrooms within their respective circuits as civil or criminal courtrooms.

Patron - Griffith

P HB2287 Courts of record; how jurors paid. Allows jurors to be paid in cash or by electronic transfer.
Patron - Brink

P HB2533 Exercise of appointive powers by circuit court judges. Removes the burden of each judge of a circuit having to sign an order of appointment and allows the chief judge, or his designee, to do so on behalf of all the judges of the circuit.
Patron - Melvin

P HB2662 Number of circuit court judges. Creates a new circuit court judgeship in the 28th Judicial Circuit (Bristol, Washington, Smyth). This bill is identical to SB 1167 and incorporates HB 2861.
Patron - McDonnell

P SB902 Technology Trust Fund Fee. Prohibits, beginning July 1, 2006, transfers from the Technology Trust Fund Fee for purposes not specifically enumerated in the law, including transfers to the general fund.
Patron - Norment

P SB1157 Judicial Inquiry and Review Commission; confidentiality; Freedom of Information Act. Exempts the Commission from the Freedom of Information Act and also requires that ethical advice given to a judge by an attorney employed by the Commission and any attendant records be kept confidential. The bill allows the Commission to share such advice, without identifying the judge, with the judicial ethics advisory committee established by the Supreme Court.
Patron - Stolle

P SB1167 Number of circuit court judges. Creates a new circuit court judgeship in the 28th Judicial Circuit (Bristol, Washington, Smyth). This bill is identical to HB 2662.
Patron - Stolle

P SB1341 Executive Secretary to the Supreme Court of Virginia; qualifications. Removes the requirement that the executive secretary meet the qualifications of a judge of a court of record and allows, instead, the justices of the Supreme Court to prescribe any qualifications.
Patron - Stolle

Failed

F HB1578 Payment for services of retired judges. Increases the daily allowance for retired judges sitting as substitute judges from \$200 to \$250.
Patron - Reese

F HB1774 Restrictions on retired or former justices and judges. Restricts a retired or former justice or judge, upon leaving service whether by retirement, removal, failure to be reelected, or voluntary separation, from being employed by any private business or legal entity that is involved in class action litigation in which he was directly involved as a justice or judge. This prohibition expires at the end of the fifth year following retirement or separation from service.
Patron - Purkey

F HB1894 Fees collected by clerks of circuit courts; authorization to use funds for office expenses. Allows the clerk to use fees paid for copying to recoup the costs of providing the copies, with the balance of the funds paid to the Commonwealth. This bill has been incorporated into HB 1706.
Patron - Carrico

F HB1959 Fees for court copies. Provides that the fees charged to persons with incomes at or below 150 percent of the federal poverty line for copies of court documents shall not exceed \$0.10 per page.
Patron - Jones, D.C.

F HB1970 Designation of judges to hold courts and assist other judges. Prohibits a judge who believes it is improper, in his opinion, to preside at a trial to propose, suggest, or recommend to the Chief Justice, directly or indirectly, which judge should be designated in his place.
Patron - Cox

F HB2208 Additional fees in certain courts. Requires the additional fees currently collected on civil case filings to be deposited into the criminal fund for disbursement for criminal indigent defense. The additional fees currently go to Legal Aid through the Virginia State Bar.
Patron - Marrs

F HB2261 Ex parte examination of witnesses or evidence by judge prohibited. Provides that, except as otherwise expressly provided by law, no judge shall examine a witness, potential witness, or any evidence without notice to, and an opportunity to be heard by, all parties to a proceeding or their counsel.
Patron - Bell

F HB2768 Courthouse construction. Provides additional funding for courthouse construction by increasing the maximum assessment for costs in civil, criminal, and traffic cases.
Patron - Nutter

F HB2825 Judicial Inquiry and Review Commission; due process. Requires the rules adopted by the Commission to afford each judge due process protections in investigations and hearings.
Patron - Joannou

F SB828 Money under control of the court; audits. Allows the use of a certified public accountant, instead of the Auditor of Public Accounts, to audit money held by clerks of court.
Patron - Mims

F SB830 Clerks' fees; what is taxed as costs. Clarifies what court costs are taxable in an attempt to make statewide practice more uniform.
Patron - Mims

F SB1124 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 - Obenshain

Crimes and Offenses Generally

Passed

P HB1513 Escape from custody without violence. Provides that if any person lawfully confined in jail or in the custody of any court or court officer or of any law-enforcement

officer, for a probation or parole violation, escapes, other than by force or violence or by setting fire to the jail, he is guilty of a Class 1 misdemeanor. Currently, misdemeanor escape is punishable only when the person is being held on a misdemeanor charge or conviction.

Patron - Cosgrove

HB1620 Homicide resulting from shooting into a vehicle or building. Specifies that a death resulting from maliciously shooting or throwing a missile at a vehicle or occupied building is second degree murder unless the homicide is willful, deliberate and premeditated, in which case it is first degree murder.

Patron - Janis

HB1690 Crimes; untrue, deceptive or misleading advertising, inducements, writings, or documents. Provides that the words "untrue, deceptive and misleading" include the use of any writing or document that appears to be, but is not in fact a negotiable check, draft, or other instrument unless the writing or document clearly and conspicuously has printed on its face in at least 14-point bold type the phrase "THIS IS NOT A CHECK." Currently, the writing or document is considered "untrue, deceptive or misleading" even if it has written on it that it is nonnegotiable.

Patron - Albo

HB1741 Photographs of undergarments, etc., without consent; penalty. Provides that the knowing and intentional creation of a videotape, photograph, film or video-graphic or still image record created by placing the lens or image-gathering component of a recording device directly beneath or between a person's legs for the purpose of capturing an image of the person's undergarments or intimate parts, when the undergarments or intimate parts, would not otherwise be visible to the general public is punishable as a Class 1 misdemeanor, or a Class 6 felony if the nonconsenting person is under the age of 18. This bill incorporates HB 2262 and HB 2701.

Patron - Cosgrove

HB1756 Involuntary manslaughter for a death caused by drunk boating; penalties. Provides that any person who, as a result of operating a watercraft or motorboat while intoxicated, unintentionally causes the death of another person, is guilty of involuntary manslaughter.

Patron - Janis

HB1860 Unauthorized possession of two or more signed credit cards or credit card numbers. Clarifies that possession of two unauthorized credit cards is credit card theft and not forgery.

Patron - Shannon

HB1896 Driving motor vehicle after ingesting certain illegal drugs; penalty. Makes it a violation of the DUI statute to drive with specified levels of the following illegal drugs in one's blood: cocaine, methamphetamine, phencyclidine (PCP) and methylenedioxymethamphetamine (MDMA ecstasy).

Patron - Carrico

HB1915 Carrying certain loaded weapons in public. Rewrites the prohibition against carrying certain loaded semi-automatic rifles or pistols and shotguns in public in certain localities to delete the definition of "firearm" and replace it with the existing substance of the definition. The bill also clarifies that the prohibition does not apply to a person who has a valid concealed handgun permit.

Patron - Cole

HB1974 Possession of methamphetamine, methcathinone, amphetamine, or amphetamine precursors; penalty. Provides that any person who possesses any two or more of the following substances with the intent to manufacture methamphetamine, methcathinone or amphetamine is guilty of a Class 6 felony: liquified ammonia, ether, hypophosphorus acid solutions, hypophosphite salts, hydrochloric acid, iodine crystals or tincture of iodine, phenylacetone, phenylacetic acid, red phosphorus, methylamine, methyl formamide, lithium metal, sodium metal, sulfuric acid, sodium hydroxide, potassium dichromate, sodium dichromate, potassium permanganate, chromium trioxide, methylbenzene, methamphetamine precursor drugs, sodium hydroxide, trichlorethane, or 2-propanone. The bill also requires the Virginia Department of State Police, Department of Environmental Quality, Department of Health, and Division of Forensic Science to establish a multi-agency work group to develop a best-practices protocol for use by law-enforcement and emergency response agencies regarding the clean-up of abandoned and deactivated methamphetamine production sites. This bill incorporates HB 1950 and HB 2437 and is identical to SB 1121.

Patron - Tata

HB2059 Unlawful use of payment card scanning devices and re-encoders; penalty. Punishes as a Class 1 misdemeanor the malicious and unauthorized use of a scanner or re-encoder to unlawfully reproduce the information in the magnetic stripe of a payment card and as a Class 6 felony if the person sells or distributes such information to another or uses the information in the commission of another crime.

Patron - Byron

HB2060 Transfer of firearms; purchase of more than one handgun in a 30-day period; exemption. Exempts law-enforcement officers from the provision limiting a person from purchasing more than one handgun in a 30-day period.

Patron - Rust

HB2213 Illegal conveyance or possession of cellular telephone by prisoner; penalty. Creates a Class 6 felony for a person without authorization to provide or cause to be provided a cellular telephone to an incarcerated prisoner, or for an incarcerated prisoner without authorization to possess a cellular telephone during the period of his incarceration.

Patron - Albo

HB2215 Computer crimes; penalties. Modernizes the Virginia Computer Crimes Act by updating definitions to comport with changing technology, removing superfluous language and relocating language. The bill adds unauthorized installation of software on the computer of another, disruption of another computer's ability to share or transfer information and maliciously obtaining computer information without authority as additional crimes of computer trespass, a Class 1 misdemeanor. The bill also reduces the felony (Class 6) threshold from \$2,500 to \$1,000 for property damage resulting from computer trespass.

Patron - Albo

HB2217 Crimes; criminal street gangs; penalties. Adds to the list of crimes defined as "predicate criminal act" the following: § 18.2-42, assault by mob; § 18.2-56.1, reckless handling of a firearm; § 18.2-59, extorting money; § 18.2-286.1, shooting from a motor vehicle; § 18.2-287.4, carrying a loaded firearm in public areas in certain localities; and § 18.2-308.1, possession of a firearm, stun weapon or taser on school property. In addition, the bill provides that "predicate criminal act" includes the violation of any offense substantially similar to these newly added crimes as well as the existing listed

crimes when committed in another state or territory of the United States, the District of Columbia, or the United States. The bill provides enhanced punishments for gang activities taking place at or near schools, colleges, and school buses. The bill allows a witness in a gang prosecution to request that certain information about the witness not be disclosed. Finally the bill treats criminal street gangs as public nuisances and allows for the enjoinder of such nuisances. This bill is identical to SB 1217.

Patron - Albo

HB2247 What constitutes aggravated sexual battery; penalty. Provides that the crime of aggravated sexual battery, a felony punishable by up to 20 years in prison, is committed when a person sexually abuses a person of any age who is physically helpless. Currently, sexual abuse of a person who is physically helpless is only punishable as aggravated sexual battery if the abused person is 13 or 14 years old. Sexual abuse of any child under age 13 is aggravated sexual battery.

Patron - Bell

HB2248 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 statutes, the marital sexual assault statute is repealed. The bill retains the provisions that allow for counseling and therapy, and allows discharge and dismissal if there has not been a previous discharge and dismissal under the statute.

Patron - Bell

HB2288 Impeding a criminal investigation; penalty. Provides that any person with actual knowledge of the commission of a felony under Chapter 4 of Title 18.2 (Crimes Against the Person) by another, who willfully conceals, alters, dismembers, or destroys any item of physical evidence with the intent to delay, impede, obstruct, prevent, or hinder the investigation, apprehension, prosecution, conviction, or punishment of any person regarding such offense, is guilty of a Class 6 felony. This provision does not apply to the victim or the spouse, parent, grandparent child or grandchild, or sibling of the offender. This bill incorporates HB 2565.

Patron - Lingamfelter

HB2291 Controlled substances; penalties. Raises the penalty for manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute a controlled substance classified in Schedule III to a Class 5 felony from a Class 1 misdemeanor and a controlled substance classified in Schedule IV from a Class 1 misdemeanor to a Class 6 felony. If the violation involves an imitation controlled substance in Schedule III or IV, the penalty is raised from a Class 1 misdemeanor to a Class 6 felony. The bill also provides that an accommodation sale is a Class 1 misdemeanor.

Patron - Shannon

HB2438 Penalties for methamphetamine manufacture. Increases the penalty for manufacturing methamphetamine or less than 200 grams of a mixture containing methamphetamine from a range of 5 to 40 years to a range of 10 to 40 years. For a second conviction the range is increased from 5 years to life to 10 years to life, and for a third or subsequent conviction the range is established as 10 years to life

with a mandatory minimum term of imprisonment of three years. There is a provision for the court to order restitution to an innocent property owner whose property is damaged, or rendered unusable, as a result of methamphetamine production. The bill makes it a felony punishable by imprisonment of 10 to 40 years for any person in a custodial relationship over a child to knowingly allow that child to be present during the manufacture or attempted manufacture of methamphetamine. Certain state agencies are required to establish a multi-agency work group to create a best practices protocol for use by law-enforcement and emergency response agencies regarding the clean-up of abandoned and deactivated methamphetamine production sites. The Division of Forensic Science is required to create a best practices protocol regarding the retention and handling of the by-products of methamphetamine production after testing is conducted on behalf of law-enforcement officials. This bill incorporates HB 2504.

Patron - Carrico

HB2454 Charitable gaming; Department of Charitable Gaming; registration of bingo manager and a caller; payment of remuneration. Authorizes the payment of remuneration to a bingo manager and a caller by a qualified organization, not to exceed \$100 per session for a manager and \$50 per session for a caller, provided the bingo manager and caller is registered with the Department. The bill sets forth the requirements for registration. The bill contains technical amendments. The bill also allows the Charitable Gaming Board to set the hours of operation of bingo games. This bill is identical to SB 1322.

Patron - Suit

HB2471 Virginia Computer Crimes Act; penalties. Updates the Virginia Computer Crimes Act to include recommendations made by the 2004 joint study on Computer Crimes by the Joint Commission on Technology and Science and Virginia State Crime Commission. The bill modernizes definitions of "computer", "using a computer" and "without authority." to comport with changing technology. The bill revises provisions regarding computer trespass, a Class 1 misdemeanor, unless the damage to the property of another is \$1,000 (\$2500 under current law) or more, in which case it is a Class 6 felony. Provisions regarding computer invasion of privacy are rewritten to include unauthorized gathering of identifying information and Class 6 penalties added for persons with previous convictions, selling or distributing the information to another or using the information in the commission of another crime. The bill adds as a new Class 6 felony using a computer to fraudulently gather identifying information of another (phishing), unless the information is sold or distributed to another or the information is used in the commission of another crime, in which case it is a Class 5 felony. Statute of limitation and venue provisions are relocated in the Code. This bill incorporates HB 2214, HB 2472, and HB 2473.

Patron - May

HB2535 Possession of firearms on school property; concealed handgun permit exemption. Allows the holder of a valid concealed handgun permit to possess a concealed handgun on school property while in a motor vehicle in a parking lot, traffic circle, or other means of vehicular ingress or egress to the school.

Patron - Ingram

HB2562 Concealed handgun permits; fees. Exempts special agents retired from the Alcoholic Beverage Control Board from paying a fee for issuance of a concealed handgun permit if the special agent retired after completing 15

years of service or after reaching age 55. This bill is identical to SB 1026.

Patron - Cline

HB2564 Sexual offenses against children by a parent or grandparent; penalty. Provides that sexual abuse of a child age 13-17 by a parent, step-parent, grandparent or step-grandparent is aggravated sexual battery, which is punishable by a term of imprisonment of one to 20 years. The bill provides that for purposes of the crimes against nature statute, parent includes step-parent and grandparent includes step-grandparent. The bill raises the age in the indecent liberties section from age 14 to age 15 and provides that violation of that section and violation of taking indecent liberties with a child by a person in a custodial or supervisory relationship, if the child aged 15 to 17 and is a child, step-child, grandchild or step-grandchild of the perpetrator, is a Class 5 felony. If the child is less than 15 years of age it is a Class 6 felony. The bill amends the taking indecent liberties with child by a person in custodial or supervisory relationship to state that it does not apply if the child is emancipated or if the perpetrator is legally married to the child.

Patron - Watts

HB2577 Possession of explosive material. Provides that if a person is prohibited from possessing, transporting or carrying explosive materials because of a felony conviction, such person may possess, transport or carry explosive materials if his right to do so has been restored pursuant to federal law.

Patron - Stump

HB2595 Crimes; restitution for cleanup of illegal lab. Allows the court to order a defendant convicted of manufacturing controlled substances to pay to the Commonwealth or locality the costs associated with the removal and remediation of an illegal drug lab site.

Patron - Weatherholtz

HB2623 What constitutes indecent exposure; penalty. Provides that a person who, while in a public place where others are present, intending that he be seen by others, intentionally and obscenely engages in actual or explicitly simulated acts of masturbation, is guilty of a Class 1 misdemeanor.

Patron - Byron

HB2631 Computer crimes; penalties. Revises provisions in the Virginia Computer Crimes Act relating to computer fraud and redefines computer invasion of privacy by including the unauthorized gathering of identifying information and punishes subsequent offenses and transferring the information to another or use of the information in the commission of another crime as a Class 6 felony. Currently, the offense is punishable as a Class 1 misdemeanor. Additionally, the fraudulent gathering of such information is punished as a Class 6 felony, a new crime, and transferring the information to another or use of the information in the commission of another crime is a Class 5 felony. This bill incorporates HB 2304.

Patron - Bell

HB2652 Unsworn declarations; perjury; penalty. Permits the use of unsworn declarations in lieu of sworn affidavits and provides that it is perjury for a person to willfully subscribe as true any material matter which he does not believe to be true in a written declaration, certificate, verification, or statement made under penalty of perjury.

Patron - Hurt

HB2655 Driving under the influence. Clarifies provisions in the driving under the influence laws, particularly in the refusal statute. The bill states that a first offense of refusal is a civil offense and that subsequent offenses are criminal.

Procedures for charging a person with refusal are specified. A law-enforcement officer will have to read the refusal form only to persons who refuse to take a blood or breath test. This bill is identical to SB 1093 and incorporates 1872.

Patron - Hurt

HB2665 Concealed weapons; retired law-enforcement officers. Allows retired local auxiliary police officers and animal control officers to carry concealed weapons, subject to certain conditions.

Patron - McDonnell

HB2668 Summons in lieu of warrant for DUI. Provides that if a person arrested for DUI has been taken to a medical facility for treatment or evaluation of his medical condition, the arresting officer at a medical facility may issue, on the premises of the medical facility, a summons for the DUI violation and for refusal of blood alcohol tests in lieu of securing a warrant. Currently, the summons is authorized only for a refusal.

Patron - McDonnell

HB2674 Payment of wages with bad checks; penalty. Provides that an employer who pays wages with a bad check having a face value of \$200 or more shall be guilty of a Class 6 felony. This bill incorporates HB 2552.

Patron - Ebbin

HB2722 Possession and transportation of firearms, etc.; juveniles adjudicated delinquent of certain crimes; penalty. Makes it unlawful for a person adjudicated delinquent on or after July 1, 2005, of murder, kidnapping, armed robbery, or rape who was 14 years of age or older at the time of the offense to possess or transport firearms, stun weapons, tasers, or concealed weapons for the rest of his life. Under current law, such a person would be able to possess these weapons at age 29. Possession or transport of these weapons is a Class 6 felony. The mandatory minimum sentence of two years for a possession of a gun by a person who has been convicted of a felony is removed for persons whose felony conviction was more than ten years ago.

Patron - Scott, J.M.

HB2786 Crimes; driving a motor vehicle while intoxicated. Provides that the defined term "motor vehicle," which includes mopeds while operated on the public highways of this Commonwealth, applies to all of the provisions of the article of the Code establishing the DUI laws.

Patron - Bell

HB2795 Jury service by employed people. Replaces the provision scheduled to become effective July 1, 2005, permitting a person to be absent from work on any day he serves on a jury with a provision that no person who serves on jury duty for four or more hours shall be required to start any work shift that begins on or after 5:00 p.m. on the day of jury service or begins before 3:00 a.m. on the day following the day of jury service.

Patron - Joannou

HB2810 Drug Treatment Court. Establishes a drug treatment court in Chesapeake. This bill is identical to SB 1342.

Patron - Cosgrove

HB2854 Hepatitis C testing of persons convicted of certain crimes. Requires hepatitis C testing of persons convicted under statutes prohibiting prostitution, crimes against nature and certain drug offenses indicating intravenous use. Under current law, persons convicted of prostitution and

crimes against nature must be tested for HIV; this bill adds drug crimes to that provision. The bill also contains provisions related to the sharing and confidentiality of hepatitis C test results.

Patron - Amundson

HB2906 Persons arrested for certain crimes; testing for HIV, hepatitis B or C viruses. Provides that the attorney for the Commonwealth may request that a person arrested for assault and battery be tested for HIV and hepatitis B or C viruses where the victim was exposed to the body fluids of the person arrested. If the defendant refuses, the court may hold a hearing. Current law applies to persons charged with certain sex crimes and covers HIV testing only. The bill's provisions for hepatitis B or C testing will apply to those persons also.

Patron - Shuler

HB2928 Concealed handgun permits; disqualifications. Amends the provision disqualifying a person from receiving a concealed handgun permit on the basis of a written statement of a sheriff, chief of police, or attorney for the Commonwealth alleging that the applicant is likely to use the weapon in an unlawful or negligent manner to provide that in order to disqualify the applicant, the court must find by a preponderance of the evidence, based on specific acts by the applicant, that the applicant is likely to use a weapon unlawfully or negligently to endanger others.

Patron - Wright

HB2931 Purchase of firearms. Eliminates the requirement that a person who wishes to purchase a firearm fill out duplicate information on the form required by the Department of State Police as is required on the federal firearm purchase application form. Instead, the applicant will be required to provide written consent for a background check on a state form, and provide certain specified information necessary for the Department of State Police to complete the required background check. In addition, the bill allows the chief law-enforcement officer of a locality, in the course of a criminal investigation, to examine both federal and state firearm transaction records maintained by a licensed firearms dealer in the Commonwealth. This bill incorporates HB 2195.

Patron - McDonnell

SB756 Fire bombs; definition. Amends the definition of a fire bomb to clarify that it includes a wick composed of any material capable of igniting the flammable material or chemical compound inside a container.

Patron - Wampler

SB1001 Computer crimes; penalties. Revises provisions in the Virginia Computer Crimes Act relating to theft of computer services, personal trespass by computer, embezzlement, larceny or receiving stolen goods by computer, and civil damages. The bill also relocates statute of limitation and venue provisions in the Code.

Patron - Devolites Davis

SB1002 Computer crimes; penalties. Revises provisions in the Virginia Computer Crimes Act relating to computer fraud and redefines computer invasion of privacy by including the unauthorized gathering of identifying information and punishes subsequent offenses and transferring the information to another or use of the information in the commission of another crime as a Class 6 felony. Currently, the offense is punishable as a Class 1 misdemeanor. Additionally, the fraudulent gathering of such information is punished as a Class 6 felony, a new crime, and transferring the information to

another or use of the information in the commission of another crime is a Class 5 felony.

Patron - Devolites Davis

SB1026 Concealed handgun permits; fees. Exempts retired special agents with the Alcoholic Beverage Control Board from paying a fee for issuance of a concealed handgun permit if the special agent retired after completing 15 years of service or after reaching age 55. This bill is identical to HB 2562.

Patron - Newman

SB1093 Driving under the influence. Clarifies provisions in the driving under the influence laws, particularly in the refusal statute. The bill spells out the procedure for charging a person with refusal and states that a first violation of the refusal statute is a civil offense and that subsequent violations are criminal offenses. A law-enforcement officer will have to read the refusal form only to persons who refuse to take a blood or breath test. This bill is identical to HB 2655.

Patron - Stolle

SB1121 Possession of methamphetamine precursor chemicals; penalty. Provides that any person who possesses any two or more of the following substances with the intent to manufacture methamphetamine, methcathinone or amphetamine is guilty of a Class 6 felony: liquified ammonia, ether, hypophosphorus acid solutions, hypophosphite salts, hydrochloric acid, iodine crystals or tincture of iodine, phenylacetone, phenylacetic acid, red phosphorus, methylamine, methyl formamide, lithium metal, sodium metal, sulfuric acid, sodium hydroxide, potassium dichromate, sodium dichromate, potassium permanganate, chromium trioxide, methylbenzene, methamphetamine precursor drugs, sodium hydroxide, trichloroethane, or 2-propanone. The bill also requires the Virginia Department of State Police, Department of Environmental Quality, Department of Health, and Division of Forensic Science to establish a multi-agency work group to develop a best-practices protocol for use by law-enforcement and emergency response agencies regarding the clean-up of abandoned and deactivated methamphetamine production sites. This bill is identical to HB 1974.

Patron - Obenshain

SB1147 Computer crimes; phishing; penalty. Makes it a Class 6 felony to fraudulently obtain, record, or access from a computer the following identifying information of another: (i) social security number; (ii) driver's license number; (iii) bank account numbers; (iv) credit or debit card numbers; (v) personal identification numbers (PIN); (vi) electronic identification codes; (vii) automated or electronic signatures; (viii) biometric data; (ix) fingerprints; (x) passwords; or (xi) any other numbers or information that can be used to access a person's financial resources, obtain identification, act as identification, or obtain goods or services. Any person who sells or distributes such information or uses it to commit another crime is guilty of a Class 5 felony.

Patron - Obenshain

SB1149 Hunting while intoxicated; penalty. Increases the penalty for hunting with a firearm while under the influence of alcohol or narcotic drug from a Class 2 to a Class 1 misdemeanor. The bill also includes within such prohibited hunting the hunting with bow and arrow or crossbow.

Patron - Stolle

SB1156 Penalties for methamphetamine manufacture. Increases the minimum penalty for manufacturing methamphetamine and imposes enhanced punishment for a second or subsequent offense, including three years mandatory mini-

mum imprisonment for a third or subsequent offense. The bill also provides that any person 18 years of age or older who maintains a custodial relationship over a child under the age of 18 and who knowingly allows that child to be present in the same dwelling, apartment, hotel unit, garage, shed, or vehicle during the felonious manufacture or attempted manufacture of methamphetamine shall be imprisoned for not less than 10 nor more than 40 years to be served in addition to and consecutively with any other sentence. Certain state agencies are required to create a best practices protocol for use by law-enforcement and emergency response agencies regarding the clean-up of abandoned and deactivated methamphetamine production sites and for the retention and handling of methamphetamine by-products.

Patron - Stolle

SB1163 Computer crimes; penalties. Modernizes the Virginia Computer Crimes Act by revising definitions of “computer”, “using a computer” and “without authority.” The bill revises provisions relating to computer trespass and reduces thresholds for damages. Gathering identifying information (phishing) is punished as a felony. Statute of limitation and venue provisions are relocated in the Code.

Patron - Stolle

SB1170 Indecent liberties with children; penalties. Raises the age of the victim, for the purposes of committing the crime of taking indecent liberties with children, from 13 to 14.

Patron - Stolle

SB1217 Crimes; criminal street gangs; penalties. Adds to the list of crimes defined as “predicate criminal act” the following: § 18.2-42, assault by mob; § 18.2-56.1, reckless handling of a firearm; § 18.2-59, extorting money; § 18.2-286.1, shooting from a motor vehicle; § 18.2-287.4, carrying a loaded firearm in public areas in certain localities; and § 18.2-308.1, possession of a firearm, stun weapon or taser on school property. In addition, the bill provides that “predicate criminal act” includes the violation of any offense substantially similar to these newly added crimes as well as the existing listed crimes when committed in another state or territory of the United States, the District of Columbia, or the United States. The bill provides enhanced punishments for gang activities taking place at or near schools, colleges, and school buses. The bill allows a witness in a gang prosecution to request that certain information about the witness not be disclosed. Finally the bill treats criminal street gangs as public nuisances and allows for the enjoinder of such nuisances. This bill is identical to HB 2217.

Patron - Mims

SB1322 Charitable gaming; Department of Charitable Gaming; registration of bingo managers and callers; payment of remuneration. Authorizes the payment of remuneration to a bingo manager or caller by a qualified organization, not to exceed \$100 per session for a bingo manager and \$50 per session for a bingo caller, provided the bingo manager or caller is registered with the Department. The bill sets forth the requirements for registration. The bill also allows the Charitable Gaming Board to set the hours during which bingo games may be conducted. The bill also contains technical amendments. This bill is identical to HB 2454.

Patron - Devolites Davis

SB1342 Drug Treatment Court. Establishes a drug treatment court in Chesapeake. This bill is identical to HB 2810.

Patron - Lucas

Failed

HB1502 Secret drug compartments in vehicles; penalty. Provides that it is a Class 1 misdemeanor for any person to knowingly manufacture, use or maintain, in a motor vehicle that he owns, leases, or routinely drives or uses, a secret compartment designed for the transportation of marijuana or a controlled substance.

Patron - Cosgrove

HB1517 Anger management for persons accused of family violence. Allows a court to require a person who is accused of family violence to enter, along with the victim who agrees to such a course of action, an education or treatment program focused upon anger management and designed to retrain the parties on how to disagree effectively and peacefully, if such a program is available. The court, when such a program is not available, may require education or treatment services such as, in the opinion of the court, may be best suited to the needs of the accused.

Patron - Reese

HB1524 Anesthesia for fetal pain. Observes that fetuses over the gestational age of 20 weeks feel pain and provides that failure, subject to exceptions, of a physician to administer anesthesia to such a fetus prior to an abortion is a Class 1 misdemeanor.

Patron - Black

HB1561 Assault and battery of certain traffic safety personnel in uniform; penalty. Provides an enhanced penalty upon conviction for a person who commits a simple assault or assault and battery upon a parking enforcement officer, traffic control officer, or school crossing guard while any such person is in uniform, to include a term of confinement of at least six months, 30 days of which is a mandatory minimum term of confinement.

Patron - Albo

HB1562 Waiver of right to appeal by persons charged with first drug offense. Provides that when an accused is granted a deferred disposition for a drug offense, his consent to such probation shall include a waiver of his right to appeal a subsequent adjudication of guilt for his failure to fulfill the terms and conditions of probation.

Patron - Albo

HB1565 Unlawful possession or distribution of ephedrine, pseudoephedrine or phenylpropanolamine (methamphetamine precursors); penalty. Provides that any person who knowingly possesses or distributes more than nine grams of the methamphetamine precursors ephedrine, pseudoephedrine, or phenylpropanolamine, their salts, isomers, or salts of isomers, or a combination of any of these substances, is guilty of a Class 1 misdemeanor. There are exceptions for reasonable personal, medicinal possession and use, and for sale and possession in the ordinary course of business.

Patron - Tata

HB1612 Hunting dogs. Prohibits a hunter from releasing his dogs on another person’s posted land for the purpose of pursuing, taking, chasing, flushing, or killing game or wild animals, without the landowner’s permission. The penalty for violating this prohibition is a Class 4 misdemeanor. The bill also contains a rebuttable presumption provision.

Patron - Cole

HB1618 Interfering with emergency use of telephone; penalty. Provides that if a person maliciously inter-

rupts telephone communication with the intent to prevent another person from summoning emergency assistance, he is guilty of a Class 1 misdemeanor.

Patron - Janis

HB1622 Homicide by vehicle; penalty. Provides that any person who unlawfully and unintentionally causes the death of another person while engaged in the violation of any state law or local ordinance regulating the operation of a motor vehicle or regulating traffic, other than driving while intoxicated, is guilty of homicide by vehicle, punishable as a Class 1 misdemeanor, to include a term of confinement in jail of not less than 30 days and a mandatory minimum fine of \$250.

Patron - Janis

HB1643 Refusal to provide identification following a Terry stop. Provides that when (i) a person is detained by a law-enforcement officer for questioning based upon specific, objective facts establishing a reasonable suspicion that the person was engaged in or about to become engaged in criminal activity, (ii) the officer requires that the person identify himself and give a reasonably credible account of the lawfulness of his conduct and purposes, and (iii) the person refuses to comply with the requirement, he is guilty of a Class 1 misdemeanor.

Patron - Orrock

HB1689 Charitable gaming; regulations of the Charitable Gaming Board; use of proceeds. Authorizes the Charitable Gaming Board, by regulation, to adopt variations in the types of bingo games and raffles that may be conducted provided such variations result in charitable gaming conducted in a manner consistent with the charitable gaming law. The bill also provides that after payment of business and other lawful expenses, an organization conducting charitable gaming must use all of the remaining receipts for charitable purposes, except that such receipts cannot be less than five percent of the organization's gross receipts. The bill provides that in determining whether to deny, suspend, or revoke the permit of any organization solely because of its failure to meet this requirement, the Department shall consider whether (i) the organization is otherwise in compliance with the laws and regulations governing charitable gaming in the Commonwealth; (ii) there are pending criminal charges or prior convictions against any officer of the organization or game manager involving a felony related to fraud, theft, or financial crimes, or involving a misdemeanor related to moral turpitude; and (iii) the organization, in the opinion of the Department, has used sufficient proceeds for charitable purposes. The bill contains technical amendments.

Patron - Albo

HB1696 Harassment with camera. Provides that any person who on more than one occasion uses any type of still or video or motion picture camera to record the image of an individual, who is not a public figure, when he knows or reasonably should know that the individual does not wish to have his image recorded, is guilty of a Class 2 misdemeanor.

Patron - Spruill

HB1729 Computer Crimes Act; prohibited software and actions. Amends the Computer Crimes Act to prohibit the use of software that changes settings, collects personally identifiable information, or obstructs the reasonable operation of the computer. The bill also prohibits the installation of computer software that operates in this manner. Violations of this bill are Class 1 misdemeanors. The bill provides exemptions for maintenance and security.

Patron - Cosgrove

HB1748 Assault and battery of a judge. Provides that if any person commits an assault or an assault and battery against another, knowing or having reason to know that the other person is a judge or justice of any Virginia court engaged in his duties as such, he is guilty of a Class 6 felony.

Patron - Tata

HB1754 Embracery; penalty. Provides that any person who attempts to corruptly influence a juror is guilty of a Class 1 misdemeanor. This bill is identical to HB 2265.

Patron - Janis

HB1755 Felony homicide by vehicle; penalty. Provides that any person who, while committing an act of reckless driving, causes the death of another person, is guilty of a Class 6 felony.

Patron - Janis

HB1796 Assault and battery against a judge, clerk of court or attorney for the Commonwealth; penalty. Provides that if any person commits an assault or an assault and battery against another knowing or having reason to know that such other person is a judge, clerk of court or attorney for the Commonwealth, he is guilty of a Class 6 felony with a mandatory minimum term of confinement of six months. This is the same punishment as for assault or assault and battery against a law-enforcement officer or employee of the Department of Corrections.

Patron - Alexander

HB1800 Capital murder by members of criminal gangs; penalty. Provides that the willful, deliberate, and premeditated killing of any person by another pursuant to a membership requirement of, or at the direction or order of, a member of a criminal street gang as is defined in § 18.2-46.1 is capital murder.

Patron - Albo

HB1807 Providing birth control to minor in certain circumstances; penalty. Creates a Class 6 felony for providing a minor with a contraceptive or contraceptive device if the person knows or has reason to believe that the minor is engaging in sexual relations with a person three or more years older than the minor.

Patron - Marshall, R.G.

HB1810 Sale or purchase of post-abortion fetal tissue unlawful; penalty. Provides that any person who sells or buys fetal tissue resulting from an induced abortion is guilty of a Class 1 misdemeanor.

Patron - Marshall, R.G.

HB1841 Performing menstrual extraction without pregnancy test; penalty. Creates a class 6 felony for any physician, registered health professional, or any person acting under the direction of a physician performing a menstrual extraction on any woman without first performing a pregnancy test to determine that she is not pregnant. This shall not apply to any diagnostic procedure for the detection or treatment of any pathological condition.

Patron - Marshall, R.G.

HB1852 Assault weapons; penalty. Creates an "Anti-Terrorist Weapons Public Safety Act" that mirrors the existing regulation of machine guns. The Act would regulate the sale, use, and possession of assault weapons, defined as .50 BMG sniper rifles and .50 caliber assault rifles. It would be a Class 2 felony to possess or use an assault weapon in the perpetration of a crime of violence and a Class 4 felony to use an

assault weapon for an offensive or aggressive purpose. Firearms manufacturers and dealers must keep a register all of assault weapons manufactured or handled by them, including the serial number and the name, address, and occupation of the person to whom an assault weapon is sold, loaned, gifted, or delivered. The registry shall be available for inspection by law-enforcement agents. In addition, every assault rifle in the Commonwealth must be registered with the Department of State Police within 24 hours of its acquisition. Failure to produce a certificate of registration would be a Class 3 misdemeanor, and a law-enforcement officer could seize the weapon without a warrant. The Act would not apply to the manufacture for and transportation to the armed forces of the United States, the Virginia National Guard, or law-enforcement officers. The Act would not prohibit the possession of assault weapons not useable as weapons, for scientific purposes, or for purposes manifestly not aggressive or offensive.

Patron - Eisenberg

HB1871 Computer crimes; penalties. Modernizes the Virginia Computer Crimes Act by updating definitions to comport with changing technology, removing superfluous language, and relocating language. The bill also redefines computer invasion of privacy involving the unauthorized gathering of identifying information and punishes subsequent offenses, transferring the information to another, or use of the information another crime as a Class 6 felony. Currently, the offense is punishable only as a Class 1 misdemeanor. Additionally, the fraudulent gathering of such information is punished as a Class 6 felony, a new crime, and transferring the information to another or use of the information in the commission of another crime is punished as a Class 5 felony.

Patron - McDougle

HB1872 Refusal of blood or breath alcohol tests. Clarifies the language of the DUI refusal statute. This bill has been incorporated into HB 2655.

Patron - McDougle

HB1879 Crimes; death penalty. Abolishes the death penalty for all Class 1 felonies committed on or after July 1, 2005.

Patron - Hargrove

HB1914 Purchase of firearms; one gun a month restriction. Removes the limitation prohibiting an individual from purchasing more than one handgun within a 30-day period.

Patron - Cole

HB1918 Constitutional right to enjoyment of life. Provides that "the right to enjoyment of life guaranteed by Article 1, § 1 of the Constitution of Virginia is vested in each born and preborn human being from the moment of fertilization."

Patron - Cole

HB1924 Sale of drugs on or near certain properties. Prohibits the manufacture, sale, or distribution or possession with intent to sell, give, or distribute controlled substances, imitation controlled substances or marijuana while upon the property, including buildings and grounds, of any public or private day care center, nursery school, or preschool, or within 1,000 feet of any public or private day care center, nursery school, or preschool. Violations constitute a separate and distinct felony with an enhanced penalty of one to five years' imprisonment and a maximum fine of \$100,000, with second or subsequent convictions involving Schedule I, II, or III drugs carrying a mandatory minimum term of one year to be

served consecutively with any other sentence. Technical amendments are also included.

Patron - Sherwood

HB1950 Possession of methamphetamine precursors; penalty. Provides that any person who possesses any substance containing any detectable amount of pseudoephedrine or its salts, optical isomers or salts of its optical isomers, iodine or its salts, optical isomers or salts of its optical isomers, hydriodic acid, sodium metal, lithium metal, anhydrous ammonia, phosphorus, or organic solvents with the intent to use that substance to manufacture methamphetamine is guilty of a Class 6 felony. The bill also provides that possession of any amount of anhydrous ammonia in an unauthorized container shall be prima facie evidence of intent to use such substance to manufacture methamphetamine. This bill has been incorporated into HB 1974.

Patron - Kilgore

HB1951 Sale of pseudoephedrine by pharmacist; limits on purchase of pseudoephedrine; penalty. Provides that only a licensed pharmacist shall dispense, sell, or distribute any compound, mixture, or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of its optical isomers, and that any person purchasing, receiving, or otherwise acquiring any such compound, mixture, or preparation shall produce a photo identification, sign a written log showing the date of the transaction, name of the person, and the amount of the compound, mixture, or preparation. The bill also provides that no person shall purchase, receive, or otherwise acquire more than nine grams of any such product, mixture, or preparation within any 30-day period. Non-compliance is punishable as a Class 6 felony.

Patron - Kilgore

HB1960 Transfer of firearms; criminal records check; penalties. 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 - Jones, D.C.

HB1975 Elimination of capital punishment for minors. Restricts the death penalty to those who are 18 years of age or older at the time of the capital offense. Currently, the age is 16 or older at the time of the offense.

Patron - Callahan

HB1978 Transfer and possession of machine guns. Amends the Uniform Machine Gun Act to require that when certification of a chief law-enforcement officer is required by federal law for transfer of a firearm, as defined in the National Firearms Act, such certification must be provided within 15 days if the applicant is not prohibited from receiving the firearm. The bill also removes the presumption that possession of a machine gun is for an offensive or aggressive purpose if not on the possessor's residence or business property, or if empty or loaded shells for the machine gun are found in the immediate vicinity. Finally, the bill allows an owner to keep a copy of the registration certificate for the machine gun, available for inspection, instead of the original certificate.

Patron - Janis

HB1981 What constitutes indecent exposure; penalty. Provides that any person who exposes his below-waist undergarments in a lewd or indecent manner shall be assessed a \$50 civil penalty.

Patron - Howell, A.T.

HB2045 Distribution of substances containing ephedra or dextromethorphan. Provides that distribution or possession with intent to distribute any herbal stimulant, natural or synthetic, containing ephedrine, ephedra, ephedra extract, ephedra herb powder, ephedra sinica, Chinese ephedra, or dextromethorphan is punishable as a Class 1 misdemeanor.

Patron - Hamilton

HB2119 Issuance of restricted licenses for traffic offenses generally. Provides that in any case where a person commits a traffic offense, whether an infraction or a misdemeanor, and the court suspends the offender's license to operate a motor vehicle, the court may also issue a restricted operator's license. The bill also provides that no such restricted license may be issued if the law under which the offender was convicted sets forth specific terms of restricted licensure, or provides that no restricted license may be issued.

Patron - Ware, O.

HB2129 Driving with special license plates after conviction of DUI. Requires persons convicted of drunk driving a second or subsequent time who have registered motor vehicles in Virginia to use yellow license plates with red letters and numbers.

Patron - Gear

HB2195 Purchase of firearms. Provides that a holder of a valid concealed handgun permit issued pursuant to § 18.2-308 is only required to provide his permit number and written consent for a criminal background check on the form provided by the Department of State Police, in addition to completing a separate firearms transaction record required by federal regulation. Currently, all persons wishing to purchase a firearm in Virginia must complete a state and federal form. This bill has been incorporated into HB 2931.

Patron - Abbitt

HB2203 Criminally negligent bodily injury; penalty. Provides that any person who, by negligence so gross, wanton and culpable as to show a reckless disregard of human life, health or safety, causes bodily injury to another, is guilty of a Class 6 felony. This bill incorporates HB 2244.

Patron - Marrs

HB2214 Computer crimes; penalties. Modernizes the Virginia Computer Crimes Act by updating definitions to comport with changing technology, removing superfluous language, and relocating language. The bill punishes using a computer to interfere with a computer system as a Class 1 misdemeanor and as a Class 6 felony if done while committing a separate felony. The bill imposes a minimum mandatory fine of \$1,000 for a felony violation of the Computer Crimes Act. This bill has been incorporated into HB 2471.

Patron - Albo

HB2244 Involuntary wounding; penalty. Provides that any person who, by negligence so gross, wanton, reckless, or culpable as to show a callous disregard of human health or safety, causes serious bodily injury to another, is guilty of a Class 5 felony. This bill has been incorporated into HB 2203.

Patron - Bell

HB2250 Crimes; child endangerment. Eliminates the requirement that a child's physical injury be inflicted by a member of the household so that a person in custody who fails to secure medical attention for the child is guilty of failing to secure medical attention for the injured child, which is a Class 1 misdemeanor.

Patron - Bell

HB2259 Maliciously running over road flares; penalty. Provides that any person who willfully and intentionally destroys a flare, reflectorized triangular warning device, vehicular hazard warning signal flasher, traffic cone, or any other such signal while it is being used to indicate that a vehicle is stopped on any roadway or on the shoulder of any highway in the Commonwealth is guilty of a Class 1 misdemeanor.

Patron - Bell

HB2262 Photographs of undergarments, etc., without consent; penalty. Provides that the creation of a videotape, photograph, film or videographic or still image record created by placing the lens or image-gathering component of a recording device in a position to capture an image of the person's undergarments, genitals, pubic area or buttocks when the undergarments, genitals, pubic area or buttocks would not otherwise be visible is punishable as a Class 1 misdemeanor. This bill has been incorporated into HB 1741.

Patron - Bell

HB2265 Embracery; penalty. Provides that any person who attempts to corruptly influence a juror is guilty of a Class 1 misdemeanor. This bill is identical to HB 1754.

Patron - Bell

HB2304 Computer crimes; phishing; penalty. Makes it a Class 6 felony to fraudulently obtain, record, or access from a computer the following identifying information of another: (i) social security number; (ii) driver's license number; (iii) bank account numbers; (iv) credit or debit card numbers; (v) personal identification numbers (PIN); (vi) electronic identification codes; (vii) automated or electronic signatures; (viii) biometric data; (ix) fingerprints; (x) passwords; or (xi) any other numbers or information that can be used to access a person's financial resources, obtain identification, act as identification, or obtain goods or services. Any person who sells or distributes such information or uses it to commit another crime is guilty of a Class 5 felony. This bill has been incorporated into HB 2631.

Patron - McDougale

HB2308 Throwing objects from places higher than one story; penalty. Defines "one story" as having a vertical limit of 10 feet or more above ground level.

Patron - McDougale

HB2327 Carrying concealed handguns; penalty. Amends the section requiring a person to have a valid permit to carry a concealed handgun, making it legal for a person to carry a concealed firearm so long as he informs a law-enforcement officer of his possession as soon as practicable if approached and he secures the firearm at the officer's request or allows the officer to secure the weapon.

Patron - Athey

HB2388 High-speed pursuit policy. Provides that on and after January 1, 2006, every law-enforcement agency in the Commonwealth that is or may be engaged in emergency response and vehicle pursuits shall adopt a written policy that sets forth the manner in which such operations shall be conducted.

Patron - Barlow

HB2417 Manufacturing, selling, giving, distributing or possessing with intent to manufacture, sell, give or distribute cocaine; penalties. Provides that any person who manufactures, sells, gives, distributes cocaine or possesses cocaine with intent to manufacture, sell, give or distribute it shall, in addition to any other punishment provided therefor,

receive a mandatory minimum term of imprisonment of five years for a first offense. Upon a second or subsequent conviction of such a violation, the person shall receive a mandatory term of imprisonment of 15 years and, upon a third conviction of such a violation, he shall receive a mandatory minimum term of imprisonment for life without parole.

Patron - Armstrong

HB2424 Concealed handguns; restaurants. Prohibits a person who carries a concealed handgun onto the premises of a restaurant or club from consuming an alcoholic beverage while on the premises. The bill removes the prohibition from carrying concealed handguns onto the premises of a restaurant or club.

Patron - Cole

HB2437 Possession of methamphetamine precursor chemicals; penalty. Provides that any person who possesses any two or more of the following substances with the intent to manufacture methamphetamine is guilty of a Class 6 felony: anhydrous ammonia, ether, hypophosphorus acid solutions, hypophosphite salts, hydrochloric acid, iodine crystals or tincture, lawfully-dispensed controlled substances, methylbenzene, methamphetamine precursor drugs, sodium hydroxide, trichlorethane, or 2-propanone. This bill has been incorporated into HB 1974.

Patron - Kilgore

HB2472 Computer crimes; penalties. Updates the Virginia Computer Crimes Act to include recommendations made by the 2004 Joint Commission on Technology and Science and Virginia State Crime Commission joint study on Computer Crimes. The bill redefines computer invasion of privacy involving the unauthorized gathering of identifying information and punishes subsequent offenses, transferring the information to another or use of the information as a Class 6 felony. Currently, the offense is punishable only as a Class 1 misdemeanor. Additionally, the bill adds the fraudulent gathering of such information as a new crime and punishes it as a Class 6 felony and increases the crime to a Class 5 felony if a person transfers the information to another or uses the information. This bill has been incorporated into HB 2471.

Patron - May

HB2473 Virginia Computer Crimes Act; hacking; penalties. Updates the Virginia Computer Crimes Act to include recommendations made by the 2004 joint study on Computer Crimes by the Joint Commission on Technology and Science and Virginia State Crime Commission. The bill streamlines language and criminalizes circumventing computer security measures, commonly known as hacking. The bill also consolidates criminal procedure provisions into Title 19.2. This bill has been incorporated into HB 2471.

Patron - May

HB2486 Charitable gaming; poker games authorized. Authorizes the playing of poker as part of charitable gaming. The bill defines the term "poker game" and specifies the conditions under which it may be played. The bill also requires the Charitable Gaming Board to adopt regulations governing the management, operation, and conduct of poker games. Poker games may only be conducted in conjunction with the operation of bingo games, and rules governing the general operation of charitable gaming apply to poker games. Prizes for poker games are capped at \$100.

Patron - Petersen

HB2487 Illegal gambling; exceptions for private clubs. Provides an exception to the prohibition against illegal gambling for games of chance conducted in a private club, pro-

vided such private club is not organized for the primary purpose of conducting games of chance and there is no operator as defined in subdivision 4 of § 18.2-325. The definition of "club" is the same as found in § 4.1-100. Under current law, the exception is for games of chance conducted in private residences.

Patron - Petersen

HB2504 Penalties for manufacture and sale of methamphetamine. Halves the amounts of methamphetamine involved in manufacture or sale thereof required for the application of criminal penalties and halves the amount of money received in the sale of methamphetamine required for application of criminal penalties. This bill has been incorporated into HB 2438.

Patron - Shuler

HB2517 Graffiti; felony for permanent damage; penalty. Creates a Class 6 felony for destroying, defacing, or damaging property if the damage to the property is permanent, irrespective of value.

Patron - O'Bannon

HB2531 Dismissal of certain drug charges. Provides that when a person is charged with the Class 6 felony offense of obtaining drugs by use of a forged prescription, the court may, when it puts the accused on probation and the accused completes all the terms and conditions of his probation dismiss the charges. Currently, the court's only option when the accused satisfactorily completes probation is to find the accused guilty of a Class 1 misdemeanor.

Patron - Melvin

HB2552 Payment of wages with bad checks; penalty. Provides that an employer who pays wages with a bad check having a face value of \$200 or more shall be guilty of a Class 6 felony. This bill has been incorporated into HB 2674.

Patron - Moran

HB2565 Dismemberment of dead body following criminal homicide; penalty. Creates a Class 4 felony for the willful and malicious dismemberment of a victim of criminal homicide. This bill has been incorporated into HB 2288.

Patron - Shannon

HB2587 Crimes of violence; burglary. Adds burglary to that list of offenses denoted violent offenses for the purpose of applying the "three strikes" standard (imposes life imprisonment for the third violent felony).

Patron - Cosgrove

HB2646 Persons charged for the first time with certain drug possession offenses; penalty. Amends disposition for "first offenders," who would be guilty of felonies or Class 1 misdemeanors, to reduce the penalty one "level" and convict those defendants of the lesser crime upon completion of terms of probation rather than defer disposition and dispose of the cases without conviction. For unclassified misdemeanors and those classified as Class 2, 3, and 4 misdemeanors, deferred disposition with a finding of not guilty would remain an option for the court.

Patron - Hurt

HB2653 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, and provides one year of incarceration in a state correctional facility with no suspension of sen-