

VIRGINIA GENERAL ASSEMBLY



2005 SESSION SUMMARY

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Preface

This publication presents a summary of legislation considered by the Virginia General Assembly at the 2005 Session. Bill summaries are arranged by subject areas corresponding to the appropriate titles in the Code of Virginia. Noncodified bills of a substantive nature are also contained under their proper subject headings. Within each heading, the material is further separated into *Passed* and *Failed* categories. (The General Assembly sometimes incorporates provisions from several bills in one substitute bill. Thus a bill may have failed, but all or some of its provisions have been "incorporated" in another bill. The summary for the bill will so note.) Bills affecting more than one title are printed under the dominant subject area of the legislation.

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

The major substantive provisions of each measure are summarized. The appropriate bill number and patron are also noted so that one can obtain further information, if needed. A researcher should refer to the enrolled bill, the appropriate chapter of the 2005 Acts of Assembly, or the Legislative Information System on the Internet (<http://leg1.state.va.us/lis.htm>) for detailed information on legislation.

These summaries reflect actions of the 2005 General Assembly through adjournment *sine die* on February 27, 2005. Many of the measures are subject to gubernatorial review and veto. Therefore, some measures may be amended and some may not become law.

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

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

2005 SESSION SUMMARY

	Continued	Introduced	Passed	Failed
House Bills	260	1449	626	1083
House Joint Resolutions	36	497	379	154
House Resolutions	0	28	25	3
House Total	296	1974	1030	1240
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Senate Bills	123	653	323	453
Senate Joint Resolutions	6	282	229	59
Senate Resolutions	0	29	28	1
Senate Total	129	964	580	513
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General Assembly Total	425	2938	1610	1753

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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

P 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

P 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

P 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

P 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.

P 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

P 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

P 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

P 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

P 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

P 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

P 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

P 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

P 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

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.

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

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

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

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

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

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

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

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

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

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.

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. Confirms 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 Alleghany-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-

tence for each \$50,000 misused, misappropriated or disposed of unlawfully.

Patron - Hurt

HB2688 Subsequent offenses of stalking. Provides that a second stalking conviction occurring within two years shall be a Class 6 felony rather than a Class 1 misdemeanor. Currently there is no such increased penalty. This would complement the existing increased penalty (from a Class 1 misdemeanor to a Class 6 felony) that results from a third or subsequent conviction within five years.

Patron - Pollard

HB2701 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 - Sickles

HB2704 Firearm eligibility check; penalty. Permits an individual to request that the State Police check to see if the individual is eligible to possess or transport a firearm under state and federal law, upon submission of a completed, notarized application with the information required to be submitted for a firearms purchase, and a fee not to exceed \$20. The eligibility check would allow a person to determine if he were eligible to possess a firearm outside of the context of a firearms purchase, when the eligibility check is usually performed. The Department must notify the applicant by mail that he is "eligible to possess firearms as of the date the check was completed" or "ineligible to possess firearms as of the date the check was completed." No person or agency may require or request an individual to obtain a firearms check, and a violation of this provision is a Class 1 misdemeanor. The firearms eligibility check does not substitute for a background check performed pursuant to state and federal law at the time of purchase of a firearm.

Patron - Sickles

HB2707 Concealed handgun permits; firearm safety courses. Amends the requirements for courses that concealed handgun permit applicants may take to demonstrate competence with a handgun, to require that such courses include instruction concerning proper handgun storage practices, as well as the laws relating to weapons and the use of deadly force. This bill incorporates HB 2712.

Patron - Sickles

HB2712 Concealed handgun permits; firearm safety courses. Amends the requirements for courses that concealed handgun permit applicants may take to demonstrate competence with a handgun to require that such courses include instruction specific to handgun safety and the laws of the Commonwealth relating to the carrying and use of handguns. This bill has been incorporated into HB 2707.

Patron - Morgan

HB2764 Possession of firearms on school property; firearms in vehicles. Amends the exemption allowing unloaded firearms in closed containers in vehicles, and rifles and shotguns in firearm racks in vehicles to apply only to teachers and employees of the school who have obtained prior written approval of the principal to bring the firearm onto school property, and to students who have filed a written parental consent form allowing the student to bring the firearm

onto school property. In the case of the student, the principal would also have to provide written approval, the student would be required to possess a valid Virginia hunting license, and the exemption would only apply during hunting season.

Patron - Dillard

HB2830 Issuing bad checks in payment of rent; penalty. Provides that any person making, drawing, uttering, or delivering a fraudulent check, draft, or order in payment of rent to a landlord pursuant to a lease agreement within the purview of Chapter 13 or Chapter 13.2 of Title 55 is guilty of larceny.

Patron - Nutter

HB2835 Firearm eligibility check; penalty. Permits an individual to request that the State Police check to see if the individual is eligible to possess or transport a firearm under state and federal law, upon submission of a completed, notarized application with the information required to be submitted for a firearms purchase, and a fee not to exceed \$20. The eligibility check would allow a person to determine if he were eligible to possess a firearm outside of the context of a firearms purchase, when the eligibility check is usually performed. The Department must notify the applicant by mail that he is "eligible to possess firearms as of the date the check was completed" or "ineligible to possess firearms as of the date the check was completed." No person or agency may require or request an individual to obtain a firearms check, and a violation of this provision is a Class 1 misdemeanor. The firearms eligibility check does not substitute for a background check performed pursuant to state and federal law at the time of purchase of a firearm.

Patron - Sherwood

HB2855 Contraception not to constitute abortion. Provides that contraception is not subject to or governed by the abortion law set forth in Title 18.2. "Contraception" is defined, for all purposes, as the use of any process, device, or method to prevent pregnancy, including steroidal, chemical, physical or barrier, natural or permanent methods for preventing the union of an ovum with the spermatozoon or the subsequent implantation of the fertilized ovum in the uterus.

Patron - Amundson

HB2897 Possession of weapons at public institutions of higher education. Allows the governing body of a public institution of higher education to establish rules and regulations concerning the possession of certain weapons, including firearms, on the institution's property. The rules and regulations may not be more restrictive than the provisions set forth in § 18.2-308.1 prohibiting the possession of weapons at primary and secondary schools and must include the exemptions set forth in that section.

Patron - Eisenberg

HB2900 Retired law-enforcement officers; federal Law Enforcement Officers Safety Act. Provides that a valid concealed handgun permit issued to a law-enforcement officer following at least 15 years of service in the Commonwealth shall satisfy the training and qualification standards set forth in the federal Law Enforcement Officers Safety Act. A retired law-enforcement officer shall be entitled to renew his concealed handgun permit annually, as the provisions of the federal act require that the training and qualification standards be certified annually. Finally, the bill provides that a retired law-enforcement officer shall not have to pay a fee for the annual renewal.

Patron - Athey

HB2932 Videotape statements admissible for certain crimes against children. Provides that when a child is the victim of criminal abuse and neglect, his testimony may be offered at trial via videotaped statement, provided the child victim is age 12 or younger at the time the testimony is offered, and provided the testimony meets certain trustworthiness and reliability criteria.

Patron - Bell

HB2935 Firearms; carrying at Capitol Square. Declares that no person who lawfully possesses a firearm shall be prohibited from carrying such firearm on Capitol Square. For purposes of this section, Capitol Square means the grounds in that area of the City of Richmond bounded by Bank, Governor, Broad, and Ninth Streets, and the interior of the State Capitol and the General Assembly Building. The bill also states that this section shall not be construed to prohibit the lawful possession of a firearm on other public property where such carrying is not specifically prohibited by law.

Patron - Cline

SB456 Contraception not to constitute abortion. Provides that contraception is not subject to or governed by the abortion law set forth in Title 18.2. "Contraception" is defined, for all purposes, as the use of any process, device, or method to prevent pregnancy, including steroidal, chemical, physical or barrier, natural or permanent methods for preventing the union of an ovum with the spermatozoon or the subsequent implantation of the fertilized ovum in the uterus.

Patron - Whipple

SB743 Guns in child day centers; penalty. Extends the penalties for carrying a gun or other weapon on school property to child day centers.

Patron - Miller

SB807 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 - Marsh

SB833 False report to law-enforcement; penalty. Provides that it is a Class 6 felony to make a false police report alleging commission of certain violent crimes and naming a specific suspect. The bill also requires that a person convicted of making such a report must pay for the ensuing police investigation unless the court orders community service in lieu of monetary payment.

Patron - Mims

SB850 Firearms; carrying on public property. Declares that no person who lawfully possesses a firearm shall be prohibited from carrying such firearm on public property or the buildings thereon unless specifically prohibited by law.

Patron - Cuccinelli

SB865 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, 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 minimum term of

imprisonment of 15 years and, upon a third conviction of such a violation, he shall be guilty of a Class 1 felony.

Patron - Reynolds

SB1077 Crimes against nature. Decriminalizes certain carnal knowledge.

Patron - Ticer

SB1078 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 - Ticer

SB1120 Carrying concealed handguns; penalty. Amends the section requiring a person to have a valid permit 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 - Obenshain

SB1169 Sex offenses with a minor. Clarifies that it is a Class 5 felony to use a communication system to accost, entice, or solicit a minor to produce child pornography.

Patron - Stolle

SB1179 Auto theft; penalty. Provides that theft of a motor vehicle is grand larceny regardless of the value of the motor vehicle. Under current law theft of a motor vehicle valued under \$200 would be petit larceny.

Patron - Rerras

SB1222 Abuse and neglect of incapacitated adults; penalty. Provides that abuse of an incapacitated adult that results in death is punishable as a Class 4 felony. Currently, only serious bodily injury or disease resulting from abuse is punishable as such.

Patron - Puckett

SB1266 Concealed handgun permits; persons disqualified. Revises provision that an individual is disqualified from obtaining a handgun permit upon a sworn, written statement of the sheriff, chief of police, or attorney for the Commonwealth that the applicant is likely to use a weapon unlawfully or negligently to endanger others, to provide that disqualification occurs upon such statement only if the court bases its decision on clear and convincing evidence of particular acts by the applicant within the three-year period immediately preceding the application.

Patron - Cuccinelli

SB1343 Possession of weapons at public institutions of higher education. Allows the governing body of a public institution of higher education to establish rules and regulations concerning the possession of certain weapons, including firearms, on the institution's property. The rules and regulations may not be more restrictive than the provisions set forth in § 18.2-308.1 prohibiting the possession of weapons at primary and secondary schools and must include the exemptions set forth in that section.

Patron - Lambert

Criminal Procedure

Passed

HB1542 Release of a sex offender on bail. Extends the presumption against bail to situations where a person is arrested for a sex offense enumerated in § 18.2-67.5:2 and the person had previously been convicted of an offense that is substantially similar to one listed in § 18.2-67.5:2 under the laws of another state or the United States. Current law does not specify that an offense in another jurisdiction creates the same presumption as an enumerated Virginia offense.

Patron - Black

HB1666 Conservators of the peace. Provides that attorneys for the Commonwealth are conservators of the peace.

Patron - Lingamfelter

HB1676 Free criminal history check for a Crime Stoppers, Crime Solvers or a Crime Line program board member. Provides that any board member or any person who has been offered membership on the board of a Crime Stoppers, Crime Solvers or Crime Line program shall not be required to pay for a criminal history records check for appointment to such a board.

Patron - Cosgrove

HB1812 Execution of pregnant inmate. Requires the Department of Corrections to promulgate regulations assuring that no inmate will be executed while she is pregnant.

Patron - Marshall, R.G.

HB1977 Defense objections; criminal appeals by the Commonwealth. Requires defense objections on speedy trial or double jeopardy grounds be filed in writing at least seven days before trial or at such time prior to trial as the grounds for the motion or objection arose, whichever occurs last. The bill also provides that in a felony case, a pretrial appeal from a circuit court may be taken by the Commonwealth from an order of a circuit court dismissing a warrant, information or indictment or any count or charge thereof, on the ground that the speedy trial statute was violated or that the defendant was subjected to double jeopardy. This bill is identical to SB 1177 and incorporates HB 2778 and HB 2813.

Patron - Janis

HB2006 Criminal procedure; when interest is paid on an award of restitution. Provides that interest on an award of restitution runs from the date of the loss or damage unless the court specifically orders interest to run from a different date. This bill is identical to SB 695.

Patron - Armstrong

HB2114 Detention center incarceration. Provides that a sentence to a Detention Center Incarceration Program shall not be in addition to an active sentence to a state correctional facility. This bill is identical to SB 1168.

Patron - Kilgore

HB2118 Blood alcohol tests in civil cases; admissibility of written reports or records. Makes the written reports or records of blood alcohol tests conducted upon persons receiving medical treatment in a hospital or emergency room admissible in evidence in any civil proceeding as a business records exception to the hearsay rule.† The reports or records may be disclosed in accordance with federal regulations, without consent or authorization. The protections against civil lia-

bility for those taking blood and conducting tests now applicable in criminal proceedings are extended to civil proceedings. This bill incorporates HB 2319.

Patron - Ware, O.

HB2301 Criminal history record information. Allows a person, who has applied to be a volunteer with the council of the Girl Scouts of the USA or the Boy Scouts of America serving troops in Virginia, to receive his own criminal history information at no charge. The bill will not become effective unless an appropriation of funds effectuating the purposes of the bill is included in the general appropriation act.

Patron - Fralin

HB2305 Indigent Defense Commission; membership and dual office holding. Provides that if the chairman of the Virginia State Crime Commission is (i) the chairman of the House Committee for Courts of Justice, then the vice chairman of the Committee shall serve in the position designated for the Committee chairman or (ii) the chairman of the Senate Committee for Courts of Justice, then the Senate Committee on Rules, upon the recommendation of the chairman of the Committee, shall appoint a member of the Committee to serve in the position designated for the Committee chairman.

Patron - McDougle

HB2315 Remission of forfeited bond. Provides that if it is brought to the attention of the court that a defendant who has defaulted on his bond is incarcerated in another state or country within 48 months of the finding of default, thereby preventing his delivery or appearance within that period, the court shall remit any bond previously ordered forfeited. The current period is 12 months.

Patron - Griffith

HB2628 Delayed criminal appeal. Sets out a procedure for a defendant to move for leave to pursue a delayed appeal from circuit court to the Court of Appeals and from the Court of Appeals to the Supreme Court when an appeal in a criminal case was never initiated or was dismissed for failure to adhere to proper form, procedures and time limits due to error, neglect, or fault of counsel representing the appellant, or of the court reporter, or of the court or an officer or employee of the court. The motion must be made within six months of dismissal or of the lower court judgment.

Patron - Albo

HB2632 Criminal procedure; Criminal Records Exchange. Requires, as of January 1, 2006, the law-enforcement agency making a report to the Exchange to include within its report, along with the fingerprints, a photograph of the individual arrested. The State Police and local law enforcement are required to establish written procedures for conducting in-person and photographic lineups. This bill is identical to SB 1164.

Patron - Moran

HB2647 Availability of presentence report to defendant. Allows counsel for the accused to provide the accused with his presentence report. This bill is identical to SB 910.

Patron - Hurt

HB2649 Virginia Criminal Sentencing Commission; membership. Requires that the current composition of the Commission include the chairmen of the Committees for Courts of Justice or their designees.

Patron - Hurt

HB2663 Speedy trial. Provides that an arrest on an indictment, warrant, information or presentment is deemed to

occur only when the summons or *capias* is served and executed on the accused and that the lodging of a detainer does not constitute an arrest. The bill also provides for tolling of the speedy trial statute upon the occurrence of a natural disaster, civil disorders, or act of God. This bill incorporates HB 1858, HB 1976, and HB 2306.

Patron - McDonnell

HB2678 Criminal cases; mental health reports. Provides that in any criminal case where the defendant's sanity is in issue and defendant obtains his own expert to evaluate him, the expert shall prepare a full report and shall provide it to the attorney for the Commonwealth.

Patron - Lingamfelter

HB2808 Arrest upon a misdemeanor *capias*. Provides that when a law-enforcement officer makes an arrest upon a misdemeanor *capias*, it is not necessary that he have the *capias* in his possession.

Patron - Scott, E.T.

HB2869 Location and jurisdiction of wiretaps. Redefines jurisdiction for the purposes of electronic or wire interceptions to provide that such communications shall be deemed to be intercepted in the jurisdiction where the order is entered, regardless of the physical location or the method by which the communication is captured or routed to the monitoring location. The bill also provides that an application for an *ex parte* order authorizing that a pen register or trap and trace device may be filed in the jurisdiction where the person or persons who subscribe to the communication system live, work, or maintain an address and that such installation shall be deemed to occur in the jurisdiction where the order is entered, regardless of the physical location or the method by which the information is captured.

Patron - Weatherholtz

HB2920 Diversion center incarceration program. Provides that participation in a diversion center incarceration program shall not be imposed in addition to an active sentence to a state correctional facility.

Patron - Kilgore

SB695 Criminal procedure; when interest is paid on an award of restitution. Provides that interest on an award of restitution runs from the date of the loss or damage unless the court specifically orders interest to run from a different date. This bill is identical to HB 2006.

Patron - Reynolds

SB895 Criminal procedure; national criminal background checks by businesses and organizations providing care to children, the elderly and disabled. Provides that only one set of fingerprints needs to be provided by the prospective employee of a business or organization providing care to children, the elderly or disabled as part of such entity's request for a national criminal background check on the prospective employee. Currently, two sets are required; however, electronic reproduction eliminates the need for two sets.

Patron - Ticer

SB910 Availability of presentence report to defendant. Allows counsel for the accused to provide the accused with his presentence report. This bill is identical to HB 2647.

Patron - Norment

SB1013 Special conservators of the peace. Clarifies that individuals who qualify as special conservators of the peace, who meet certain training requirements, and who are employed by an agency that meets the definition of a private

corporate criminal justice agency are exempt from registration and bonding requirements for special conservators of the peace. The bill also permits one judge to approve for all jurisdictions wherein a corporate applicant holds title to real property the appointment of such individual as a special conservator of the peace.

Patron - Hanger

SB1084 Criminal procedure; fee for fingerprints. Increases fingerprint fees for noncriminal prints from \$5 per card to \$10 for the first card and \$5 for each successive card. This bill incorporates SB 1101.

Patron - Ticer

SB1131 Criminal Injuries Compensation Fund. Increases the maximum funeral payout from \$3,500 to \$5,000, reconciles inconsistent language in the definition of victim, specifies that the lack of a restitution order does not preclude the Fund from exercising its subrogation rights, provides that upon the filing of a claim, health care providers are prohibited from undertaking debt collection activities until an award is issued or determined to be noncompensable, and allows the Fund access to juvenile records in certain instances.

Patron - Howell

SB1164 Criminal procedure; criminal records exchange. Requires, as of January 1, 2006, the law-enforcement agency making a report to the exchange to include within its report, along with the fingerprints, a photograph of the individual arrested. The State Police and local law enforcement are required to establish written procedures for conducting in-person and photographic lineups. This bill is identical to HB 2632.

Patron - Stolle

SB1165 Virginia Indigent Defense Commission; powers and duties. Requires the Commission to report periodically to the Virginia State Crime Commission and the courts committees and money committees of the House and Senate on the caseload of each public defender office.

Patron - Stolle

SB1168 Detention center incarceration. Provides that a sentence to a Detention Center Incarceration Program shall not be imposed as an addition to an active sentence to a state correctional facility. This bill is identical to HB 2114.

Patron - Stolle

SB1177 Defense objections; criminal appeals by the Commonwealth. Requires defense objections on speedy trial or double jeopardy grounds be filed in writing at least seven days before trial or at such time prior to trial as the grounds for the motion or objection arose, whichever occurs last. The bill also provides that in a felony case, a pretrial appeal from a circuit court may be taken by the Commonwealth from an order of a circuit court dismissing a warrant, information or indictment or any count or charge thereof, on the ground that the speedy trial statute was violated or that the defendant was subjected to double jeopardy. This bill is identical to HB 1977.

Patron - Obenshain

Failed

HB1511 Admission into evidence of affidavit of chain of custody. Provides that in any hearing or trial of any criminal offense or drug forfeiture proceeding, an affidavit of any law-enforcement officer attesting to chain of custody of any physical evidence taken into possession by him and delivered to the possession of another shall, without objection by

counsel of record for the accused, be admissible in evidence as evidence of the facts therein stated.

Patron - Cosgrove

HB1516 Criminal procedure; compensation for court-appointed counsel. Increases by approximately 20 percent the compensation allowed to court-appointed counsel (i) in district court and (ii) in circuit court for noncapital felonies. This bill has been incorporated into HB 1596.

Patron - Reese

HB1584 Accused to pay no costs for certain expungements. Provides that the petitioner shall incur no costs when an expungement of an accused's criminal record is ordered pursuant to an acquittal or an absolute pardon for the commission of a crime for which the accused was unjustly convicted or when the charge is dismissed with prejudice or the Commonwealth takes a nolle prosequi.

Patron - Reese

HB1596 Criminal procedure; compensation for court-appointed counsel. Increases by 50 percent the compensation allowed to court-appointed counsel in the district court and circuit court. The changes shall become effective only if sufficient funds are appropriated by the 2005 General Assembly. This bill incorporates HB 1516.

Patron - Black

HB1619 Multijurisdiction grand jury may investigate robbery. Includes robbery within the ambit of the multijurisdiction grand jury's investigative functions.

Patron - Janis

HB1639 DNA analysis after arrest for solicitation of prostitution. Requires that a person arrested for solicitation of prostitution or a drug offense have his DNA analyzed.

Patron - Miles

HB1799 Dissemination of criminal history record information. Provides that a person may request a copy of his criminal history record information be sent to another, at the cost of the requester.

Patron - Albo

HB1805 The Freedom Restoration Act; post-conviction relief. Amends provisions added to the Code during the 2004 General Assembly Session regarding writs of actual innocence based on non-biological evidence by removing the provision that the petitioner must have pled not guilty, the limit of one writ per conviction and the requirement that the evidence was previously unknown or unavailable to the petitioner or his trial attorney at the time the conviction became final. The bill allows the writ if the reason the evidence was not obtained was because of the failure of trial counsel to exercise due diligence, and changes the standard for issuance of the writ to substantial doubt about the petitioner's guilt. The circuit court may order an evidentiary hearing if necessary for the petitioner to develop additional facts.

Patron - Marshall, R.G.

HB1837 Criminal procedure; authority of law-enforcement officers to arrest illegal aliens. Makes it easier for a law-enforcement officer to arrest an illegal alien by eliminating the requirement that the officer confirm, prior to such arrest, whether the alien has previously been deported or left the United States after the conviction of a felony.

Patron - Parrish

HB1858 Speedy trial deadline extended. Provides that the time limitation for a speedy trial is tolled during the

period when the accused is inextricably involved in a trial in another jurisdiction. This bill has been incorporated into HB 2663.

Patron - Shannon

HB1869 Criminal procedure; fee for fingerprints. Increases fingerprint fees for noncriminal prints from \$5 per card to \$10 for the first card and \$5 for each successive card.

Patron - Brink

HB1873 Graffiti; multijurisdiction grand jury. Allows for the use of multijurisdiction grand jury to investigate graffiti violations.

Patron - McDougle

HB1976 What constitutes arrest for purposes of compliance with speedy trial act. For the purposes of speedy trial determination, an arrest of the accused to be tried on an indictment, warrant, information or presentment is deemed to have occurred only when the summons or *capias* to answer such process is actually served and executed upon the accused, and the lodging of a detainer or its equivalent shall not constitute an arrest. This bill has been incorporated into HB 2663.

Patron - Janis

HB1986 Who may conduct mental evaluation of a person convicted of a sexually abnormal offense. Provides that a judge may order a defendant who is charged with a sexually abnormal offense to be examined by at least one psychiatrist or clinical psychologist or other duly licensed mental health professional who is qualified by specialized training and experience to perform such evaluations. Currently, the evaluation would have to be performed by a psychiatrist or psychologist only.

Patron - Griffith

HB1987 Presentence interviews by probation officers. Provides that if, during the course of and as a part of a presentence investigation of a convicted defendant, the probation officer or his agent conducts an interview of the defendant, the defendant shall have the right to have his attorney present.

Patron - Griffith

HB2046 Criminal history record information for employment in proximity to minors; penalty. Disqualifies from employment in proximity to minors any person who has a criminal history relating to crimes against minors or crimes that could endanger minors.

Patron - Hamilton

HB2089 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.

Patron - Shannon

HB2117 Bail bondsmen; equity ratio of property and outstanding bonds; time within which to produce defendant. Allows a bail bondsman to write bonds up to four times the value of his financial holdings (current law requires a 1:1 ratio), and provides that no single bond shall represent more than 25 percent of his collateral. This bill incorporates HB 2314.

Patron - Ware, O.

HB2126 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. Establishes as required components that (i) there exists a clear and present danger to the public, law-enforcement, and public safety officials; (ii) the fugitive must be suspected of having committed a violent felony, or having used a firearm in the commission of a crime; (iii) the pursuing law-enforcement officers shall have received training in high-speed pursuits; and (iv) the pursuing law-enforcement officers shall maintain constant contact with the radio dispatcher.

Patron - Eisenberg

HB2201 Expungement following a deferred disposition. Specifically allows for expungement of a criminal record when a court defers disposition of a case upon a plea of not guilty and then dismisses the charges upon completion of terms and conditions imposed.

Patron - Marrs

HB2258 Process for issuance of search and arrest warrants. Provides that a person who seeks an arrest or a search warrant may confer with the issuing officer by telephone or radio prior to appearing before the issuing officer for a preliminary determination from the officer as to the sufficiency of probable cause for the warrant.

Patron - Bell

HB2264 Alternative means of introducing defendant's criminal history. Provides that the Commonwealth shall provide to the defendant 14 days prior to trial notice of its intention to introduce evidence of the defendant's prior criminal convictions and may, if the defendant does not object seven or more days prior to trial, present such notice at the trial as evidence of the defendant's prior convictions in lieu of certified, attested or exemplified copies of the record of convictions. Currently only the attested or exemplified copies of the record of convictions are admissible at the sentencing proceeding.

Patron - Bell

HB2306 Speedy trial deadline extended. Provides that the time limitation for a speedy trial is tolled (i) during the period of a natural disaster, civil disorder, strike, or act of God requiring that the courthouse be closed or (ii) for good cause shown why trial should not go forward as scheduled. This bill has been incorporated into HB 2663.

Patron - McDougle

HB2313 Release on bond while already on bond. Provides that any person arrested for a felony who is presently on secured bond for an unrelated arrest may be released only upon a secure bond in an amount equal to or greater than the existing bond. The bill also provides that this subsequent bond requirement may be waived with the approval of the judicial officer and with the concurrence of the attorney for the Commonwealth or the attorney for the county, city or town if, prior to the waiver, the judicial officer or his designee gives the bail bondsman, or other person who served as surety on any secure bond existing at the time of the felony arrest, actual notice of the waiver and an opportunity to arrest the person and revoke the original bond. Currently, because there is no requirement that the second bond be as much as the first or that the judicial officer give notice of waiver, the original bondsman may be at risk for the original secured bond when the arrestee faces his second charge and the judicial officer waives a secured bond.

Patron - Griffith

HB2314 Maximum allowable bonds by property bail bondsman. Allows a property bail bondsman to issue bonds in an amount not to exceed four times his collateral in real estate. This bill has been incorporated into HB 2117.

Patron - Griffith

HB2319 Admissibility of written results of blood alcohol tests in civil cases. Provides that the written results of blood alcohol tests conducted upon persons receiving medical treatment in a hospital emergency room are admissible in evidence under the business records exception to the hearsay rule in any civil proceeding. This bill has been incorporated into HB 2118.

Patron - Griffith

HB2328 Criminal procedure; reports by Chief Medical Examiner received as evidence. Allows certified reports and records of the Chief Medical Examiner to be received in preliminary hearings in criminal cases as evidence of the facts therein stated. This eliminates the need of a doctor from the Medical Examiner's office to attend the hearing and testify to what is included within the reports and records. This bill is intended to vitiate the ruling in *Ward v. Commonwealth*, 216 Va. 177 (1975), but only as it relates to preliminary hearings.

Patron - Athey

HB2353 Facial recognition technology; court order. Prohibits a locality or law-enforcement agency from utilizing facial recognition technology absent a court order authorizing use of such technology. The bill sets forth the procedures for applying for an order, and the information that such an order must contain.

Patron - Griffith

HB2528 Regional appellate public defender office. Includes a pilot regional appellate office within the Chesapeake Public Defender's Office.

Patron - Melvin

HB2643 Bail; admission. Includes within the list of crimes for which there is a rebuttable presumption against bail, aggravated sexual battery and taking indecent liberties with a child. The bill also enumerates within the same provision certain sections that currently are included by reference.

Patron - Hurt

HB2773 Capital murder cases; sentencing, motions and appeals. Removes the "default" life sentence in the event a jury cannot agree on the sentence in a capital case and provides for the empanelment of a different jury for ascertaining punishment, or for sentencing by the judge upon agreement of all parties. The bill also requires defense objections on speedy trial or double jeopardy grounds be filed in writing at least seven days before trial and that all parties, not just the accused as under current law, must agree in order to waive the provision that a hearing on defense objections be held at least three days before trial. The bill provides that the Commonwealth may appeal on speedy trial or double jeopardy grounds. Currently, such appeal must be on the ground that a statute upon which the dismissal was based is unconstitutional.

Patron - Bell

HB2778 Appeal by the Commonwealth. The bill provides that the Commonwealth may appeal on speedy trial grounds. Currently, such appeal must be on the ground that a statute upon which the dismissal was based is unconstitutional. This bill has been incorporated into HB 1977.

Patron - Moran

HB2813 Speedy trial and double jeopardy; motions and appeals. Requires defense pretrial suppression motions and objections on speedy trial or double jeopardy grounds to be filed in writing at least seven days before trial. The bill also provides that the Commonwealth may file a pre-trial appeal on a dismissal of a criminal case on speedy trial or double jeopardy grounds. Currently such appeal must be on the ground that a statute upon which the dismissal was based is unconstitutional. This bill has been incorporated into HB 1977.
Patron - McDonnell

HB2814 Compensation of court-appointed counsel. Provides that a court, for good cause shown, may increase the compensation of court-appointed counsel defending (i) a juvenile charged with an offense that if committed by an adult would carry a punishment of more than 20 years, or (ii) a person charged with a felony that carries a punishment of more than 20 years.
Patron - McDonnell

SB714 Mentally ill defendants; technical changes. Provides that a defendant in a criminal matter may be hospitalized if so seriously mentally ill as to be unable to care for himself. Under current law the standard is "imminently dangerous to himself or others."
Patron - Edwards

SB808 Human biological evidence. Requires the Division of Forensic Science to store, preserve, and retain all biological evidence that is in its possession on July 1, 2005, and to develop an inventory of the evidence.
Patron - Marsh

SB834 Appointment of magistrates. Provides that a retired magistrate is eligible to serve as a substitute magistrate.
Patron - Mims

SB863 Forfeiture of property. Allows alternative property to be seized in cases where a defendant's property is to be seized because of terrorism, money laundering or drug trafficking and the property originally designated for seizure is no longer available because of certain acts or omissions of the defendant.
Patron - Howell

SB908 Chain of custody form. Provides that a chain of custody form attested to by the employee of a law-enforcement agency responsible for the custody of physical evidence is prima facie evidence of the chain of custody.
Patron - Norment

SB914 Post-conviction relief. Amends provisions added to the Code during the 2004 General Assembly Session regarding writs of actual innocence based on non-biological evidence by removing the limit of one writ per conviction.
Patron - Marsh

SB915 Death penalty; moratorium on executions. Provides that the Commonwealth shall not conduct executions of prisoners sentenced to death. All other matters of law relating to the death penalty, such as bringing and trying capital charges, sentencing proceedings, appeals and habeas review are not affected by the bill.
Patron - Marsh

SB986 Sentencing guideline point enhancements for certain firearm crimes in certain localities. Provides that when the discretionary guidelines worksheets are prepared for cases in which the primary offense is murder, robbery, or

assault and any such offense is committed with or attempted with a firearm, the guidelines worksheets shall be amended to allow for additional punishment for any locality in which certain criteria are met.

Patron - Watkins

SB1020 Arrest on summons. Expands circumstances under which a law-enforcement officer may transform an arrest on a summons to a full custodial arrest (including a search) to include a reasonable belief that the person will flee or attempt to flee, illegally possesses a firearm, or is illegally concealing a weapon.

Patron - Mims

SB1021 Foreign orders; records from electronic communication service providers. Requires providers of electronic communication services or remote computing services in the Commonwealth to comply with search warrants issued in other states as if they were issued in Virginia.

Patron - Mims

SB1022 Witnesses in criminal trial. Allows the attorney for the Commonwealth to designate, in felony cases, one investigative law-enforcement official who may remain in the courtroom, unless the court determines that his presence would impair the conduct of a fair trial.

Patron - Mims

SB1101 Criminal procedure; fee for fingerprints. Increases fingerprint fees for noncriminal prints from \$5 per card to \$10 for the first card and \$5 for each successive card. This bill has been incorporated into SB 1084.

Patron - Whipple

SB1155 Sentencing guidelines for revocation of suspension of sentence or probation in felony cases. Directs the use of sentencing guidelines in revocation hearings for revocation of sentence suspension or revocation of probation where the initial sentencing was for a felony violation.

Patron - Stolle

SB1207 Suspected criminal behavior; penalty. Sets out circumstances under which a law-enforcement officer may detain a person suspected of criminal activity.

Patron - Mims

SB1280 Child sex abuse crimes. Allows evidence of the defendant's prior conviction of child sexual abuse crimes in a case where he is accused of child sexual abuse.

Patron - Edwards

SB1302 Expungement of police and court records. Provides that a convicted person who has had his civil rights restored, including his right to vote, has maintained exemplary citizenship for at least 15 years, has satisfied any and all terms and conditions of probation and parole, and has no other criminal conviction in any jurisdiction may file a petition setting forth the relevant facts and requesting expungement of the police records and the court records relating to the charge.

Patron - Watkins

Domestic Relations

Passed

HB1988 Child support arrearages; attorneys' fees; retention by Department of Social Services. Provides

that a court may order that judgments for support arrearages equal to or greater than three months of support and maintenance include reasonable attorneys' fees. The Department of Social Services is authorized to retain any attorneys' fees it collects in a special fund dedicated to the support of the Division of Support Enforcement.

Patron - Griffith

PSB1019 Confidential information in divorce cases; separate addendums. Requires that the record of any divorce suit not contain the social security number of any party or of any minor child, or any financial information. If such information must be provided to a government agency or recorded for the benefit of the parties, it shall be contained in a separate addendum. The addendum can be used to distribute the information as required by law but shall otherwise be made available only to the parties, their attorneys, and to such other persons as the court in its discretion may allow.

Patron - Mims

PSB1040 Uniform Interstate Family Support Act (UIFSA). Updates the Act, which Virginia adopted in 1994 to replace the Uniform Reciprocal Enforcement of Support Act, by making most of the amendments proposed by the National Conference of Commissioners on Uniform State Laws (NCCUSL) in 2001 to clarify UIFSA and reflect changes in federal law. The purpose of UIFSA is to limit modification of child support orders to a single state to reduce the number of interstate jurisdictional disputes. Except in narrowly defined circumstances, the only state able to modify a support order is the one that continues to have exclusive jurisdiction over the matter. The definition of "state" is expanded to allow other countries to have their orders enforced in the United States. An individual state can arrange with a foreign country for reciprocal enforcement of child support.

Patron - Quayle

Failed

FHB1633 Domestic relations; Affirmation of Marriage Act. Repeals the statute that states: that a civil union, partnership contract, or other arrangement between persons of the same sex purporting to bestow the privileges or obligations of marriage is prohibited; that such an arrangement entered into in another state or jurisdiction is void in Virginia; and that any contractual rights created thereby are void and unenforceable.

Patron - Van Yahres

FHB1737 Felony to fail to pay child support. Provides that any person who fails to pay child support for his or her child under the age of 18, or child of whatever age who is disabled or otherwise incapacitated from earning a living, when the amount of arrearage accruing on and after July 1, 2005, exceeds \$25,000 of child support ordered by a court, is guilty of a Class 6 felony.

Patron - Cosgrove

FHB2106 Child support and custody; parenting plans. Requires preparation of parenting plans in any actions for divorce, separation, annulment, or separate maintenance that involve a minor child. The parenting plan specifies the allocation of parenting responsibilities, establishes a residential schedule, and sets the award of child support.

Patron - McQuigg

FHB2294 Visitation with minor child; standard order for noncustodial parent. Establishes guidelines for a

standard visitation order governing visitation by a noncustodial parent.

Patron - Lingamfelter

FHB2490 Domestic relations; lawful contracts. Provides that the prohibition against a civil union, partnership contract or other arrangement between persons of the same sex purporting to bestow the privileges or obligations of marriage shall not abridge the right of any person to enter into a lawful contract that pertains to the ownership or devising of joint property, the maintenance of personal health, or the protection of private assets.

Patron - Petersen

FHB2885 Child support; interest and fees. Eliminates the mandatory assessment of interest and fees relative to child support, and requires that any discretionary awards be justified in the court's order.

Patron - Spruill

FBSB978 Affirmation of foreign marriage. Allows parties married outside of the United States and residing in the Commonwealth to petition the circuit court of the county or city in which they reside for an order affirming their marriage, and allows a judge to grant an order affirming such marriage if the parties supply certain documentation and the court finds that (i) at least one of the parties is a citizen of the United States, (ii) the marriage is valid under the laws of the other jurisdiction, and (iii) such marriage is not prohibited under the laws of the Commonwealth.

Patron - O'Brien

FBSB1231 Visitation with minor child; standard order for noncustodial parent. Establishes guidelines for a standard visitation order governing visitation by a noncustodial parent.

Patron - Quayle

FBSB1334 Best interests of the child. Provides that initiation by a parent of a no fault divorce and the commission of fault in a fault divorce are factors to be considered by the court in determining the best interests of the child when deciding custody and visitation.

Patron - Cuccinelli

Education

Passed

PHB1573 Education; gang-related activity in public schools. Directs the Board of Education to include provisions addressing gang-related activities in its model guidelines for codes of student conduct.

Patron - Albo

PHB1615 School safety audits. Directs the Superintendent of Public Instruction to prescribe a standardized report format for school safety audits, additional reporting criteria, and procedures for report submission, which may include instructions for electronic submission.

Patron - Fralin

PHB1685 Sale of school property; transportation purposes. Empowers a local school board of a school division comprised of a city having a population of 350,000 or more and adjacent to the Atlantic Ocean (Virginia Beach) to sell property to the Virginia Department of Transportation or the

Commonwealth Transportation Commissioner (i) when the Commissioner has determined that such conveyance is necessary and (ii) when eminent domain has been authorized for the construction, reconstruction, alteration, maintenance, and repair of the public highways of the Commonwealth, and for all other purposes incidental thereto, including, but not limited to, the relocation of public utilities as may be required.

Patron - Tata

HB1716 Reporting of offenses by school authorities. Provides that principals and division superintendents, in reporting certain serious incidents and crimes for annual recordation and publication by the Department of Education, shall accurately indicate any offenses, arrests, or charges as recorded by law-enforcement authorities and required to be reported by such authorities.

Patron - Fralin

HB1743 Self-injected epinephrine; self-administration by students. Adds self-injected epinephrine to those medications that public school students diagnosed with asthma or anaphylaxis, or both, may self-administer under certain conditions. School and health department personnel supervising the administration of this medication are immune from civil liability. In addition, principals and school board employees are not liable for any civil damages for any injuries or deaths resulting from the misuse of such auto-injectable epinephrine. Additional amendments add auto-injectable epinephrine to current provisions addressing other self-administered medications.

Patron - Ward

HB1762 Standards of Quality. Revises the Standards of Quality to require local school boards to (i) provide for data collection and analysis and to use such results in instructional program evaluation; (ii) implement any actions identified through the academic review of schools accredited with a warning; (iii) analyze and report annually the results of industry certification examinations; (iv) annually review their professional development programs; and (v) report compliance with the Standards of Quality annually to the Board of Education. In addition, the bill (i) increases from 10 to 17 the full-time equivalent instructional positions for each 1,000 students identified as having limited English proficiency; (ii) provides that teacher, administrator, and superintendent evaluations shall be consistent with the performance objectives included in the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Administrators, and Superintendents developed by the Board of Education; (iii) replaces Board- and locally-adopted six-year statewide or divisionwide plans, as the case may be, (including those for educational technology) with "comprehensive" statewide or divisionwide plans; and (iv) replaces individual school six-year plans with "comprehensive" plans. The measure also includes a number of technical or clarifying amendments and additional cross-references for other Code sections. This bill is identical to SB 779.

Patron - Dillard

HB1767 Home instruction; notification regarding examinations. Directs local school boards to implement a plan for the notification of students receiving home instruction and their parents of the availability of Advanced Placement (AP) and Preliminary Scholastic Aptitude Test (PSAT) examinations and the availability of financial assistance to low-income and needy students to take these examinations. The definition of "parent" is deleted, as it is duplicative of the definition already set forth in § 22.1-1 as applicable to the entire title.

Patron - Dillard

HB1769 Commission on Civics Education. Creates the 23-member Commission on Civics Education, comprised of the Governor, Lieutenant Governor, legislators, executive branch officials, and citizens. The Commission is to, among other things, (i) identify civic education projects in the Commonwealth and provide technical assistance as may be needed, (ii) build a network of civic education professionals to share information and strengthen partnerships, and (iii) make recommendations to the Board of Education regarding revisions to the Standards of Learning for civics and government.

Patron - Dillard

HB1781 Critical teacher shortage areas. Extends from 2005 to 2010 the current sunset on the requirements that (i) division superintendents identify and report critical shortages to the school board, upon request (§ 22.1-70.3); and (ii) local school boards identify and report critical shortages to the Superintendent of Public Instruction and the Virginia Retirement System (VRS) (§ 22.1-79). The measure does not address use of this reported information by VRS. Also sunseting in 2005, and not included in this bill, is the requirement that the Superintendent of Public Instruction annually survey school divisions to identify critical teacher shortage areas and report these shortages to the Virginia Retirement System (§ 22.1-23). This bill is identical to SB 761.

Patron - BaCote

HB1782 Critical teacher shortage areas. Extends from 2005 to 2010 the current sunset on the requirements that the Superintendent of Public Instruction annually survey school divisions to identify critical teacher shortage areas and report these shortages to the Virginia Retirement System (VRS) (§ 22.1-23). The measure does not address use of this reported information by VRS. Also sunseting in 2005, and not included in this bill, are the requirements that (i) division superintendents identify and report critical shortages to the school board, upon request (§ 22.1-70.3); and (ii) local school boards identify and report critical shortages to the Superintendent of Public Instruction and the Virginia Retirement System (§ 22.1-79).

Patron - BaCote

HB1989 School board salaries. Increases from \$3,600 to \$4,800 the maximum salary to be paid members of the Salem school board.

Patron - Griffith

HB2223 Expulsion of students; petition for readmission. Provides that the local school board, or a committee thereof, or the division superintendent may review petitions for readmission by expelled students. If the division superintendent or a school board committee denies the petition, the student may petition the full school board for review of the denial of readmission.

Patron - Rust

HB2266 School boards; policies on bullying. Directs the Board of Education to include bullying in its standards for school board policies on student conduct and requires school boards to include (i) instruction on the inappropriateness of bullying in their character education programs and (ii) bullying provisions in their student conduct codes. In addition, the measure requires the reporting of incidents of stalking to principals and division superintendents. Finally, except as may be prohibited by federal law, regulation, or jurisprudence, principals must report certain violent acts, stalking, and other conduct to parents of the minor student who is the target of the conduct; included in this report is disclosure that the incident has been reported to law enforcement, and that the parent may

contact law enforcement for further information. This bill is identical to HB 2879 and incorporates HB 2171.

Patron - Bell

HB2382 False statements; school division residency; penalty. Creates a Class 4 misdemeanor charge for knowingly making a false statement concerning the residency of a child in a particular school division or school attendance zone.

Patron - Barlow

HB2602 No Child Left Behind Act; Board of Education to seek waivers. Directs the Board of Education to seek waivers from compliance with provisions of the No Child Left Behind Act that (i) are in conflict with Title IX, Section 9527 (a) of the federal Code, which prohibits federal authorities from mandating, directing, or controlling state or local allocation of resources and from mandating state or local expenditure of funds or incursion of any costs not paid for under the Act; (ii) are duplicative of the Standards of Quality, Standards of Learning, and Standards of Accreditation; or (iii) are lacking in effectiveness. Further, the Board must examine the fiscal and other implications for the Commonwealth and its local governments in the event that Virginia continues its compliance with, or withdraws from participation in, the federal No Child Left Behind Act. The Board must convey its findings from such examination to the House Committees on Education and Appropriations and the Senate Committees on Education and Health and Finance no later than October 1, 2005. This bill is identical to SB 1136 and incorporates HB 1592 and HB 2685.

Patron - Landes

HB2790 Teacher licensure qualifications. Requires the Board of Education, in its regulations governing teacher licensure, to establish criteria and a procedure to allow persons seeking initial licensure as teachers through an alternative route as defined by Board regulations to substitute experiential learning in lieu of coursework. The bill also includes a technical amendment to provide appropriate cross references between relevant statutes.

Patron - Frederick

HB2832 Interscholastic athletic ineligibility. Provides that the Virginia High School League must establish rules requiring that, upon disclosure, a public school student athlete who uses anabolic steroids during the training period immediately preceding or during the sport season of the school athletic team on which he is a member be ineligible to participate in interscholastic athletic competition for two years, unless the steroid was prescribed by a licensed physician for a medical condition. Student use of anabolic steroids during the training period immediately preceding or during the sport season of the school is required to be reported, unless the steroid was prescribed by a licensed physician for a medical condition. The bill also requires the Board of Education to suspend or revoke the administrative or teaching license of any person who knowingly and willfully with the intent to compromise the outcome of an athletic competition procures, sells, or administers anabolic steroids or causes these drugs to be procured, sold, or administered to students, or by failing to report student use of anabolic steroids.

Patron - Marshall, R.G.

HB2879 Character education and student conduct codes; policies on bullying in schools. Directs the Board of Education to include bullying in its standards for school board policies on student conduct and requires school boards to include (i) instruction on the inappropriateness of bullying in their character education programs and (ii) bullying provisions in their student conduct codes. In addition, the measure

requires the reporting of incidents of stalking to principals and division superintendents. Finally, except as may be prohibited by federal law, regulation, or jurisprudence, principals must report certain violent acts, stalking, and other conduct to parents of the minor student who is the target of the conduct; included in this report is disclosure that the incident has been reported to law enforcement, and that the parent may contact law enforcement for further information. This bill is identical to HB 2266.

Patron - Marshall, R.G.

HB2912 Teachers; sick leave. Requires local school boards to adopt policies providing for leave without pay for school board employees with debilitating or life-threatening illness or injury, without regard to the employee's length of service with the school board.

Patron - Eisenberg

SB761 Critical teacher shortage areas. Extends from 2005 to 2010 the current sunset on the requirements that (i) division superintendents identify and report critical shortages to the school board, upon request (§ 22.1-70.3); and (ii) local school boards identify and report critical shortages to the Superintendent of Public Instruction and the Virginia Retirement System (VRS) (§ 22.1-79). The measure does not address use of this reported information by VRS. Also sunsetting in 2005, and not included in this bill, is the requirement that the Superintendent of Public Instruction annually survey school divisions to identify critical teacher shortage areas and report these shortages to the Virginia Retirement System (§ 22.1-23). This bill is identical to HB 1781.

Patron - Locke

SB767 School board salaries. Increases from \$3,600 to \$4,800 the maximum salary to be paid members of the Salem school board and increases from \$3,400 to \$5,000 the maximum salary to be paid for members of the Richmond County school board.

Patron - Bell

SB779 Standards of Quality. Revises the Standards of Quality to require local school boards to (i) provide for data collection and analysis and to use such results in instructional program evaluation; (ii) implement any actions identified through the academic review of schools accredited with a warning; (iii) analyze and report annually the results of industry certification examinations; (iv) annually review their professional development programs; and (v) report compliance with the Standards of Quality annually to the Board of Education. In addition, the bill (i) increases from 10 to 17 the full-time equivalent instructional positions for each 1,000 students identified as having limited English proficiency; (ii) provides that teacher, administrator, and superintendent evaluations shall be consistent with the performance objectives included in the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Administrators, and Superintendents developed by the Board of Education; (iii) replaces Board- and locally-adopted six-year statewide or divisionwide plans, as the case may be, (including those for educational technology) with "comprehensive" statewide or divisionwide plans; and (iv) replaces individual school six-year plans with "comprehensive" plans. The measure also includes a number of technical or clarifying amendments and additional cross-references for other Code sections. This bill is identical to HB 1762.

Patron - Potts

SB949 Teacher licensure by reciprocity. Provides for teacher licensure by reciprocity for an individual who has obtained a valid out-of-state license that is in force at the time

the application for a Virginia license is made. The individual must establish a file in the Department of Education by submitting a complete application packet, which shall include official student transcripts. No professional teacher's assessment or service requirements shall be imposed for these licensed individuals. Current Board of Education regulations (8 VAC 20-21-90) require a professional teacher's assessment (PRAXIS) for out-of-state applicants who (i) have completed a state-approved teacher training program through a regionally accredited four-year college or university, or (ii) hold a valid out-of-state teaching license in force at the time the license application is made. These persons must also provide student transcripts.

Patron - Potts

SB950 Economics education and financial literacy in the public schools and institutions of higher education. Requires instruction in economics education and financial literacy in public middle and high schools. The Board of Education is required to develop and approve objectives for economics education and financial literacy in grades six through 12. The principles of the American economic system and financial literacy must also be systematically infused in the Standards of Learning, and in career and technical education programs. However, these objectives are not required to be included in the Standards of Learning assessments. In addition, to provide for experiential learning and practical application of economic and financial literacy principles, public schools may establish on-site banking programs for students. In addition, public institutions of higher education must make provisions for the promotion of the development of student life skills through inclusion of principles of economics education and financial literacy within an existing general education course, the freshman orientation process, or other appropriate venue. The provisions of §§ 22.1-200.02 and 22.1-208.2:3, which provide for instruction in certain mathematics and finance objectives, and the Banking-at-School Partnership Program, respectively, have been incorporated in this bill and have been repealed.

Patron - Potts

SB969 Entrepreneurship Education Program. Creates the Entrepreneurship Education Program, consisting of grants administered by the Board of Education to public secondary schools to support innovative educational programs designed to assist students in the development of their entrepreneurial, academic, and life skills. The programs shall, among other things, (i) incorporate experiential learning; (ii) include partnerships with business and higher education; and (iii) assist students in practicing and mastering business concepts, such as negotiation, pricing, and the development and implementation of plans for individual student businesses. This act will expire on July 1, 2007, if no gifts, donations, bequests, or other funds effectuating its purposes are received by that date.

Patron - O'Brien

SB981 Noncustodial parent as emergency contact. Provides that, unless a court order has been issued to the contrary, the noncustodial parent of a student enrolled in a public school or day care center must be included, upon the request of such noncustodial parent, as an emergency contact for events occurring during school or day care activities.

Patron - O'Brien

SB1006 School enrollment of children placed in foster care. Requires that whenever a student has been placed in foster care and the social services agency is unable to produce the required documents for enrollment, the student must be immediately enrolled and the person enrolling the student

must provide a written statement that, to the best of his knowledge, sets forth the student's age, compliance with notice requirements regarding good standing in the previous school, and that the student is in good health and is free from communicable or contagious disease. The sending and receiving school divisions must cooperate in facilitating the enrollment of the foster child across jurisdictional lines and may agree to allow the child to continue to attend the school in which he was enrolled prior to the most recent foster care placement, upon the agreement of the placing social services agency that such attendance is in the best interest of the child. If the student is allowed to continue to attend the previous school, the receiving school division will be accorded foster children education payments and may enter into financial arrangements with the sending school division. Local school divisions are required to expedite the transfer of the scholastic record of the student. Social Services agencies are required to notify, within 72 hours of placing a child in foster care placement, the principal of the school in which the student is to be enrolled and the superintendent of the relevant school division or his designee and to inform the principal of the status of the parental rights. The bill clarifies that no foster child can be charged tuition. However, the provisions relating to immediate enrollment and across jurisdictional placements will only apply to children who are subjects of foster care placements through entrustments or commitments to the local social services board or licensed child-placing agency and will not apply to children whose parents have an agreement with the local board or public agency through the community policy and management team where legal custody remains with the parents. The second enactment clause requires the Superintendent of Public Instruction and the Commissioner of the Department of Social Services to issue a memorandum as soon as practicable after the enactment of this bill to inform local school division superintendents and local social services agencies of its provisions.

Patron - Hanger

SB1045 Diplomas; student-selected verified credits. Directs the Board of Education to provide for the award of verified credits for passing scores on industry certifications, state licensure examinations, and national occupational competency assessments approved by the Board of Education. School boards shall report annually to the Board of Education the number of industry certifications obtained and state licensure examinations passed, and will include this number as a category on the school's achievement report card. Currently, the Standards of Accreditation (SOA) require the accumulation of a specific number of standard and verified units of credit for standard diplomas. The verified unit of credit is awarded upon passage of the relevant Standards of Learning (SOL) test (additional tests approved by the Board of Education), as well as the course (8 VAC 20-131-110 A, B). The Standard Diploma requires 22 credits, six of which must be verified units of credit, while the Advanced Studies Diploma requires 24 credits, with nine verified units. The SOA currently require verified units of credit in specific subjects, such as English, mathematics, science, history and social science. The Modified Standard Diploma is awarded to students with disabilities who are "unlikely to meet the credit requirements for a Standard Diploma" (8 VAC 20-131-50). School accreditation is based on pass rates for the SOL assessments (8 VAC 20-131-300).

Patron - Wagner

SB1130 Elementary schools; physical education. Provides that physical education in elementary schools shall include activities such as, but not limited to, cardio-vascular, muscle building, or stretching exercises, as appropriate.

Patron - Lambert

SB1136 No Child Left Behind Act; Board of Education to seek waivers. Directs the Board of Education to seek waivers from compliance with provisions of the No Child Left Behind Act that (i) are in conflict with Title IX, Section 9527 (a) of the federal Code, which prohibits federal authorities from mandating, directing, or controlling state or local allocation of resources and from mandating state or local expenditure of funds or incursion of any costs not paid for under the Act; (ii) are duplicative of the Standards of Quality, Standards of Learning, and Standards of Accreditation; or (iii) are lacking in effectiveness. Further, the Board must examine the fiscal and other implications for the Commonwealth and its local governments in the event that Virginia continues its compliance with, or withdraws from participation in, the federal No Child Left Behind Act. The Board must convey its findings from such examination to the House Committees on Education and Appropriations and the Senate Committees on Education and Health and Finance no later than October 1, 2005. This bill is identical to HB 2602 and incorporates SB 948.

Patron - Hanger

SJ428 Mathematics specialist endorsement; report. Requests the Board of Education to include the mathematics specialist endorsement in the Licensure Regulations for School Personnel. The Board must design the endorsement in a manner to facilitate and improve student achievement in mathematics, and include such endorsement in the current review and revision of the Licensure Regulations for School Personnel by its Advisory Board of Teacher Education and Licensure (ABTEL). The Board of Education shall submit an executive summary and report of its progress in meeting the request of this resolution to the 2006 Regular Session of the General Assembly.

Patron - Watkins

Failed

HB1510 Virginia Public School Authority; grants for school construction. Authorizes the Virginia Public School Authority to issue bonds to fund grants to local school divisions in the total amount of \$1 billion to pay the costs of school construction, school renovation, and other school infrastructure projects. One-half of the grants (\$500 million) shall be distributed to each school division in increments of \$3,676,471. The remaining one-half shall be distributed to each local school division on a set per pupil amount based on each school division's actual September 30, 2004, fall membership data as a proportion of total actual September 30, 2004, fall membership data for all school divisions.

Patron - Shuler

HB1532 Education Improvement Act of 2005. Creates the Phonics Instruction Incentive Program and Fund to award grants on a competitive basis to public schools that have failed to achieve full accreditation due to poor student performance in reading to purchase materials using systematic and explicit phonics for kindergarten through grade two, and for related instructional training programs. In addition, the measure amends the Standards of Quality to provide that remediation programs addressing reading skills shall utilize research-based reading initiatives and to require all remediation programs to incorporate research-based curricula that have demonstrated success in improving student performance. Finally, the measure requires, on and after July 1, 2006, that persons seeking licensure renewal with endorsements as teachers in elementary grades, reading, or special education, demonstrate skills in reading instruction.

Patron - Frederick

HB1541 Diploma requirements for certain students. Directs the Board of Education, in establishing diploma and graduation requirements, to provide waivers from Standards of Learning assessment and related units of credit requirements for children of those active duty members of the United States Armed Forces or the National Guard or other reserve component whose service has required their presence in the Commonwealth and has resulted in the transfer of such child to a public school in the Commonwealth within 24 months of the child's anticipated graduation.

Patron - Cosgrove

HB1585 Alteration of student grades by principals. Prohibits principals and assistant principals from altering a student's grade for coursework or individual classroom assignments without the consent of the relevant classroom teacher.

Patron - Reese

HB1589 Transportation services for nonpublic schools. Permits local school boards to enter into agreements with nonpublic schools in the school division to provide pupil transportation to and from the nonpublic schools under such terms and conditions as the school boards deem appropriate and responsible. This bill incorporates HB 1658.

Patron - Reese

HB1592 No Child Left Behind Act; Board of Education to seek waiver. Directs the Board of Education to seek a waiver from compliance with those provisions of the federal No Child Left Behind Act that are duplicative of the Commonwealth's existing educational accountability system as set forth in the Standards of Quality, Standards of Learning, and Standards of Accreditation, or are lacking in cost effectiveness, and that already comply with the spirit and intent of the federal act. This bill has been incorporated into HB 2602.

Patron - Reese

HB1658 Pupil transportation. Authorizes, but does not require, school boards to provide transportation to pupils residing in the relevant school division to any kindergarten, elementary, or secondary school in which the pupil is lawfully enrolled. However, the schools cannot be operated for profit, and, if located outside the relevant school division, must be at a distance not exceeding 10 miles by the nearest public thoroughfare. This bill has been incorporated into HB1589.

Patron - Lingamfelter

HB1678 Free admission to public schools for children of certain military personnel. Provides that a child who (i) is the child of a parent called to active military duty and (ii) resides on a military or naval reservation located wholly or partly within the geographical boundaries of any school division, shall be admitted into the public schools of any adjacent school division and shall not be charged tuition.

Patron - Cosgrove

HB1679 School attendance; children of military personnel. Prohibits the imposition of public school tuition charges for schoolchildren who (i) reside on a military or naval reservation located wholly or partly within the geographical boundaries of the school division, (ii) are domiciled residents of the Commonwealth of Virginia, and (iii) have been admitted for enrollment in a Virginia school division other than the one in which such reservation is wholly or partly located. The enrolling school division shall not be required to provide transportation to and from school and school-related activities for such students. The Commonwealth will provide the total per

capita costs for these students; the local composite index does not apply.

Patron - Cosgrove

HB1731 Nonpublic school students; participation in interscholastic sports. Directs the Virginia High School League (VHSL -- a “nonprofit corporation founded in Virginia in 1913 to organize and govern interscholastic activities among the public high schools”) to provide an exception to its rules addressing enrollment and the eligibility of regular, bona fide students for participation in interscholastic activities. The exception shall provide eligibility for participation in interscholastic sports by any nonpublic school student who is eligible for free tuition in such public school pursuant to § 22.1-5 and shall be limited to participation in interscholastic activities at the school serving the attendance zone in which such student lives. Current VHSL rules restrict eligibility “to represent the school in any VHSL, Inc.-sponsored interscholastic contest “to a “bona fide student” who is a “full-time student who is in regular attendance and is carrying a schedule of subjects which, if successfully completed, will render him/her scholastically eligible for League participation the ensuing semester” (2004-2005 VHSL Handbook).

Patron - Cosgrove

HB1766 Standards of Quality; speech-language pathologists. Amends the Standards of Quality to require local school boards to employ speech-language pathologists in sufficient numbers to ensure a caseload that does not exceed 60 students per position.

Patron - Dillard

HB1768 Standard diploma; students with disabilities. Directs the Board of Education, in awarding verified credits required for a standard diploma for students who are subject to an individualized education plan (IEP), to establish procedures whereby such student may earn a verified credit based upon (i) receipt of a score on the relevant Standards of Learning assessment within 10 points of passing the assessment; and (ii) demonstration of the student’s mastery of the required knowledge and skills through a portfolio of work or other assessment approved by the Board.

Patron - Dillard

HB1770 Testing of students receiving home instruction. Requires the Department of Education to maintain a list of achievement tests, evaluations, and assessments that may be used to satisfy the requirement that the homeschooler’s parent annually provide evidence of the student’s academic progress. A technical amendment deletes the definition of “parent,” as § 22.1-1 already sets forth this definition for the entire Title.

Patron - Dillard

HB1771 School operations and business managers. Amends the staffing requirements set forth in the Standards of Quality to require the employment of school operations and business managers at the following levels: in elementary schools, one full-time at 900 students; in middle schools, one full-time at 600 students; and in high schools, one full-time at 600 students. The school operations and business manager would be responsible for certain administrative functions at the school, including, but not limited to, facilities, security, personnel, student transportation, food services, purchasing, budget, and finance, and shall perform related duties as required.

Patron - Dillard

HB1780 Virginia Educational Excellence Incentive Reward Program. Repeals the requirement that continua-

tion of the incentive reward program be contingent upon funding for the 2004 or 2005 fiscal year. The 2004 Appropriation Act did not include funding for the initiative for 2004. This measure will remove the funding contingency completely. If funding is not provided for 2005 in the 2005 budget, passage of this measure ensures that the program remains in the Code.

Patron - Ward

HB1870 Statewide assessment program for certain career and technical education courses. Requires the Board of Education to establish, in order to improve the Commonwealth’s skilled workforce, a statewide assessment program for those career and technical education courses that do not lead to industry certification or state licensure, which incorporates existing standards of learning or competencies. Such statewide assessment program may utilize assessment instruments that are already available.

Patron - McDougale

HB1906 Alternative education programs. Amends Standard 1 of the Standards of Quality to require school boards to establish alternative education programs for disruptive, suspended, and expelled students. The bill also requires appropriate state funding to support quality educational programs designed to accommodate the educational and support services needs of such students.

Patron - Baskerville

HB1912 Pledge of Allegiance. Requires the Board of Education, in its guidelines for Pledge recitation in the public schools, to include provisions addressing parental notification for minor students who decline to stand or to recite the Pledge. Technical amendments remove reference to “legal guardian,” as “parent,” pursuant to § 22.1-1, includes guardians and other persons “having control or charge of a child.”

Patron - Cole

HB2075 Standards of Quality; average teacher salary. Requires that the state average teacher salary not be less than the annual national average teacher salary in order to ensure highly qualified instructional staff in the public schools.

Patron - Plum

HB2140 Virginia Wellness-Related Fitness Test. Requires the local school boards of each school division to annually administer the Virginia Wellness-Related Fitness Test that must include an assessment of students’ height and weight. Height and weight must be measured in grades K, 3, 7, and 10 unless students are admitted for the first time to a public kindergarten or elementary school and have been weighed and measured as part of the comprehensive physical examination. The Department of Education must enter into a memorandum of agreement with the Department of Health for the sharing of aggregate information on physical fitness, height, and weight from which personal identifiers have been removed.

Patron - Moran

HB2157 School boards; transfer of vacant property. Amends the current surplus property procedures to require school boards to transfer real property that, for a period of six months, has been vacant or is no longer used for educational purposes, directly to the relevant local governing body. The property is automatically deemed surplus property upon expiration of the six-month period.

Patron - Nutter

HB2171 Codes of student conduct; bullying, harassment, and intimidation. Adds bullying, harassment, and intimidation to the list of behavior that must be addressed in the Board of Education’s model code of student conduct and

in school divisions' required student conduct codes. This bill has been incorporated into HB 2266.

Patron - Johnson

HB2202 Student discipline. Prohibits the imposition of disciplinary actions against students for possession of a bona fide eating utensil or personal grooming device unless the item is brandished or employed as a weapon, or otherwise used to effect or to threaten an act of violence or intimidation against another or against property.

Patron - Marrs

HB2297 Charter school and home schooled students; participation in interscholastic activities. Directs the Virginia High School League (VHSL), i.e., a "nonprofit corporation founded in Virginia in 1913 that currently organizes and governs interscholastic activities among the public high schools," to provide an exception to its rules addressing enrollment and the eligibility of regular, bona fide students for participation in interscholastic activities. The exception must provide eligibility for participation in interscholastic sports by any student receiving home instruction pursuant to § 22.1-254.1 who has been receiving such home instruction for at least one year prior to such eligibility and is entitled to free tuition in such public school pursuant to § 22.1-5, and students enrolled in a charter school that does not sponsor or provide those interscholastic activities or teams in which the student desires to participate. The eligibility will be limited to participation in interscholastic activities at the school serving the attendance zone in which such student lives. Current VHSL rules restrict eligibility to participate in interscholastic activities to a "bona fide student" who is a "full-time student who is in regular attendance and is carrying a schedule of subjects which, if successfully completed, will render him/her scholastically eligible for League participation the ensuing semester" (2004-2005 VHSL Handbook).

Patron - Fralin

HB2299 Defibrillators in public schools. Requires school boards to ensure that each high school in the division be equipped with an automated external defibrillator (AED). In addition, the measure requires schools to ensure that personnel have certification or training in the operation of an automated external defibrillator at specific staffing levels. The measure also sets forth school board immunity for ordinary negligence in acts or omissions resulting from the operation, testing, or maintenance of this device. Current law provides civil immunity for individuals operating an AED, absent "gross negligence or willful or wanton misconduct."

Patron - Fralin

HB2323 Standards of Quality; apportionment of state and local share. Directs the General Assembly, in apportioning the state and local share for the costs of meeting the Standards of Quality, beginning July 1, 2005, in any year in which general fund revenue growth is at least three percent greater than the population and inflation growth combined for the previous year, to increase the state share by three percent of the total costs, so that, by full implementation of this measure, the local share shall not exceed 65 percent and the state share shall be equal to at least 35 percent of the total costs. The measure also includes language citing "equal opportunity to a quality education in all areas of the Commonwealth" and stating that "funding formulas are the best and most equitable way for the Commonwealth to distribute the state's share of costs of educational programs."

Patron - Rust

HB2332 Teacher licensure by reciprocity. Provides for teacher licensure by reciprocity for an individual who has

completed a state-approved teacher training program through a regionally accredited four-year college or university and who has obtained a valid out-of-state license that is in force at the time the application for a Virginia license is made. The individual must establish a file in the Department of Education by submitting a complete application packet, which shall include official student transcripts. No professional teacher's assessment or service requirements shall be imposed for these licensed individuals. Current Board of Education regulations (8 VAC 20-21-90) require a professional teacher's assessment (PRAXIS) for out-of-state applicants who (i) have completed a state-approved teacher training program through a regionally accredited four-year college or university, or (ii) hold a valid out-of-state teaching license in force at the time the license application is made. These persons must also provide student transcripts.

Patron - Athey

HB2357 Computation of composite index. Codifies the current Standards of Quality (SOQ) funding formula and calculation of composite index of local ability-to-pay, and modifies the formula that determines each locality's ability to pay for its share of providing an educational program meeting the prescribed SOQ to (i) incorporate tax values and population estimates for the fiscal year ending one year prior to the fiscal biennium in which the distribution takes place; (ii) provide for a population density adjustment in certain localities; and (iii) incorporate median, rather than average, adjusted gross income. In addition, the respective weights granted to the various wealth indicators are updated to use 1997 figures. This measure reflects certain recommendations included in the Joint Legislative Audit and Review Commission (JLARC) Review on Elementary and Secondary School Funding (February 2002).

Patron - Watts

HB2358 Standards of Quality; pupil-teacher ratios. Provides that local school boards shall assign instructional staff in a manner to establish a maximum class size of 24-to-one in kindergarten and grades one through three. If the average daily membership exceeds 24 students, a full-time teacher's aide must be assigned to the class. The divisionwide ratio shall not exceed 25-to-one in grades four through 12.

Patron - Watts

HB2484 Kindergarten programs. Requires all school divisions to establish full-day kindergarten programs by July 1, 2008. This bill allows parents of children who are required or eligible to attend kindergarten programs to petition the division superintendent in their school division to enroll the child half-day in kindergarten. The division superintendent must grant the petition unless the division superintendent determines that attendance in a full-day kindergarten program would be in the best interest of the child. School division superintendents must also disseminate information to parents concerning their right to petition the division superintendent to enroll the child half-day in kindergarten. The bill also provides that funding for half-day kindergarten programs shall continue as currently constituted until July 1, 2008, the date on which all school divisions must have established full-day kindergarten programs. Other requirements pertaining to kindergarten programs have not been changed. This bill does not become effective unless funds are appropriated for the program by the 2005 Session of the General Assembly.

Patron - Petersen

HB2541 Home instruction. Changes from August 1 to August 15 the date upon which parents must submit evidence of educational progress for their children receiving home

instruction. Current law provides that parents must also file notice of intent to provide home instruction on August 15.

Patron - Jones, S.C.

HB2558 School division purchasing. Directs the Secretary of Education to examine methods of promoting combined or cooperative purchasing arrangements to enhance savings and efficiencies among contiguous school divisions that have fewer than 5,000 students in average daily membership. The Secretary shall report any findings and recommendations by November 30, 2005, to the Governor and the General Assembly.

Patron - Cline

HB2568 Educational benefits for military dependents. Provides that dependents of active duty military personnel residing in the Commonwealth who otherwise satisfy any relevant eligibility, participation, or admissions criteria shall be given priority consideration for placement for such admission, participation, placement, or enrollment in any special academic programs or opportunities offered by the public schools of the Commonwealth, regardless of whether such program (i) is offered by the school in the attendance zone in which the student resides or (ii) has reached maximum enrollment. Also, the Superintendent of Public Instruction shall facilitate the development and implementation of memoranda of agreement between school divisions and military installations that address strategies for assisting students who are the children of active duty military personnel in the transition to the Commonwealth's public schools.

Patron - Baskerville

HB2610 Obesity, and health and physical education in the public schools. Amends §§ 22.1-207, 22.1-207.3, and 22.1-253.13:1 to update and strengthen the requirements for health and physical education instruction in the public schools, and to address the problem of obesity among students through required instruction concerning certain health issues and the health consequences of obesity. This bill requires a comprehensive health and physical education program in grade kindergarten through grade 12, and that the Board of Education prescribe the program in its Standards of Learning for Health and for Physical Education. However, the Board is not required to evaluate student achievement on these objectives in the Standards of Learning assessments. Also, the bill requires that school boards that choose to implement school breakfast programs comply with the National School Lunch Program's regulations governing Dietary Guidelines for Americans, and disseminate information concerning the health consequences of obesity to students, parents, teachers, school administrators, and school nurses. In addition, under the Standards of Quality, school boards are required to emphasize good nutrition and physical fitness and exercise in health and physical education programs in the middle and high school grades, as well as at the elementary level.

Patron - Baskerville

HB2613 Surveys and questionnaires of public school students. Prohibits local school boards from administering questionnaires or surveys to public school students during the regular school day or at school-sponsored activities if such questionnaires or surveys seek disclosure of (i) the parents' political affiliations or beliefs; (ii) the social security numbers of the parents or student, except as may otherwise be required for admission and enrollment; (iii) the sexual behavior and attitudes of the student as well as his family members; or (iv) critical assessments of family members. However, local school boards may administer questionnaires and surveys to students during the regular school day or at school-sponsored activities when the questionnaire or survey (i) is designed to

elicit information that will assist the school division in improving service to students within the division or within a particular school and (ii) does not include information that may personally identify the parent or student. Before administering any questionnaire or survey as permitted by this section, local school boards must make an affirmative finding as to the age-appropriateness of the questionnaire or survey.

Patron - Hugo

HB2685 No Child Left Behind Act; Board of Education to seek waiver. Directs the Board of Education to seek a waiver from compliance with those provisions of the federal No Child Left Behind Act that are duplicative of the Commonwealth's existing educational accountability system as set forth in the Standards of Quality, Standards of Learning, and Standards of Accreditation, or are lacking in cost effectiveness, and that already comply with the spirit and intent of the federal act. This bill has been incorporated into HB 2602.

Patron - Pollard

HB2752 Medically fragile students; special education. Adds medically fragile students to those children with disabilities entitled to special education services in public schools. The Board of Education shall promulgate regulations defining "medically fragile" students to include, at a minimum, those students with a medical condition that (i) has been diagnosed by a licensed physician; (ii) is unstable, pervasive, intermittent, chronic, progressive, or degenerative; and (iii) affects the student's ability to access effectively the general curriculum. The Board shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

Patron - Petersen

HB2761 Student assessments; funding. Provides that no local funds shall be required to support federally-mandated student assessments that are not required by the Standards of Quality or the Standards of Accreditation. Funding for such assessments shall be provided by the Commonwealth through state appropriations or federal or private funds. The Standards of Quality and the Standards of Accreditation currently require Standards of Learning assessments in grades three, five, and eight, and certain end-of-course tests for high school. The federal No Child Left Behind Act (NCLB) directs the states, commencing with academic year 2005-06, to test annually all students in grades three through eight in mathematics and reading. To meet this NCLB federal annual testing requirement, Virginia will add reading and math tests for grades four, six, and seven in the 2005-06 school year. Another NCLB-required (Section 1111 (b) (7)) test is a state-approved English language proficiency assessment for the 2004-2005 school year; Virginia has selected the Stanford English Language Proficiency (SELP) test to meet this requirement.

Patron - Van Landingham

HB2868 School boards; authority to block use of school facilities by certain student groups. Authorizes local school boards to prohibit the use of school facilities by any student club or other student group that encourages or promotes sexual activity by unmarried minor students.

Patron - Weatherholtz

HB2916 Daily recess for elementary school students. Authorizes the Board of Education, as part of its review and revision of the Standards of Accreditation for public schools in Virginia relating to recess in elementary schools, to consult with the Virginia PTA and other interested parties in its deliberations.

Patron - Hull

EHJ561 Waiver from federal No Child Left Behind Act. Requests the Board of Education to seek a waiver from compliance with those provisions of the federal No Child Left Behind Act that are duplicative of Virginia's pre-existing educational accountability system or lacking in cost effectiveness, and that already comply with the spirit and intent of the federal act.

Patron - Reese

EHJ645 Adequate funding in the Executive Budget to attain the national average for teacher salaries by 2010. Encourages the Governor to include adequate funding in the Executive Budget to attain the national average for teacher salaries by 2010, and to communicate the resolution to his successor in order that he may be apprised of the sense of the General Assembly of Virginia in this matter.

Patron - Plum

EHJ708 Congress to amend No Child Left Behind. Memorializes Congress to amend the No Child Left Behind (NCLB) Act immediately to include a mechanism for an automatic waiver from its provisions for school accountability for states, such as Virginia, that have successfully raised student achievement through their own standards and accountability reforms, and that this waiver be available to states so long as they maintain these proven standards and accountability programs.

Patron - Landes

ESB717 Character education; participation in community service. Provides that character education programs in public schools may include opportunities for voluntary participation in community service activities pursuant to guidelines developed by the Board of Education.

Patron - Edwards

ESB731 Teacher qualifications. Allows local school boards, in staffing underfilled or overcrowded classes in secondary schools, to place licensed instructional personnel who do not hold an undergraduate degree in the relevant subject area but are actively enrolled in a program that leads to meeting such degree requirements within three years. "Active enrollment" shall mean earning at least six semester hours of credit per academic year. The Board of Education is to develop procedures, consistent with any federal requirements governing the employment of highly qualified instructional personnel, for implementation by local school boards employing such licensed personnel in underfilled or overcrowded classes in secondary schools. The procedures will establish criteria for determining underfilled or overcrowded classes and require local school boards to regularly report to the Board compliance with active enrollment requirements. The federal No Child Left Behind Act requires schools to employ in the core academic areas "highly qualified" teachers by the end of the 2005-06 academic year. Teachers must be fully licensed; new and current teachers must hold undergraduate degrees and meet various state testing and subject matter competency requirements. In response to these federal requirements, the Virginia Board of Education adopted on February 25, 2004, High Objective Uniform State Standard of Evaluation (HOUSSE) to address the placement of experienced teachers. To be "highly qualified," the experienced teacher has the option of (i) having an academic major or equivalent in the subject area(s) taught; (ii) completing an academic major, graduate degree, or coursework equivalent to an academic major, or advanced certification; or (iii) meeting the HOUSSE requirements, which may include, among other things, completion of three years of successful teaching experience and an academic major or equivalent

in the subject areas the teacher teaches or a minimum of 24 semester hours in the areas taught.

Patron - Puller

ESB747 Childhood obesity. Requires the Board of Education to promulgate, in cooperation with the State Health Department, regulations establishing standards to ameliorate childhood obesity in the public schools. This bill also adds the improvement of school health as one of the criteria to be considered by local schools during the annual evaluation of division superintendents. Further, the bill requires division superintendents to complete instruction concerning the causes and consequences of overweight and obesity by July 1, 2006. The requirement for instruction may be satisfied by attendance at conferences, seminars, or in-service training.

Patron - Edwards

ESB770 Board of Education; annual salary. Institutes annual salaries of \$6,000 for members of the Board of Education and \$9,000 for the Board president, effective July 1, 2006. Members will no longer receive the \$50 per diem currently authorized by § 2.2-2813, but will continue to receive reimbursement for expenses incurred in the performance of duties.

Patron - Bell

ESB880 Compulsory school attendance, truancy and chronic tardiness. Incorporates the concept of chronic tardiness into the reporting, recordkeeping, and enforcement provisions of the compulsory school attendance law and other enforcement provisions relating to the welfare of children, including the law relating to juvenile and domestic courts and the parental responsibility law relating to public education and discipline. This bill requires the Board of Education to promulgate regulations defining "chronically tardy" to identify those children who are in violation of compulsory school attendance by reason of being habitually and without justification absent from school for a significant portion of the day because of routine and substantial late arrival to school.

Patron - Obenshain

ESB892 Dissemination of information regarding meningococcal meningitis. Requires school boards to ensure that all schools in the division include information regarding meningococcal meningitis and related vaccinations in those materials currently required to be distributed at the beginning of each school year to parents. This information is to address (i) the etiology, symptoms, transmission, and prevention of meningococcal meningitis; (ii) additional informational sources; and (iii) entities offering such vaccinations.

Patron - Mims

ESB948 No Child Left Behind; waiver applications. Requires the Board of Education to file an application for a waiver from a specified accountability provision included in No Child Left Behind when requested, by resolution adopted in open meeting by any of the eight superintendents' regions. The superintendents' regions must review the provisions of NCLB and may request the filing of an application for a waiver. This bill has been incorporated into SB 1136.

Patron - Potts

ESB952 Humane treatment of animals. Requires instruction relating to humane treatment of animals, including responsible pet ownership and care, to be taught in the character education program in public schools.

Patron - Potts

ESB958 Standards of Quality; speech-language pathologists. Requires local school boards to employ speech-

language pathologists in a manner to provide a ratio of one full-time speech-language pathologist for every 60 students. The bill also requires that these positions be supported through state funding.

Patron - Potts

SB964 Substitute teachers. Defines a long-term substitute as a teacher who is employed in the same position for more than 20 days. Current Board of Education regulations provide that substitute teachers “[b]e a minimum of 18 years of age (21 years of age preferred); [p]ossess good moral character; [h]ave earned a high school diploma or General Education Diploma (GED); and attend an orientation to school policies and procedures conducted by the local school division” (8 VAC 20-640-10). Currently, Virginia school divisions typically define “long-term substitute” in employment policy. The federal No Child Left Behind (NCLB) Act directs states to ensure that, by the end of 2005-06, teachers in the core academic areas are “highly qualified.” Ensuring accountability for highly qualified instructional personnel is a required annual “report card” from each state, detailing teacher qualifications and the percentage of classes not served by “highly qualified” teachers. Pursuant to Title I, Part A, of the Act, schools must give each parent timely notice when their child has been assigned, or has been taught for four or more consecutive weeks, by a teacher who is not highly qualified (Section 1111(h)(6)(B)(ii)). According to the U.S. Department of Education (No Child Left Behind: A Toolkit for Teachers (updated 2004)), while “short-term substitute teachers do not need to meet the highly qualified teacher requirements under No Child Left Behind, it is strongly recommended that a long-term substitute teacher meet the requirements for a highly qualified teacher as defined in the law. In addition, as states and districts establish a definition for “long-term substitute,” they should bear in mind that the law requires parent notification if a student has received instruction for four or more consecutive weeks by a teacher who is not highly qualified.”

Patron - O'Brien

SB1214 Early childhood education. Requires, on and after July 1, 2010, all school divisions to provide early childhood education programs for four-year-olds and five-year-olds who are not eligible to attend kindergarten or at-risk early childhood education programs and whose parents voluntarily wish to enroll them in such programs. These mandated early childhood education programs must be coordinated with the current at-risk early childhood programs, consistent with the Department’s guidelines for early childhood education, and meet the standards established by the Board of Education. The Board of Education is required to promulgate regulations to implement the orderly phase-in of the required programs with the current voluntary programs for at-risk four-year-olds and at-risk five-year-olds who are not eligible to attend kindergarten. An enactment clause provides that the implementation and funding of the required public school early childhood education programs will be as set forth in the appropriation act. The grants for the at-risk programs may continue to be funded in public schools or other local agencies; however, the Standards of Quality funding of early childhood education will only be provided to public schools.

Patron - Edwards

SB1250 Medically fragile students; special education. Adds medically fragile students to those children with disabilities entitled to special education services in public schools. The Board of Education shall promulgate regulations defining “medically fragile” students to include, at a minimum, those students with a medical condition that (i) has been diagnosed by a licensed physician; (ii) is unstable, pervasive, intermittent, chronic, progressive, or degenerative; and (iii) affects

the student’s ability to access effectively the general curriculum. The Board shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

Patron - O'Brien

SB1285 Teacher quality; evaluation and compensation. Establishes, as a goal of the Commonwealth, that the average salary for Virginia public school teachers equal or surpass the national average salary for public school teachers, and the Commonwealth’s national ranking for such salaries. The bill also requires the evaluation of each teacher with continuing contract status at least once every three years. Such teachers who have an unsatisfactory evaluation must be evaluated the following year. Evaluations must be maintained in the employee’s personnel file and copies of the evaluations must be made available to the Board of Education upon the request of the Board. Further, the Board of Education must establish guidelines for the evaluation of instructional personnel and for the review by the division superintendent or his designee of an unsatisfactory evaluation. Under current law, probationary teachers are to be evaluated annually (§ 22.1-303). The Code also directs the Board of Education to develop criteria for use by division superintendents and principals for the evaluation of instructional personnel; these criteria can be found in the Board’s “Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Administrators, and Superintendents.”

Patron - Whipple

SB1290 Compulsory school attendance. Provides that, unless a waiver applies, all children who will have reached their fifth birthday on or before July 31 of any school year and who have not passed their eighteenth birthday shall be enrolled in a public or private school or receive home instruction. Currently, compulsory school attendance is required for children who will have reached their fifth birthday on or before September 30 of any school year.

Patron - Hanger

SB1318 Education; time release programs. Directs the local school boards to issue guidelines for time release programs in grades K-5 on a school-by-school basis. However, no time release program may be authorized unless two-thirds of the parents of children enrolled at a school vote in support of creating such program. The bill further prohibits the discontinuance of a time release program unless a majority of the parents of enrolled children vote in support of the discontinuance and provides for initiation of a vote to create or discontinue a time release program by petition.

Patron - Hanger

SJ437 Memorializing Congress; No Child Left Behind Act. Urges Congress to amend the No Child Left Behind (NCLB) Act immediately to include a mechanism for an automatic waiver from its provisions for school accountability for states, such as Virginia, that have successfully raised student achievement through their own standards and accountability reforms, and that this waiver be made available to states so long as they maintain these proven standards and accountability programs. The resolution also requests that any further action anticipated to enforce the Act be deferred until full funding to implement the law has been authorized.

Patron - Hanger

Educational Institutions

Passed

HB1682 Virginia War Orphans Education Act. Adds the children of parents who are killed or disabled as a result of service in military operations against terrorism, a peace-keeping mission, or a terrorist act subsequent to December 6, 1941, to the list of children eligible to attend public institutions of higher education or other public accredited postsecondary institutions granting a certificate, diploma, or degree, free of tuition, room and board, and required fees. Clarifies that the children of members of the United States Armed Services Reserves and the Virginia National Guard Reserve called to active military duty and who are killed in action or are totally and permanently disabled are also eligible for such benefits. This bill also makes the benefits consistent between eligible children of members of the military and eligible children and spouses of persons who are killed in the line of duty while employed or serving as law-enforcement officers, firefighters, correctional officers, local and regional jail farm superintendents, sheriffs, deputy sheriffs, or in emergency medical services. Further, this bill provides technical amendments to clarify for whom tuition and required fees are waived. This bill is identical to SB 1288.

Patron - Janis

HB1719 Certification of postsecondary schools. Clarifies the role of the State Council of Higher Education (SCHEV) in the certification of postsecondary schools (degree-granting schools other than public institutions of higher education and noncollege degree schools). Previously, SCHEV approved programs of study; this measure provides for the certification of schools rather than program approval. This certification authority does not address professional or training programs subject to a Virginia health regulatory board or other state or federal governmental agency.

Patron - Tata

HB1726 Higher education; textbook sales and bookstores. Prohibits employees at Virginia public institutions of higher education from demanding or receiving any payment, loan, subscription, advance, deposit of money, services or anything, present or promised, as an inducement for requiring students to purchase a specific textbook required for coursework or instruction. An exception allows the employee to receive (i) sample copies, instructor's copies, or instructional material, not to be sold; and (ii) royalties or other compensation from sales of textbooks that include such instructor's own writing or work. The measure also requires the governing boards to implement procedures for making available to students in a central location and in a standard format on the relevant institutional website listings of textbooks required or assigned for particular courses at the institution. Finally, institutions maintaining a bookstore supported by auxiliary services or operated by a private contractor must post the listing of such textbooks when the relevant instructor or academic department identifies the required textbooks for order and subsequent student purchase.

Patron - Oder

HB1816 Annual reporting of the use of student activity fees. Requires each public two- and four-year institution of higher education in the Commonwealth to publish annually a descriptive report detailing the (i) amount and distribution of student activity fees assessed each semester or during an academic year; and (ii) the name of each organization,

including the nature of the organization's activity, that receives funding of \$100 or more from student activity fees. The bill also requires institutions to post the annual report on its website to facilitate access and availability of the report to students enrolled at the institution and their parents.

Patron - Marshall, R.G.

HB2071 Southern Virginia Higher Education Center. Continues the Southern Virginia Higher Education Center, previously established as an off-campus center of Longwood University, as an educational institution charged to, among other things, encourage the expansion of higher education, including adult and continuing education, associate, undergraduate, and graduate degree programs and foster partnerships between the public and private sectors to enhance higher education in the region. The Center is governed by a 15-member Board of Trustees, consisting of the Director of the State Council of Higher Education for Virginia or his designee; the Chancellor of the Virginia Community College System or his designee; the presidents or chancellors, as appropriate, or their designees of Longwood University, Danville Community College, and Southside Virginia Community College; the division superintendent of Halifax County Public Schools; three legislators; and six gubernatorially-appointed nonlegislative citizen members. The Board is authorized to establish agreements with public and private institutions of higher education to provide associate, undergraduate, and graduate level instructional programs at the Center. Currently, the Center is located in South Boston and is governed by the Southern Virginia Higher Education Consortium, which includes Longwood University, Southside Virginia Community College, and Danville Community College. This bill is identical to SB 1293.

Patron - Hogan

HB2337 Articulation agreements. Requires the governing board of each four-year public institution of higher education, beginning with academic year 2006-2007, to develop additional articulation and transfer agreements with uniform application to all institutions within the Virginia Community College System that (i) meet appropriate general education and program requirements at the four-year institutions; and (ii) provide additional opportunities for associate degree graduates to be admitted and enrolled. The State Council of Higher Education, consistent with its responsibility to facilitate the development of articulation agreements, must develop guidelines for such agreements. Current law requires the State Council to develop a State Transfer Module designating those general education courses that are offered within various associate degree programs at the public two-year institutions that are transferable for credit or admission with standing as a junior (third year) to the public four-year institutions.

Patron - Athey

HB2422 Southwest Virginia Higher Education Center. Increases from five to seven the citizen members of the Southwest Virginia Higher Education Center, (thereby increasing the board membership from 21 to 23) and specifies that the citizen members shall include two business and industry leaders, and three individuals, one each representing the technology, tourism, and health care industries, respectively. Current law requires that a public school teacher or a division superintendent be included among the citizen members.

Patron - Johnson

HB2866 Restructured Higher Education Financial and Administrative Operations Act. Sets forth enabling legislation for the restructuring of public institutions of higher education (institutions) that will extend, upon the satisfaction of various conditions, autonomy, which includes but is not limited to, capital building projects, procurement and personnel,

while providing oversight mechanisms and establishing certain expectations. Under the bill, three levels of autonomy will be available to all public institutions of higher education with the level of autonomy depending on each institution's financial strength and ability to manage day-to-day operations. The bill also requires such institutions to develop six-year academic, financial and enrollment plans that outline tuition and fee estimates as well as enrollment projections, to develop detailed plans for meeting statewide objectives, and to accept a number of accountability measures, including meeting benchmarks related to accessibility and affordability. The bill further requires the Governor to establish an independent advisory board to develop and recommend administrative management standards for institutions. The Governor is required to submit his recommendations for the third level of autonomy as part the budget bill or amendments to the budget bill for review and approval by the General Assembly. This bill incorporates HB 2034.

Patron - Callahan

SB712 Higher education; vaccination for hepatitis B. Provides that full-time students enrolled for the first time in any four-year public institution of higher education shall be vaccinated against hepatitis B unless the student signs a waiver that he has received and reviewed information on hepatitis B and the availability and effectiveness of being vaccinated.

Patron - Potts

SB1288 Virginia War Orphans Education Act. Adds the children of parents who are killed or disabled as a result of service in military operations against terrorism, a peace-keeping mission, or a terrorist act subsequent to December 6, 1941, to the list of children eligible to attend public institutions of higher education or other public accredited postsecondary institutions granting a certificate, diploma, or degree, free of tuition, room and board, and required fees. Clarifies that the children of members of the United States Armed Services Reserves and the Virginia National Guard Reserve called to active military duty and who are killed in action or are totally and permanently disabled are also eligible for such benefits. This bill also makes the benefits consistent between eligible children of members of the military and eligible children and spouses of persons who are killed in the line of duty while employed or serving as law-enforcement officers, firefighters, correctional officers, local and regional jail farm superintendents, sheriffs, deputy sheriffs, or in emergency medical services. Further, this bill provides technical amendments to clarify for whom tuition and required fees are waived. This bill is identical to HB 1682.

Patron - Stosch

SB1293 Southern Virginia Higher Education Center. Continues the Southern Virginia Higher Education Center, previously established through a number of regional higher education institutions, as an educational institution charged to, among other things, encourage the expansion of higher education, including adult and continuing education, associate, undergraduate, and graduate degree programs in the Southside region of the Commonwealth and foster partnerships between the public and private sectors to enhance higher education in the region. The Center is governed by a 15-member Board of Trustees, consisting of the Director of the State Council of Higher Education for Virginia or his designee; the Chancellor of the Virginia Community College System or his designee; the presidents or chancellors, as appropriate, or their designees of Longwood University, Danville Community College, and Southside Virginia Community College; the division superintendent of Halifax County public schools; two members of the House of Delegates to be appointed by the Speaker of the House of Delegates; one member of the Senate to be

appointed by the Senate Committee on Rules; and six nonlegislative citizen members to be appointed by the Governor, including the chairman and two other members of the Halifax Education Foundation, and three representatives of business and industry. The Board is authorized to establish agreements with public and private institutions of higher education to provide associate, undergraduate, and graduate level instructional programs at the Center. Currently, the Center is located in South Boston and is governed by the Southern Virginia Higher Education Consortium, which includes Longwood University, Southside Virginia Community College, and Danville Community College. This bill is identical to HB 2071.

Patron - Ruff

SB1310 College of William and Mary; rector. Extends the term of the current rector of the College of William and Mary for one year, to June 30, 2006. The measure also authorizes the expansion of the 17-member board to 18 members from July 1, 2005, to June 30, 2006. Finally, the measure deletes obsolete language.

Patron - Norment

SB1327 Restructured Higher Education Financial and Administrative Operations Act. Sets forth enabling legislation for the restructuring of public institutions of higher education (institutions) that will extend, upon the satisfaction of various conditions, autonomy, which includes but is not limited to, capital building projects, procurement and personnel, while providing oversight mechanisms and establishing certain expectations. Under the bill, three levels of autonomy will be available to all public institutions of higher education with the level of autonomy depending on each institution's financial strength and ability to manage day-to-day operations. The bill also requires such institutions to develop six-year academic, financial and enrollment plans that outline tuition and fee estimates as well as enrollment projections, to develop detailed plans for meeting statewide objectives, and to accept a number of accountability measures, including meeting benchmarks related to accessibility and affordability. The bill further requires the Governor to establish an independent advisory board to develop and recommend administrative management standards for institutions. The Governor is required to submit his recommendations for the third level of autonomy as part the budget bill or amendments to the budget bill for review and approval by the General Assembly. This bill incorporates SB 1314.

Patron - Norment

Failed

HB1598 In-state tuition; legal alien students. Grants in-state tuition to a student holding a valid student or other temporary visa if the student's parent is a legal alien holding a valid permanent or temporary visa who has, for at least one year immediately prior to the date of alleged entitlement for in-state tuition charges, resided in Virginia, been employed full-time and paid individual income taxes to Virginia. Such student shall be eligible for in-state tuition charges only if the alien parent claims him as a dependent for income tax purposes, as evidenced by claiming him as a dependent on an individual or joint return. However, such student does not have the capacity to intend to remain in Virginia indefinitely and, therefore, shall be ineligible for Virginia domicile required for any other benefits conferred in Title 23. Current law provides that an alien holding an immigration visa or classified as a political refugee may establish eligibility for in-state tuition in the same manner as any other student, but also states that, absent congressional intent to the contrary, any person holding a student or other temporary visa shall not have the

capacity to intend to remain in Virginia indefinitely and, therefore, shall be ineligible for Virginia domicile and for in-state tuition charges.

Patron - Callahan

HB1659 Higher education; hiring and admission of military personnel. Requires Virginia's public institutions of higher education to include veterans of the U.S. Armed Forces who were honorably discharged or who are currently members in good standing in the active or inactive Reserves or National Guard as a duly recognized group in any affirmative action plan for (i) hiring as faculty or nonfaculty or (ii) admission as students. The measure also requires institutions to file annual reports on hiring and admission of veterans and military personnel.

Patron - Lingamfelter

HB1813 Emergency postcoital contraception. Provides that public two- and four-year institutions of higher education are not immune from civil liability resulting from injury sustained from exposure to emergency postcoital contraception, commonly referred to as "morning after pills," prescribed or dispensed by the medical or nursing staff employed or contracted by the institution to provide student health care services.

Patron - Marshall, R.G.

HB2034 Higher Education Reform Act of 2005. Requires public institutions of higher education (institutions) to develop six-year academic, financial and enrollment plans that outline tuition and fee estimates as well as enrollment projections. Such plans will be submitted to the State Council of Higher Education, the Governor, and the Chairs of the House Committee on Appropriations and the Senate Committee on Finance. In addition, the bill requires the Governor to establish an independent advisory board to develop and recommend administrative management standards for institutions. Among other things, the bill provides institutions that have formally committed to meet certain objective measures of performance with more flexibility in (i) disposing of real and personal property, (ii) conveying and acquiring easements and leases, (iii) identifying vendors who are minority business enterprises, (iv) designating classification of administrative and faculty positions, and (v) supervising construction projects and inspecting for compliance with the Uniform Statewide Building Code. This bill has been incorporated into HB 2866.

Patron - Hamilton

HB2091 Admissions policies. Requires the board of visitors or other governing body of each public institution of higher education in Virginia to establish admissions policies that prohibit discrimination on the basis of the geographical region of the Commonwealth where the applicant resides.

Patron - Hugo

HB2122 In-state tuition; applicants for asylum or refugee status. Grants in-state tuition to any person who has applied with the federal Immigration and Naturalization Service for admission or classification as a refugee or asylum status, as the case may be, on the basis of fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion shall be entitled to in-state tuition charges (i) if the student has, for at least one year immediately prior to the date of alleged entitlement for in-state tuition charges, resided in Virginia, and if the parent of such student has, for at least one year immediately prior to the date of alleged entitlement for in-state tuition charges, resided in Virginia, been employed full-time, and paid individual income taxes to Virginia; or (ii) in the case of a student who is an emancipated minor has, for at least one year immediately prior

to the date of alleged entitlement for in-state tuition charges, resided in Virginia, been employed on a full- or part-time basis, and paid individual income taxes to Virginia. Current law provides that an alien holding an immigration visa or classified as a political refugee may establish eligibility for in-state tuition in the same manner as any other student. The State Council of Higher Education is to issue and revise guidelines for determinations of eligibility for in-state tuition.

Patron - Eisenberg

HB2146 Community College Success Program and Fund. Creates, from such funds as may be appropriated for such purpose and from such gifts, donations, grants, bequests, and other funds as may be received on its behalf, the Community College Success Program, to be administered by the State Board for Community Colleges. The Program consists of noncompetitive grants to community colleges to implement programs designed to (i) improve student academic achievement through tutoring and other services, (ii) decrease the rate of dropout among community college students, and (iii) increase the number of such students obtaining associate degrees, diplomas, and certificates.

Patron - Amundson

HB2188 Virginia Vocational Incentive Scholarship Program for Shipyard Workers Fund. Provides that the General Assembly shall make an annual appropriation to the Fund for scholarships for shipyard workers enrolled in a three-year program of educational instruction at Tidewater Community College that incorporates instruction in industrial applied sciences. The annual appropriation shall equal \$150,000; provided, however, that the annual appropriation when added to the beginning balance of the Fund on July 1 of the fiscal year shall not exceed \$200,000. This bill includes technical amendments.

Patron - Wardrup

HB2222 Student Financial Security Program. Creates the Student Financial Security Program and Fund to provide supplemental funding for need-based, state-funded financial aid at two- and four-year public institutions of higher education in the Commonwealth. The funding is designed to ensure that resources for student financial aid programs based in whole or in part on need are available to offset tuition increases at the various public institutions. Among the Commonwealth's state-funded, need-based student aid initiatives are the Virginia Guaranteed Assistance Program (§ 23-38.53:4 et seq.), the College Scholarship Assistance program (§ 23-38.45 et seq.), and student loan programs (§ 23-38.10:2 et seq.).

Patron - Rust

HB2227 Higher education; Office of Learning Technology. Creates the Office of Learning Technology within the State Council of Higher Education to facilitate and coordinate the voluntary participation of public and private institutions of higher education in the Commonwealth that are accredited by the Southern Association of Colleges and Schools in technology-enriched learning initiatives. The Office is empowered to (i) establish and administer agreements with public and private institutions of higher education in the Commonwealth and other entities to conduct studies examining the need for technology-enriched learning initiatives, including distance and distributed learning initiatives, for currently served populations and underserved constituencies; (ii) enhance student access to technology-enriched educational programs and opportunities; (iii) reduce unnecessary duplication in technology-enriched learning initiatives; (iv) assist in the development of standards for improving access to, training

for, and efficiency in such learning initiatives; and (v) enter into contracts for related program development.

Patron - Rust

HB2324 Virginia Educational Ventures Consortium. Creates the Virginia Educational Ventures Consortium to facilitate the development of innovative and cost-effective distance learning instructional initiatives that address underserved constituencies. Comprised of participating public and private institutions of higher education in the Commonwealth, the Consortium is to (i) establish and administer agreements with public and private institutions of higher education and other entities to conduct studies examining the need for distance learning initiatives and to develop and execute, on a continuing basis, strategies to address such distance learning needs of underserved constituencies and (ii) enter into contracts for distance learning program development. This measure expires on July 1, 2010.

Patron - Rust

HB2483 Commonwealth Scholars Program. Creates the Commonwealth Scholars Program, consisting of scholarships awarded to Virginia public high school graduates finishing in the top five percent of their respective classes, passing the required Standards of Learning assessments, and enrolled as full-time undergraduate students in any accredited, degree-granting public institution of higher education in Virginia. Scholarships shall support the full cost of tuition for one year only and may not be applied to fees, room, board, or other educational expenses. Should available funds be insufficient to provide full tuition, the State Council of Higher Education will determine the amounts of scholarship awards.

Patron - Petersen

HB2567 In-state tuition for certain military personnel and dependents. Provides that all military personnel on active duty for more than 30 days, both regular and reserves, who are domiciled in Virginia or are assigned to a permanent duty station in Virginia and their dependents living in Virginia, who are not otherwise eligible for in-state tuition, shall be entitled to in-state tuition for as long as they are continuously enrolled.

Patron - Baskerville

HB2780 Tuition; restricted annual increase. Provides that the governing body of each public institution of higher education shall set tuition and fee charges at levels they deem to be appropriate for all resident student groups based on, but not limited to, competitive market rates. However, annual tuition increases cannot exceed the rate of inflation except in limited circumstances.

Patron - Alexander

HB2867 College applications; citizenship information. Requires the governing board of each public institution of higher education to ensure that any solicitations of information regarding visa or citizenship status contained in the application for admission seek only that information necessary to satisfy any informational or reporting requirements imposed by state or federal law.

Patron - Sickles

HB2910 Prohibiting admission of illegal aliens to public institutions of higher education. Provides that persons who are unlawfully present in the country may not be admitted to any public institution of higher education in Virginia.

Patron - Gear

HJ619 Academic programs in critical shortage areas. Requests the State Council of Higher Education to coordinate with the public institutions of higher education regarding the discontinuance of academic programs to ensure the maintenance of degree programs that address high demand or critical shortage areas.

dinate with the public institutions of higher education regarding the discontinuance of academic programs to ensure the maintenance of degree programs that address high demand or critical shortage areas.

Patron - Orrock

SB757 Student Financial Security Program. Creates the Student Financial Security Program and Fund to provide state-funded need-based financial aid at two- and four-year public institutions of higher education in the Commonwealth. The funding is designed to ensure that resources for student financial aid programs, based in whole or in part on need, are available to offset tuition increases at the various public institutions. Funds for the Program shall be included in each institution's appropriation for undergraduate student financial assistance.

Patron - Houck

SB931 Higher education endowment funds; supplementing salaries. Clarifies that public institutions of higher education may use endowment funds to supplement faculty salaries and benefits. Current law provides that the Commonwealth cannot consider the availability of private endowment moneys when determining its fiscal support for public colleges and universities. Pursuant to various institutions' statutes, the governing boards are typically empowered to employ "all teachers, and fix their salaries..."

Patron - O'Brien

SB1053 Public institutions of higher education; intellectual property policies. Establishes the circumstances pursuant to which public institutions of higher education are required or authorized to transfer or assign intellectual property that is developed through externally-sponsored research to the sponsor of the research.

Patron - Wagner

SB1066 Reduction in undergraduate tuition and fees. Directs the governing body of each public institution of higher education to reduce the tuition and mandatory educational and general fees in effect on June 30, 2005, for in-state undergraduate students by 20 percent for the year beginning July 1, 2005, and ending June 30, 2006. Following such reduction, the Governor shall include, in each budget submitted to the General Assembly, sufficient funds to reimburse each public institution of higher education for such tuition and mandatory fees reduced pursuant to this section.

Patron - Edwards

SB1125 Higher education; annual audits. Removes responsibility for annual audits of institutions of higher education from the Auditor of Public Accounts and directs the respective governing boards to retain licensed independent certified public accountants for these audits. Currently, the Auditor is responsible for annual audits of all state entities, "handling any state funds" and reports a summary of these audits each year when the Governor presents the proposed executive budget to the legislature.

Patron - Obenshain

SB1251 Higher education; hiring and admission of military personnel. Requires Virginia's public institutions of higher education to include veterans of the U.S. Armed Forces who were honorably discharged or who are currently members in good standing in the active or inactive Reserves or National Guard as a duly recognized group in any affirmative action plan for (i) hiring as faculty or nonfaculty or (ii) admission as students. The bill also requires institutions to file

annual reports on hiring and admission of veterans and military personnel.

Patron - O'Brien

SB1257 Tuition; restricted annual increase. Provides that the governing body of each public institution of higher education shall set tuition and fee charges at levels they deem to be appropriate for all resident student groups based on, but not limited to, competitive market rates. However, annual tuition increases cannot exceed the rate of inflation except in limited circumstances.

Patron - Houck

SB1262 Higher education; Office of Learning Technology. Creates the Office of Learning Technology within the State Council of Higher Education to facilitate and coordinate the voluntary participation of public and private institutions of higher education in the Commonwealth that are accredited by the Southern Association of Colleges and Schools in technology-enriched learning initiatives. The Office is charged with establishing and administering agreements with nonprofit public and private institutions of higher education in the Commonwealth and other entities for the identification of unmet needs for technology-enriched educational programs and opportunities and the development and delivery of technology-enriched initiatives, including distance and distributed learning initiatives, for currently served populations and underserved constituencies. In addition, the Office must (i) review technology-enriched learning initiatives and make recommendations to the Council regarding unnecessary duplication in such initiatives; (ii) assist in the development of standards for improving access to, training for, and efficiency in such learning initiatives; and (iii) enter into contracts for related program development. This bill is identical to HB 2227.

Patron - Potts

SB1314 Public institutions of higher education. Directs governing boards of the public institutions of higher education to adopt biennially six-year plans addressing the academic, financial, and enrollment plans and various objectives for the relevant institution. The State Council of Higher Education (SCHEV) will annually review and assess the six-year plans, identify any disparities between the institutional plans and statewide needs and objectives, and make recommendations for the revision of such plans for consideration by the respective public institutions, the Governor, and the General Assembly. The bill requires SCHEV to develop objective measures of institutional performance and institutional performance benchmarks for these measures for consideration by the Governor and the General Assembly. Based on the objective measures and benchmarks ultimately set forth in the budget, SCHEV is to annually assess the degree to which the individual public institutions have met the institutional performance benchmarks and is to provide, no later than June 1 of each year, a certified written report of the assessment results to the Governor and the respective chairmen of the House Committees on Education and Appropriations and the Senate Committees on Finance and Education and Health. Beginning with the 2006-2007 fiscal year, those institutions that have met the institutional performance benchmarks shall be entitled to various fiscal benefits. Authorizes public institutions of higher education (institutions) to (i) contract for specific construction projects without the review and approval of the Bureau of Capital Outlay Management, subject to various procurement and building code requirements; (ii) convey and grant easements and enter into leases without the prior approval of the Department of General Services; (iii) use internal staff or the local building official for compliance with the Uniform Statewide Building Code; (iv) exempts an institution's sole source procurements using certain vendors from the transaction fee charged by the

Department of General Services' web-based electronic procurement program; and (v) authorizes institutions to establish separate purchasing and travel credit card arrangements and to dispose of surplus property subject to certain restrictions. This bill has been incorporated into SB 1327.

Patron - Chichester

Elections

Passed

HB1608 Requirements for political campaign advertisements. Allows for minor variations in the text of the disclosure legend or statement that must appear on the advertisements. The bill provides that textual variations will not be a violation of the basic ad requirements and radio and television ad requirements so long as the "contents of the disclosure legend or statement convey the required information."

Patron - Cole

HB1647 Elections; sample ballots. Provides that official sample ballots shall be printed on white or yellow paper and that unofficial sample ballots must be printed on a different color paper.

Patron - Orrock

HB1664 Campaign Finance Disclosure Act; penalties and enforcement. Increases penalties for violations of Act and requires the State Board of Elections, or an appropriate local elections official, to report violations to the attorney for the Commonwealth within 90 days of the report deadline.

Patron - Lingamfelter

HB1808 Elections; pollbooks. Requires the State Board of Elections to provide instructions for the division of pollbooks and voter lists into sections for the efficient processing of voter lines at the polls.

Patron - Marshall, R.G.

HB1840 Officers of elections; employment protections; penalty. Provides employment protections to officers of election similar to those enjoyed by jurors. The bill also provides that an officer who serves for more than four hours as an officer shall not be required to start any work shift beginning after 5:00 p.m. on his day of service or before 3:00 a.m. on the following day. A violation by an employer is punishable as a Class 3 misdemeanor.

Patron - Parrish

HB1847 Elections; training for electoral boards and registrars. Requires at least one member of the electoral board and the general registrar or a staff member designated by him to attend annual training programs provided by the State Board of Elections. The bill also provides that the expenses for electoral board attendance at training sessions will be considered part of the expense plan for electoral boards.

Patron - Brink

HB1941 Elections; campaign finance; definitions; reports. Defines "candidate" for campaign finance purposes to include persons raising or spending campaign funds to seek office. Also requires that local candidates who raise and spend minimal campaign funds and gain an exemption from reporting requirements file a final report before taking office.

Patron - O'Bannon

HB2101 Elections; procedures at polling places. Requires a voter to remain in the polling place in the presence of the officers of election from the time that his name is marked on the pollbook as being present to vote and until he has cast his vote. This bill is identical to SB 990.

Patron - Hugo

HB2376 Elections; officers of elections; oaths. Gives the local electoral board discretion to appoint officers of election for a term not to exceed three years. Authorizes members of the electoral board and registrars to administer the oath of office to officers of election. This bill is identical to HB 2648.

Patron - Rapp

HB2383 Defense of electoral board members and general registrar staff; costs. Requires the Division of Risk Management to select counsel and the Commonwealth to pay the costs and legal fees associated with the defense of electoral board members and general registrar's staff in any legal or equitable action. Under current law, such costs and fees are not supported in actions that do not seek monetary damages. This bill is identical to SB 898.

Patron - Barlow

HB2412 Voter registration applications; destruction of, or failure to mail or deliver, applications; instructions; other offenses; penalty. Requires the State Board of Elections, local electoral board, and general registrar to provide notice of the penalty (a Class 1 misdemeanor) for destruction of, or failure to mail or deliver, signed voter registration applications in any instructions given for voter registration drives or with distributions of multiple voter registration applications. The bill also makes it a Class 5 felony to solicit multiple registrations from one person or to falsify a registration application. This bill is identical to SB 923.

Patron - Brink

HB2415 Elections; provisional ballots; ascertaining results of election. Requires an officer of election to give a voter who has cast a provisional ballot written notice of the meeting of the electoral board at which provisional ballots will be reviewed and denied or voted. The bill provides for possible extensions of the electoral board meeting to allow a voter to provide proof of his right to vote.

Patron - Brink

HB2539 Campaign finance reports by PACs and committees; penalties. Provides for the quarterly filing of reports by PACs and committees in lieu of the present series of required reports and requires prompt reporting of single contributions of more than \$10,000. This bill contains an emergency clause.

Patron - Jones, S.C.

HB2540 Campaign finance; special elections filings. Provides that candidates, who run in a special election for public office and who have not filed a final report closing their past campaign, are required to file reports on an election year schedule in succeeding election years for the same office. A similar bill was passed in 2004 that applied to general, but not special, elections.

Patron - Jones, S.C.

HB2853 House of Delegates districts; composition. Adjusts the House of Delegates line between the Thirtieth and Fifty-eighth Districts through Orange County in order to eliminate two split precincts. The adjustment leaves the population

deviations of the districts at -2.1 percent and -1.2 percent, respectively.

Patron - Scott, E.T.

HB2930 Voting equipment security; Freedom of Information Act provisions. Provides limited exemptions from certain Freedom of Information Act requirements for documents and meetings of the State Board of Elections and local electoral boards pertaining to the security of ballots and voting equipment and related security risk assessment procedures.

Patron - Hugo

HB2934 Assistance for certain voters at polls. Requires that the person assisting a blind person to vote sign the request just as is currently required of a person assisting any other voter who requests assistance by reason of physical disability or inability to read or write. A person assisting a blind voter currently must provide his name and address but is not actually required to sign the statement.

Patron - Rapp

HJ667 Campaign Finance Disclosure Act. Encourages the State Board of Elections to review the Campaign Finance Disclosure Act to determine the need for clarification and reorganization of the law.

Patron - Albo

SB898 Defense of electoral board members and general registrar staff; costs. Requires the Division of Risk Management to select counsel and the Commonwealth to pay the costs and legal fees associated with the defense of electoral board members and general registrar's staff in any legal or equitable action. Under current law, such costs and fees are not supported in actions that do not seek monetary damages. This bill is identical to HB 2383.

Patron - Norment

SB923 Voter registration applications; destruction of, or failure to mail or deliver applications; instructions; other offenses; penalty. Requires the State Board of Elections, local electoral board, and general registrar to provide notice of the penalty (a Class 1 misdemeanor) for destruction of, or failure to mail or deliver, signed voter registration applications in any instructions given for voter registration drives or with distributions of multiple voter registration applications. The bill also makes it a Class 5 felony to solicit multiple registrations from one person or to falsify a registration application. This bill is identical to HB 2412.

Patron - Blevins

SB928 Elections; polling place requirements. Authorizes local governments, local electoral boards, and the State Board of Elections to make monetary grants to non-governmental entities for the purpose of providing accessible polling places.

Patron - Puller

SB990 Elections; procedures at polling places. Requires a voter to remain in the polling place in the presence of the officers of election from the time that his name is marked on the pollbook as being present to vote and until he has cast his vote. This bill is identical to HB 2101.

Patron - Devolites Davis

SB996 Campaign Finance Disclosure Act; referendum committees; civil penalty. Provides that a referendum committee that continues in existence more than six months after the referendum is held may either file a final report or continue as a political committee subject to the filing require-

ments for political committees. There is a civil penalty of \$500 for the failure to file or late filing of an appropriate statement of organization.

Patron - Devolites Davis

SB1003 Elections; primary candidate filing fees. Provides for payment of fees by candidates for statewide offices to the State Board of Elections rather than to the Treasurer of the Commonwealth. The fees are to be used in paying the Commonwealth's expenses for the primary.

Patron - Devolites Davis

SB1080 Campaign finance; reports of large contributions to governing body members. Requires the reporting of any single contribution of \$500 or more made to a governing body member in a non-election year to be filed with the local electoral board by the end of the fifteenth business day, rather than the fifth business day, after receipt, and eliminates provisions on aggregating contributions.

Patron - Ticer

Failed

HB1507 Redistricting process. Provides a new method for the preparation of state legislative and congressional redistricting plans; spells out standards for developing plans; precludes consideration of incumbency and political data in developing plans; assigns responsibility to the Division of Legislative Services to prepare plans for submission to the General Assembly; and establishes a temporary redistricting advisory commission to advise the Division, disseminate information on plans, and hold hearings for public reaction to plans. This bill is patterned after the Iowa redistricting process.

Patron - Shuler

HB1509 Elections; activities at polling places. Authorizes the electoral board and the person in charge of the facility where a polling place is located to approve a sale of refreshments by a nonprofit, nonpartisan group within the 40-foot prohibited area at the polling place. The sales must be conducted by persons too young to vote.

Patron - Marshall, R.G.

HB1549 Electronic voting systems. Requires that direct electronic voting devices be equipped to provide voter-verified paper ballots by January 1, 2007, and that the State Board of Elections begin a testing program for direct electronic voting devices and accompanying voter-verified paper ballots at the November 2005 general election. The Board shall conduct a random audit of direct electronic voting devices for comparison with the results obtained under the testing program.

Patron - Alexander

HB1555 Residence addresses for purposes of voter registration and Department of Motor Vehicles applications and records. Requires individuals to provide the same residence address for purposes of voter registration and for obtaining licenses, permits, and identity cards from the Department. Directs the State Board of Elections and Department to implement procedures to verify the same residence address is shown on the voter registration system and Department records.

Patron - Purkey

HB1582 Elections; absentee voting and absentee ballot applications. Provides that any person who will be age 65 or older on the election day may vote absentee.

Patron - Reese

HB1657 Unauthorized use of military medals and decorations in political campaign advertisements; penalty. Prohibits the display in political campaign advertisements of military decorations in any manner not authorized under federal law and makes a violation a Class 1 misdemeanor.

Patron - Lingamfelter

HB1665 Ballots and election materials; exemption from certain purchasing and procurement requirements; exceptions. Provides that the exemption does not apply to the purchase of mechanical or electronic voting or counting equipment and systems.

Patron - Lingamfelter

HB1681 Electoral College. Provides that the Commonwealth's votes in the Electoral College shall be allocated by the popular vote statewide and in each congressional district. The candidates for President and Vice President who win the popular statewide vote will receive the votes of the two statewide electors and the candidate who wins the popular vote in each congressional district will receive the vote of that district's elector. Maine and Nebraska allocate electoral college votes in this manner.

Patron - Scott, J.M.

HB1742 State Board of Elections; voter registration cards. Provides that every voter registration card shall state the name and address for the voter's polling place.

Patron - Ward

HB1773 Absentee ballot applications. Provides for the submission of applications for absentee ballots to local registrars through the official website of the State Board of Elections. The online application will contain all the information of the standard application, except for the signature requirement, plus a field for the applicant's e-mail address. The State Board website will e-mail the application automatically to the appropriate local registrar and generate an e-mail confirmation of receipt of the application to the applicant.

Patron - Dillard

HB1846 Special elections to fill vacancies on governing bodies and school boards in certain circumstances. Provides for a special election as soon as practicable if vacancies and circumstances cause the governing body or school board to be composed entirely of appointed members.

Patron - Brink

HB1905 Virginia Clean Election Act and Fund; penalties. Establishes an alternative, publicly financed, campaign financing option for candidates for Governor, Lieutenant Governor, and Attorney General. A candidate may volunteer to participate and be certified for public funds after a qualifying process. A participating candidate may not accept or spend private contributions and must abide by the campaign contribution and spending restrictions set out in the Act. The bill establishes the Virginia Clean Election Commission to administer the Act and Fund. The bill is based on the Maine Clean Election Act.

Patron - Baskerville

HB1909 Elections; absentee voting. Provides that qualified voters may vote absentee for any reason. The bill eliminates the present statutory list of specific reasons entitling a voter to cast an absentee ballot. Several special provisions concerning military and overseas absentee voters are consolidated in one new provision. This bill is identical to HB 2153, HB 2636, and SB 1226.

Patron - Baskerville

HB1957 Elections; requirements for county and city precincts. Requires the county or city governing body to establish one precinct and polling place within the boundaries of each accredited public or private four-year institution of higher education located in the county or city. The bill is effective January 1, 2006.

Patron - Jones, D.C.

HB2021 Campaign finance disclosure; electronic filing of disclosure reports. Requires candidates for the General Assembly to file disclosure reports by computer or electronic means in accordance with State Board of Elections standards.

Patron - Welch

HB2090 Elections; voter registration; political party affiliation. Adds party affiliation to the information that an applicant is asked to provide when registering to vote. The applicant may indicate that he is an independent. Voters registered prior to July 1, 2006, will be designated as independent unless they provide a political party designation in writing to the general registrar. Voters may change their party affiliation or independent status by written notice at any time except during the 28 days before an election when the registration records are closed. The bill does not change Virginia's present primary laws, and all registered voters remain eligible to participate in the primaries of any political party. The State Board of Elections is authorized to collect party preference information from voters at 2005 elections to be incorporated into the revised Virginia Voter Registration System once it becomes operational.

Patron - Hugo

HB2096 Elections; authorized use of direct recording electronic machines; moratorium on purchases; emergency. Prohibits localities from purchasing any direct recording electronic machines from the effective date of the act to January 1, 2006, unless the joint subcommittee established by House Joint Resolution No. 174 adopted by the General Assembly at the 2004 Regular Session approves the purchase. This bill contains an emergency clause.

Patron - Hugo

HB2138 Elections; solicitation of absentee ballot applications or ballots. Makes it unlawful for anyone to solicit, in person, absentee ballot applications or ballots from more than two individuals in any hospital, nursing home, or assisted living facility. The prohibition does not apply to family members or to general or assistant registrars, electoral board members or their staffs. A violation of the section is a Class 1 misdemeanor under § 24.2-1017.

Patron - Purkey

HB2153 Elections; absentee voting. Provides that qualified voters may vote absentee for any reason. The bill eliminates the present statutory list of specific reasons entitling a voter to cast an absentee ballot. Several special provisions concerning military and overseas absentee voters are consolidated in one new provision. This bill is identical to HB 1909, HB 2636, and SB 1226.

Patron - Amundson

HB2172 Absentee ballot procedures. Modifies the current provision that voids an absentee ballot if the statutory procedures for voting absentee are not followed. The bill allows a ballot to be counted if there is substantial compliance with the procedures and the error or omission involved is not material in determining whether the ballot is the "valid vote of the absentee voter."

Patron - Johnson

HB2173 Absentee ballot procedures. Permits the local electoral board to send electronically, rather than by mail, the absentee ballot, a return envelope form, and instructions to absentee ballot applicants residing or stationed outside the continental United States.

Patron - Johnson

HB2204 Elections; primaries; voter registration; political party affiliation. Adds party affiliation to the information that an applicant is asked to provide when registering to vote. The applicant may indicate that he is an independent. Voters registered prior to January 1, 2006, will be designated as independent unless they provide a political party designation in writing to the general registrar. Voters may change their party affiliation or independent status by written notice at any time except during the 28 days before an election when the registration records are closed. The appropriate party chairman for each election district of each political party must notify the State Board not less than 80 days before the primary of the party's determination who may participate in the party primary.

Patron - Marrs

HB2413 Elections; required number of voting machines and counters. Increases the number of machines required to one per 500, rather than 750, registered voters and number of counters required to one per 300, rather than 425, registered voters. The bill will take effect January 1, 2008.

Patron - Brink

HB2414 Elections; final testing of voting equipment before election. Requires testing to be done at least two weeks and no more than six weeks before the election and notice of the testing to be mailed at least five business days before the testing. The bill requires copies of the notice to be sent to the State Board of Elections and to the appropriate political party chairmen. The bill further requires local party chairs and candidates to furnish a letter designating their authorized representatives. The State Board is required to post a schedule of tests on its website for elections held on and after January 1, 2006.

Patron - Brink

HB2560 Electronic voting systems. Provides that direct electronic voting devices such as touch screen devices must be equipped to provide a paper copy record of the votes cast on a contemporaneous and continuing basis as votes are cast and accumulated on the device.

Patron - Cline

HB2603 House of Delegates Districts. Makes a technical adjustment between the Fifteenth and Twenty-fifth House of Delegates districts within Rockingham County so as to include territory annexed by the Town of Elkton in the Twenty-fifth district and eliminate the split of a precinct.

Patron - Landes

HB2611 Elections; training for persons conducting voter registration drives. Requires the State Board of Elections, local electoral board, or general registrar's office to furnish training, along with instructions, to any person to whom it furnishes 10 or more voter registration applications and who will be conducting a voter registration drive.

Patron - Hugo

HB2636 Elections; absentee voting. Provides that qualified voters may vote absentee for any reason. The bill eliminates the present statutory list of specific reasons entitling a voter to cast an absentee ballot. Several special provisions

concerning military and overseas absentee voters are consolidated in one new provision. This bill is identical to HB 1909 and HB 2153 and SB 1226.

Patron - Ebbin

HB2648 Elections; officers of elections; oaths. Gives the local electoral board discretion to appoint officers of election for a term not to exceed three years. Authorizes members of the electoral board and registrars to administer the oath of office to officers of election. This bill is identical to HB 2376.

Patron - Hurt

HB2727 Campaign Finance Disclosure Act; record retention requirements and reviews of campaign finance disclosure reports. Provides that (i) the State Board of Elections shall review the campaign finance reports of candidates for Governor, Lieutenant Governor, Attorney General, and 10 percent of the candidates for the General Assembly selected at random; (ii) the review shall be for the purposes of (a) reconciling the balance in the campaign depository with the amounts reported in the candidate's reports of receipts and expenditures and (b) reviewing the reports for mathematical accuracy and completeness, including the reporting of specific information required by law; (iii) the Board shall meet publicly to select by a random drawing the General Assembly candidate campaigns to review; (iv) a campaign committee shall be exempt from review if it has received less than \$25,000 in contributions; and (v) the campaign treasurer shall retain, and provide on request by the Board, the bank statements and copies of checks issued on campaign depositories and receipts for campaign fund expenditures greater than \$500. The bill will take effect January 1, 2006.

Patron - Scott, J.M.

HB2728 Campaign finance disclosure; special reports of certain large contributions received by incumbent governing body members. Changes the deadline for filing the required reports to the end of the fifteenth, rather than fifth, day following receipt of the contribution. The bill also clarifies rules applicable to reporting aggregations of contributions.

Patron - Scott, J.M.

HB2758 Early voting. Provides that any registered voter qualified to vote in the election may vote in person from 17 to three days before the election at specified times and at the sites provided in the locality. The provisions for absentee voting remain in effect except that the provisions for in-person absentee voting are superceded by the early voting process for the early voting period. The bill takes effect January 1, 2006. This bill is identical to SB 1076.

Patron - Ebbin

HB2799 Brunswick County school board election. Provides for the first election of the school board members in November 2005 for two-year terms and for regular elections thereafter for four-year terms. This bill contains an emergency clause and is identical to SB 1065.

Patron - Wright

HJ565 Young voters. Encourages the State Board of Elections and the Commonwealth's local electoral boards to increase their collaborative efforts to encourage young people to register and vote.

Patron - Van Yahres

SB771 Campaign fundraising; legislative sessions. Removes the present ban on campaign fundraising during regular sessions for General Assembly members who are candi-

dates for statewide and federal offices and for statewide officials. The bill retains the present ban on fundraising during regular sessions for General Assembly members in connection with campaigns for election to the General Assembly.

Patron - Bell

SB782 Absentee ballot procedures. Modifies the current provision that voids an absentee ballot if the statutory procedures for voting absentee are not followed. The bill allows a ballot to be counted if there is substantial compliance with ministerial procedures and the procedural error or omission involved is not material in determining whether the ballot is the "valid witnessed vote of the registered absentee voter." The State Board of Elections is required to promulgate uniform statewide instructions to implement the measure.

Patron - Mims

SB838 Elections; absentee voting and absentee ballot applications. Adds to the list of reasons for which absentee ballots may be voted. The bill expands the category of caregivers entitled to vote absentee to include persons primarily and personally responsible for the care or schooling of one or more preschool or school-age children who are cared for or schooled at home. Names of persons cared for or schooled at home are not subject to public inspection or copying.

Patron - Cuccinelli

SB849 Elections; absentee ballot procedures. Revises the procedures governing the situations in which a voter has applied for and failed to receive an absentee ballot or has received an absentee ballot and has lost it, defaced it, or wishes to return it and vote in person.

Patron - Howell

SB868 Advisory referendum in the City of Hopewell; election of city council. Provides that a referendum shall be held on the question of whether the qualified voters desire the city to change the method of city council elections from the current seven ward system to a five ward, two at-large ward system.

Patron - Quayle

SB883 Elections; voter identification requirements. Provides that voters must present identification containing a photograph and signature. The State Board of Elections is directed to provide a voter registration card with a photograph and signature for any person not having a driver's license or identification card issued by the Department of Motor Vehicles. Voters who do not offer valid identification may cast a provisional ballot. The bill is effective January 1, 2006.

Patron - Obenshain

SB899 Absentee ballot applications. Provides for the submission of applications for absentee ballots to local registrars through the official website of the State Board of Elections. The online application will contain all the information of the standard application, except for the signature requirement, plus a field for the applicant's e-mail address. The State Board website will e-mail the application automatically to the appropriate local registrar and generate an e-mail confirmation of receipt of the application to the applicant. The bill provides that an unsigned copy of the completed application will be sent with the ballot to the applicant. The absentee ballot will be counted only if the signed application is returned with the ballot.

Patron - Norment

SB973 Elections; compensation, expenses, and status of electoral boards and general registrars and their

staffs. Requires localities to provide civil service status and grievance procedures for staffs of electoral boards and registrars on a basis comparable to that provided to local employees.

Patron - O'Brien

SB989 Elections; Director of State Board of Elections. Creates the position of Director of the State Board of Elections to be appointed by the Board, subject to confirmation by the General Assembly, to be the chief administrative officer for the Board. The Director will replace the present position of Secretary, a position now held by a Board member appointed and designated Secretary by the Governor.

Patron - Devolites Davis

SB1044 Elections; primaries; voter registration; political party affiliation. Adds party affiliation to the information that an applicant is asked to provide when registering to vote. The applicant may indicate that he is an independent. Voters registered prior to January 1, 2006, will be designated as independent unless they provide a political party designation in writing to the general registrar. Voters may change their party affiliation or independent status by written notice at any time except during the 28 days before an election when the registration records are closed. The state party chairman of each political party must notify the State Board by January 31 of each year, of the party rules governing who may participate in the party's primaries.

Patron - Martin

SB1063 Reports of certain expenditures by voting equipment vendors. Provides for semi-annual filing of reports by voting equipment vendors of any expenditures made to influence the State Board of Elections, any local electoral board, general registrar, or local governing body to approve or acquire any mechanical or electronic device or equipment for use in elections in Virginia.

Patron - Lucas

SB1065 Brunswick County school board election. Provides for the first election of the school board members in November 2005 for two-year terms and for regular elections thereafter for four-year terms. This bill contains an emergency clause and is identical to HB 2799.

Patron - Lucas

SB1071 Citizenship status for purposes of voter registration and Department of Motor Vehicles applications and records. Provides that individuals shall state the same citizenship status for purposes of voter registration and for obtaining licenses, permits, and identity cards from the Department. The bill also directs the State Board of Elections and Department to implement procedures to verify that the same citizenship status is shown on the voter registration system and Department records.

Patron - Cuccinelli

SB1076 Early voting. Provides that any registered voter qualified to vote in the election may vote in person from 17 to three days before the election at specified times and at the sites provided in the locality. The provisions for absentee voting remain in effect except that the provisions for in-person absentee voting are superseded by the early voting process for the early voting period. The bill takes effect January 1, 2006. This bill is identical to HB 2758.

Patron - Ticer

SB1104 Elections; absentee voting and absentee ballot applications. Provides that any person who will be age 75 or older on the election day may vote absentee.

Patron - Whipple

SB1133 Absentee ballot procedures. Permits the local electoral board to send electronically, rather than by mail, the absentee ballot, a return envelope form, and instructions to absentee ballot applicants residing or stationed outside the continental United States.

Patron - O'Brien

SB1226 Elections; absentee voting. Provides that qualified voters may vote absentee for any reason. The bill eliminates the present statutory list of specific reasons entitling a voter to cast an absentee ballot. Several special provisions concerning military and overseas absentee voters are consolidated in one new provision. This bill is identical to HB 1909, HB 2153, and HB 2636.

Patron - Ticer

Eminent Domain

Passed

HB1820 Eminent domain; right of entry to inspect. Modifies the provisions associated with a condemnor's entry onto property by (i) expanding the information provided in the initial request for permission to inspect and strengthening delivery requirements; (ii) requiring that the notice of intent to enter be posted or otherwise delivered to the owner in person, in addition to being sent by certified mail; and (iii) providing that if the owner files an action to recover damages caused by entry and is awarded judgment in an amount 30 percent or more than the condemnor's final written offer, or if the court finds that the condemnor maliciously, willfully or recklessly damaged the owner's property, the court may award the owner reasonable court costs, attorney fees, and fees for up to three expert witnesses testifying at trial.

Patron - Suit

HB1821 Eminent domain; acquisition of property. Modifies the provisions associated with acquisitions under eminent domain by (i) requiring that a state agency's acquisition of real property be conducted in accordance with provisions that are only precatory under current law, including that the state agency establish an initial amount that is no less than the agency's approved appraisal of the fair market value of the property and that no owner can be required to surrender possession until the state agency pays the agreed purchase price or deposits funds with the court, and (ii) providing that if an owner is awarded at trial as compensation for the taking of or damage to property an amount that is 30 percent or more greater than the amount of the petitioner's written offer, the court may award the owner reasonable appraisal and engineering fees, and reasonable fees and travel costs for up to three expert witnesses testifying at trial. The cost award provisions do not apply to cases involving easements valued at less than \$10,000 or to cases in which a petition in condemnation or certificate of take or deposit was filed prior to July 1, 2005.

Patron - Suit

HB2427 Eminent domain; wetlands mitigation. Prohibits condemnation of any property for compensatory wetlands mitigation unless (i) the property sought to be acquired is located within the same locality as the project affecting wet-

lands, or (ii) the governing body of the locality where the property sought to be acquired consents to its acquisition for such purpose. The prohibitions do not apply to property acquired by the Commonwealth Transportation Commissioner pursuant to its power of eminent domain.

Patron - Cole

SB301 Eminent domain. Provides that if property acquired by the power of eminent domain is declared surplus within 15 years of the condemnor's being vested with title, the condemnor must offer to sell the property to the former owner at the original sale price plus interest at an annual rate of six percent, with price adjustments made for any improvements to the property.

Patron - O'Brien

Fiduciaries Generally

Passed

HB1577 Commissioners of accounts; vouchers and statements of assets. Eliminates the authority of a commissioner of accounts to require a fiduciary to produce the original check as proper verification of a specific payment or distribution to a beneficiary or distributee. This bill is identical to SB 995.

Patron - Reese

HB1715 Fiduciaries; obligation to comply with prudent investor rule. Provides that the investment protections associated with the "legal list" do not operate to relieve a fiduciary of his obligations under Virginia's prudent investor rule.

Patron - Kilgore

HB2170 Commissioners of accounts; fees. Authorizes a commissioner of accounts, for any services he may perform, to accept a lesser fee than that prescribed by the court or to waive a fee altogether.

Patron - Johnson

HB2384 Accountings to the commissioner of accounts; no requirement where beneficiary is trustee. Eliminates the requirement to account to a commissioner of accounts with respect to a testamentary trust where the sole beneficiary is also a trustee. A "sole beneficiary" means a person who is (i) the only income beneficiary who is entitled to the principal, or the remaining principal goes to the trustee's estate, or (ii) the only income beneficiary and has either a general power of appointment over the principal or has a special power of appointment that is not limited to a particular class of persons.

Patron - Barlow

HB2547 Fiduciaries; obligation to report nonresident status; penalty. Requires a fiduciary to notify the clerk and commissioners of accounts when he no longer is a resident of Virginia, and to provide them with his new address, within 30 days after the change in residency. Failure to report the change in resident status and new address may result in imposition of a \$50 civil penalty upon the fiduciary. This requirement does not apply to any fiduciary whose cofiduciary is a Virginia resident.

Patron - Van Landingham

SB995 Commissioners of accounts; vouchers and statements of assets. Eliminates the authority of a commis-

sioner of accounts to require a fiduciary to produce the original check as proper verification of a specific payment or distribution to a beneficiary or distributee. This bill is identical to HB 1577.

Patron - Devolites Davis

Fire Protection

Failed

HB2684 Fire Prevention Code; local fire prevention regulations. Provides that local governments may not adopt regulations more stringent than the state Fire Prevention Code that would affect the possession, transportation, handling, storage, sale, or use of firearms or small arms ammunition, including smokeless powder, black powder, and primers.

Patron - Lingamfelter

Fisheries and Habitat of the Tidal Waters

Passed

HB2378 Wetlands board membership. Allows members of a local board that hears cases relating to the locally adopted Chesapeake Bay Preservation ordinance to also serve on a local wetlands board. Currently, there is a prohibition on members of the wetlands board holding a public office in the county or city. However, there is an exception that allows members of some bodies such as the local planning and zoning commissions, the local erosion commission, and the board of zoning appeals to also serve on the local wetlands board. This bill would add members of this locally established Chesapeake Bay Preservation ordinance board to the list of exceptions.

Patron - Rapp

HB2452 Nonnative oysters. Authorizes the Commissioner of the Marine Resources Commission to allow the placement of nonnative *Crassostrea ariakensis* oysters on state-owned bottomlands. This bill requires that, 30 to 60 days before diploid or fertile *C. ariakensis* oysters are placed in state waters, the Commission is to hold at least one public hearing for the purpose of receiving data, views, and argument concerning the placement.

Patron - Suit

HB2671 Jurisdiction of the Marine Resources Commission. Expands jurisdiction of the Marine Resources Commission to include all structures and improvements built or proposed by riparian property owners in the Potomac River appurtenant to the shore of the Commonwealth.

Patron - Plum

HB2809 Menhaden management measures. Authorizes the Governor to issue a proclamation to implement measures to manage the menhaden fishery, if such measures are required by the Atlantic States Marine Fisheries Commission and the General Assembly is not in session to enact a statute to adopt such measures. Prior to issuing such a proclamation, the Governor, in consultation with the Secretary of Natural Resources and the Commissioner of the Virginia Marine Resources Commission, would have to determine whether the measures are (i) necessary for the conservation of

the Atlantic menhaden fishery and (ii) in accordance with scientific, biological, and social data.

Patron - Louderback

P HB2815 License required for certain fishing gear. Requires a person fishing with a cast net, dip net, or using up to two eel pots to obtain a saltwater recreational fishing license. Currently, such a license is required if a fisherman uses a rod and reel or handline, or while spearing or gigging.

Patron - Oder

P HB2816 Fishing guide license. Allows the recreational fishing license issued to a headboat and charterboat owner to cover all the passengers on his boat. Under current law, nonpaying customers on a licensed headboat or charterboat have to possess an individual saltwater recreational license. The bill also allows a headboat or charterboat owner to obtain an individual saltwater recreational license at no charge when he is issued the license for his boat.

Patron - Oder

P SB1232 Patrol of security zones. Authorizes the Virginia Marine Resources Commission's Marine Patrol to patrol and enforce violations of federal security zones located in Virginia's tidal waters. This will enable the Marine Patrol to arrest a mariner for violation of an exclusionary zone, with the criminal case being forwarded to the U.S. Attorney for prosecution. Currently, the Marine Patrol has enforcement powers only in safety zones. This bill has an emergency clause.

Patron - Wagner

P SB1248 Coordination of review of water resources projects. Establishes a coordinated process to review water resources projects that require both a permit from the Virginia Marine Resources Commission and an individual Virginia Water Protection Permit from the Department of Environmental Quality. The joint review process will also involve the Virginia Institute of Marine Science, the Department of Game and Inland Fisheries, the Department of Health, the Department of Conservation and Recreation, the Department of Agriculture and Consumer Services, as well as other interested agencies. The bill also provides a preapplication review process to those applicants who request it. A panel would be established to provide information and guidance to the applicant on the potential natural resource impacts and regulatory implications of the applicant's proposed project.

Patron - Bolling

Failed

F HB1795 Fishing of menhaden. Provides that the Marine Resources Commission may adopt regulations governing the fishing of menhaden.

Patron - Suit

F HB2909 Disbursement of moneys from saltwater fishing funds. Allows disbursements from the Marine Fishing Improvement Fund and the Virginia Saltwater Recreational Fishing Development Fund to be used as funding for the procurement of equipment and supplies related to the enforcement of saltwater fishing and tidal habitat laws and regulations.

Patron - Gear

Game, Inland Fisheries and Boating

Passed

P HB1646 Hunter education. Requires any person (i) who is 12 years of age or older; (ii) who is required to present a certificate of completion in hunter education to obtain a hunting license; and (iii) who is issued a hunting license by telephone, the Internet, or other electronic or computerized means, to carry his certificate of completion in hunter education on his person while hunting. This bill exempts any person who is 12 years of age through 15 years of age from this requirement if he is accompanied and directly supervised by an adult who has, on his person, a valid Virginia hunting license and certificate, if required.

Patron - Orrock

P HB1668 Game warden salaries. Repeals a 1950 Act of Assembly that requires Dickenson and Buchanan Counties to pay the salaries of the game wardens providing services to those counties. This law is no longer needed since all regular game wardens are employees of the Department of Game and Inland Fisheries and as such are paid by the Commonwealth.

Patron - Landes

P HB1669 Hunting with a rifle. Repeals a 1954 Act of Assembly that prohibits persons from hunting deer with a rifle in Essex County. This local act is no longer necessary since (i) the County has adopted an ordinance that prohibits the hunting of deer with a rifle greater than .22 caliber and (ii) the Game Department's regulations prohibit the hunting or killing of deer and bear with a rifle less than .23 caliber.

Patron - Landes

P HB1670 Hunting game. Repeals a 1952 Act of Assembly that prohibits hunting game in Buckingham County with a rifle larger than .22 caliber. This local act is no longer necessary since the County has adopted an ordinance that prohibits hunting game with such rifles. A locality is given the authority to adopt such a prohibition under § 29.1-528.

Patron - Landes

P HB1671 Carrying loaded firearms. Repeals a 1950 Act of Assembly that prohibited a person who is not authorized to hunt on private property on both sides of a highway from carrying a loaded firearm while on any part of the highway. This act applies in any county falling under certain population classifications. A person violating this act is subject to a fine of between \$10 and \$50. The act is no longer needed because the language of § 15.2-1209.1 is substantively the same, except the statute gives all counties the discretion of adopting an ordinance, while the uncodified act gives counties no such discretion.

Patron - Landes

P HB1827 Wildlife mounts. Allows nonprofit 501 (c) (3) organizations to sell wildlife mounts as part of their fund-raising activities.

Patron - Janis

P HB1917 Carrying a gun on Sunday; hunting. Clarifies that a person lawfully carrying a gun, firearm, or other weapon on Sunday in an area that could be used for hunting will not be presumed to be hunting on Sunday in violation of

existing law, absent evidence to the contrary. This bill incorporates HB 1913.

Patron - Cole

P HB2029 Nonindigenous aquatic nuisance species; penalty. Imposes Class 1 misdemeanor penalty on anyone who knowingly introduces a snakehead fish into the Commonwealth. Under the current law any person who imports, possesses, transports, sells, purchases or introduces into the Commonwealth any nonindigenous aquatic nuisance species is subject to a civil penalty of not more than \$25,000, which is paid into the Game Protection Fund, as well as the costs incurred by the state and local government for the investigation, control, and eradication of the species. The bill includes an exemption from this civil penalty for a person who catches a snakehead fish if the individual has lawfully taken the fish, killed it, and reported his actions to the Department of Game and Inland Fisheries.

Patron - Amundson

P HB2102 Blaze orange exception. Exempts persons hunting with a bow and arrow from having to wear blaze orange when they are hunting in areas where the discharge of firearms is prohibited by state law or local ordinance.

Patron - Hugo

P HB2155 Selling of animal parts at auction. Allows licensed Virginia auctioneers and auction firms to sell, as a legitimate item of an auction, wildlife mounts that have undergone the taxidermy process.

Patron - Nutter

P HB2200 Crossbow license. Authorizes the Board of Game and Inland Fisheries to create a special crossbow license allowing the purchaser to hunt with such a weapon during special archery seasons. The cost of the license will be set by the Board of Game and Inland Fisheries, but cannot exceed one and one-half times the cost of a basic hunting license. Under current law, only disabled people who meet certain agency criteria are allowed to hunt with a crossbow. To hunt with a crossbow, a person must also purchase the special archery license and the basic hunting license.

Patron - Abbitt

P HB2273 Remote hunting prohibited; penalty. Prohibits anyone from engaging in computer-assisted remote hunting, or provide or operate a facility that allows a person to engage in such "hunting." Violations are Class 1 misdemeanors and will result in revocation of any hunting license for between three and five years. This bill is identical to SB 1083.

Patron - Oder

P HB2689 Offshore blind stake sites; penalty. Gives the owners, their lessees or permittees of land that is adjacent to the waters in Stafford, Prince William, and Fairfax, the exclusive privilege of erecting stationary blinds on their shoreline. Under this bill, which amends a 1928 Act of Assembly, they are also given the prior right to erect stationary blinds in the waters in front of their property. However, they forfeit the privilege and the prior right if they do not erect the blind by November 1. This bill would increase the penalty for violation of the act to a Class 2 misdemeanor from the current fine of between \$10 and \$100 or confinement in jail for no more than a year, or both. The bill also removes the prohibition on hunting migratory waterfowl from floating blinds in the waters of Caroline, Essex, King George, Richmond and Westmoreland Counties, and in portions of creeks, streams, and bays flowing into the Rappahannock and Potomac Rivers, through the establishment of an offshore blind stake site license. The cost of a stake site license is \$5 and there is a limit of four stake site

licenses per applicant. The bill describes the various siting requirements and times when and by whom the stake site license has to be obtained. The penalty for violation of the act is increased from a fine of not less than \$50 nor more than \$250 or by confinement in jail for not more than 30 days, or both, to a Class 2 misdemeanor.

Patron - Pollard

P HB2887 Duck stamp. Establishes the Virginia Migratory Waterfowl Conservation Stamp. A person must obtain this \$9.75 stamp in order to hunt migratory waterfowl. The proceeds from the sale of the stamp will be deposited in a special account to be used to fund (i) expenses associated with administering the stamp program, (ii) habitat improvement grants to nonprofit organizations, and (iii) Department of Game and Inland Fisheries initiatives to protect, restore, enhance, and develop waterfowl habitat.

Patron - Lingamfelter

P SB1057 Title to abandoned vessel. Reduces from 12 months to 60 days the time that has to elapse before a landowner, his lessee, or his agent may begin the process to acquire title to any vessel abandoned on his land or the water immediately adjacent to his land. The current law establishes a procedure a property owner must follow that includes requirements for notification of the owner of the abandoned vessel in order to obtain title to such vessel.

Patron - Wagner

P SB1083 Remote hunting prohibited; penalty. Prohibits anyone from engaging in computer-assisted remote hunting, or provide or operate a facility that allows a person to engage in such "hunting." Violations are Class 1 misdemeanors and will result in revocation of any hunting license for between three and five years. This bill is identical to HB 2273.

Patron - Ticer

P SB1150 Hunting incidents causing severe physical injury; assistance, reporting. Requires any law-enforcement agency or emergency medical service provider that receives a report that a person engaged in hunting has suffered serious bodily injury or death to give notice to the Department of Game and Inland Fisheries.

Patron - Stolle

P SB1197 Game wardens. Requires the Department of Game and Inland Fisheries to have at least one game warden whose primary responsibility is to patrol during the daylight hours of boating season on those lakes in Virginia that (i) are the size or larger than Smith Mountain Lake and (ii) have a boating accident record comparable to Smith Mountain Lake.

Patron - Newman

Failed

F HB2026 Personal flotation devices; penalty. Requires coaches of water sports to wear personal flotation devices while operating motorboats. Violation of this section is a Class 4 misdemeanor.

Patron - Amundson

F HB2505 Erection of stationary duck blinds. Gives the owners, their lessees or permittees of land west of Interstate Route 95 that is adjacent to the waters in Stafford, Prince William, and Fairfax, the exclusive privilege of erecting stationary blinds on their shoreline. Under this bill, which amends a 1928 Act of Assembly, they are also given the prior right to erect stationary blinds in the waters in front of their property. However, they forfeit the privilege and the prior right if they do not

erect the blind by November 1. The 1928 law applies to land abutting waters in the three counties, as well as King George County, without distinction between locations east or west of I-95. This bill would increase the penalty to a Class 2 misdemeanor from the current fine of between \$10 and \$100 or confinement in jail for no more than a year, or both. The bill also repeals a 1942 Act of Assembly that prohibits hunting from floating blinds in the Counties of Caroline, King George, Essex, Westmoreland, and Richmond, and in several segments of the Rappahannock and Potomac Rivers.

Patron - Shuler

FSB909 Personal flotation devices required for children; penalty. Requires all children six years of age or younger to wear a Type I, II, III, or Type V U.S. Coast Guard-approved personal flotation device on recreational vessels under 21 feet in length. The bill does not apply to a recreational vessel that is moored or anchored, or to children below deck or in an enclosed cabin. The bill defines "recreational vessel" as a vessel manufactured or operated for leisure or recreational purposes, or a vessel leased, rented or chartered for noncommercial use. "Recreational vessel" includes motorboats, sailboats, canoes, kayaks, rowboats, and any other vessel capable of being used for transportation on water, when the vessel is being used for other than commercial purposes. A boat operator who violates this provision is guilty of a Class 4 misdemeanor which will be dismissed if the operator completes a boating safety education course. The bill has an effective date of January 1, 2006. This bill is identical to SB 1061.

Patron - Normant

FSB1061 Personal flotation devices required for children; penalty. Requires all children six years of age or younger to wear a Type I, II, III, or Type V U.S. Coast Guard-approved personal flotation device on recreational vessels under 21 feet in length. The bill does not apply to a recreational vessel that is moored or anchored, or to children below deck or in an enclosed cabin. The bill defines "recreational vessel" as a vessel manufactured or operated for leisure or recreational purposes, or a vessel leased, rented or chartered for noncommercial use. "Recreational vessel" includes motorboats, sailboats, canoes, kayaks, rowboats, and any other vessel capable of being used for transportation on water, when the vessel is being used for other than commercial purposes. A boat operator who violates this provision is guilty of a Class 4 misdemeanor which will be dismissed if the operator completes a boating safety education course. The bill has an effective date of January 1, 2006. This bill is identical to SB 909.

Patron - Lucas

General Assembly

Passed

PHB2131 Session per diem for General Assembly administrative assistants. Increases the session per diem of administrative assistants to equal the amount received by members of the General Assembly. Administrative assistants currently receive 85 percent of the amount authorized for members of the General Assembly.

Patron - Gear

PHB2144 Gubernatorial appointments; confirmation processes. Provides for delivery of resumes and statements of economic interests for gubernatorial appointees by the Secretary of the Commonwealth to the two Committees on Privileges and Elections and for a joint subcommittee of the

two Committees to review those papers. 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). This bill is identical to SB 999.

Patron - Joannou

PHB2586 Joint Commission on Technology and Science; clarifications for collegial bodies. Conforms the Joint Commission on Technology and Science's requirements to meet legislative guidelines adopted by the Joint Rules Committee. The bill also makes procedural amendments such as reducing the quorum from six to five members, increasing the term of the chair and vice-chair to a two-year term coincident with the term of office for House members, and changing references from Commission to JCOTS.

Patron - Cosgrove

PHB2588 Brown v. Board of Education Scholarship Program and Fund. Amends, reorganizes, and moves the statute creating the Brown v. Board of Education Scholarship Program and Fund to Title 30. Currently, a part of the law is codified in Title 23. The bill also (i) includes several technical amendments to provide clarity and consistency; (ii) reinstates language inadvertently omitted; (iii) prohibits the use of scholarship funds for theological education; (iv) authorizes the Awards Committee to seek, receive, and expend nonstate funds; and (v) resolves the issue of the separation of powers by requiring the State Council of Higher Education to advise and provide technical assistance to the Awards Committee in a manner consistent with its statutory responsibilities for higher education in the Commonwealth. Under the current law, the Scholarship Program and the Awards Committee are created within the legislative branch; however, administration of the Program is shared between the legislative and executive branch agencies. The bill also waives the Standards of Learning requirements and assessments for persons awarded a scholarship under the Program and who are enrolled in a preparation program for the General Education Development (GED) certificate or an adult basic education program for the high school diploma. Also, for the purpose of verifying the domicile of applicants, the Awards Committee is authorized to establish a list of acceptable documents consistent with those required to obtain a Virginia driver's license or identification card, and to access vital records. In addition, the Awards Committee must establish a protocol to facilitate the dual enrollment of eligible students in adult basic education programs and degree programs, and the conventional enrollment of such students in public and private two-year institutions of higher education. Further, the Awards Committee is charged to develop and implement a system that provides transition programs and services to prepare eligible students for academic success in GED preparation and adult basic education programs, and college. The second enactment clause allows students who are enrolled in an approved education program when the Program expires to complete their education through the renewal of the scholarship, if they demonstrate satisfactory academic achievement. The third enactment clause delegates to the State Council of Higher Education the responsibility to review and approve applications for renewal of scholarship awards of students who were enrolled in approved education programs when the Program expired. The fourth enactment clause repeals Chapter 4.4:5 of Title 23, consisting of §§ 23-38.53:21 through 23-38.53:24, and Chapter 34 of Title 30, consisting of §§ 30-226 through 30-231. This bill has an emergency clause and is a recommendation of the Brown v. Board of Education Scholarship Awards Committee.

Patron - Melvin

SB804 Martin Luther King, Jr. Living History and Public Policy Center Board of Trustees. Establishes the Martin Luther King, Jr. Living History and Public Policy Center as an independent nonprofit corporation exempt from taxation pursuant to § 501 (c) (3) of the Internal Revenue Code for the purpose of implementing the provisions of subdivision 6 of § 30-192.4, which requires the Commonwealth to establish a permanent statewide memorial to Dr. Martin Luther King, Jr. The bill amends the membership of the Board of Trustees for the Martin Luther King, Jr. Living History and Public Policy Center to provide for two members of the Senate, four members of the House of Delegates, one representative of the named institutions of higher education upon the recommendation of the president, and four nonlegislative citizen members to be appointed by the Senate Committee on Rules and the Speaker of the House of Delegates. Reappointment to the Board is contingent upon members attending at least one-half of the Board meetings during their current term of service. In addition, the provision pertaining to the initial hiring of certain employees by the Board has been removed in order that the Board's authority may be consistent with similar nonprofit, federal tax exempt organizations. This bill is a recommendation of the Martin Luther King, Jr. Living History and Public Policy Center Board of Trustees.

Patron - Marsh

SB905 Capitol restoration; sale of surplus property and transfer of proceeds. Provides for the sale of surplus property from the Virginia Capitol restoration and expansion project and the transfer of the net proceeds from the sale to the Virginia Capitol Preservation Foundation. The bill also provides that the Department shall conduct a separate sale of the chairs used in the chambers of the houses to the current and former members of the General Assembly.

Patron - Norment

SB999 Gubernatorial appointments; confirmation processes. Provides for delivery of resumes and statements of economic interests for gubernatorial appointees by the Secretary of the Commonwealth to the two Committees on Privileges and Elections and for a joint subcommittee of the two Committees to review those papers. 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). This bill is identical to HB 2144.

Patron - Devolites Davis

SB1034 Brown v. Board of Education Scholarship Program and Fund. Amends, reorganizes, and moves the statute creating the Brown v. Board of Education Scholarship Program and Fund to Title 30. Currently, a part of the law is codified in Title 23. The bill also (i) includes several technical amendments to provide clarity and consistency; (ii) reinstates language inadvertently omitted; (iii) prohibits the use of scholarship funds for theological education; (iv) authorizes the Awards Committee to seek, receive, and expend nonstate funds; and (v) resolves the issue of the separation of powers by requiring the State Council of Higher Education to advise and provide technical assistance to the Awards Committee in a manner consistent with its statutory responsibilities for higher education in the Commonwealth. Under the current law, the Scholarship Program and the Awards Committee are created within the legislative branch; however, administration of the Program is shared between the legislative and executive branch agencies. The bill also waives the Standards of Learning requirements and assessments for persons awarded a scholarship under the Program and who are enrolled in a preparation program for the General Education Development (GED) certifi-

cate or an adult basic education program for a high school diploma. Also, for the purpose of verifying the domicile of applicants, the Awards Committee is authorized to establish a list of acceptable documents consistent with those required to obtain a Virginia driver's license or identification card, and to access vital records. In addition, the Awards Committee must establish a protocol to facilitate the dual enrollment of eligible students in adult basic education programs and degree programs, and the conventional enrollment of such students in public and private two-year institutions of higher education. Further, the Awards Committee is charged to develop and implement a system that provides transition programs and services to prepare eligible students for academic success in GED preparation and adult basic education programs, and college. The second enactment clause allows students who are enrolled in an approved education program when the Program expires to complete their education through the renewal of the scholarship, if they demonstrate satisfactory academic achievement. The third enactment clause delegates to the State Council of Higher Education the responsibility to review and approve applications for renewal of scholarship awards of students who were enrolled in approved education programs when the Program expired. The fourth enactment clause repeals Chapter 4.4:5 of Title 23, consisting of §§ 23-38.53:21 through 23-38.53:24, and Chapter 34 of Title 30, consisting of §§ 30-226 through 30-231. This bill has an emergency clause and is a recommendation of the Brown v. Board of Education Scholarship Awards Committee.

Patron - Lambert

SB1115 Appointment and organizational requirements for certain collegial bodies. Makes certain technical or clarifying changes to the appointment and organization of the following collegial bodies: the State Council for Interstate Adult Offender Supervision, the Joint Commission on Administrative Rules, the Alzheimer's Disease and Related Disorders Commission, the Child Support Guidelines Review Panel, the Commonwealth Competition Council, the Consumer Advisory Board to assist the Commission on Electric Utility Restructuring, the Education Commission of the States, the Frontier Culture Museum, the Joint Commission on Health Care, the Council on Indians, the Indigent Defense Commission, the Virginia Commission on Intergovernmental Cooperation, the Jamestown-Yorktown Foundation, the Virginia Land Conservation Board of Trustees, the Special Advisory Commission on Mandated Health Insurance Benefits, the Advisory Commission on the Virginia Schools for the Deaf and the Blind, the Virginia Delegation to Multistate Tax Administration Discussions, the Tobacco Indemnification Community Revitalization Commission, the Commission on VASAP, the Board of Veterans Services, the Virginia War Memorial Foundation. Most of the revisions are related to changing the Senate appointing authority from the Senate Committee on Privileges and Elections to the Senate Committee on Rules. The other amendments are technical and follow the legislative guidelines established by the Joint Rules Committee regarding the organization of collegial bodies.

Patron - Norment

Failed

HB1686 Bills authorizing debt. Provides that no bill authorizing the Commonwealth or any institution, agency, or authority thereof to incur debt shall be considered by a committee of the General Assembly without having a written estimate, prepared by the Department of Planning and Budget, of the total cost of issuing and paying off the debt.

Patron - Orrock

HB1707 Virginia Commission on the Offices of the Clerks of the Circuit Courts. Creates a legislative commission to study, report and make recommendations on the operations of the clerks' offices of the circuit courts. The Commission expires on July 1, 2007.

Patron - Kilgore

HB1759 Process for committee consideration of carried-over legislation. Establishes a formal process for standing committee action on carried-over legislation by requiring consideration of bills and resolutions prior to June 30 with an opportunity for the chief patron to address the merits of the legislation at that meeting. If additional information is needed by the committee, this information must be obtained prior to December 1 when the committee must complete all work on the measure and take final action on the bill or resolution. The chief patron is again given an opportunity to present argument relative to the bill or resolution at this meeting of the committee.

Patron - Dillard

HB1776 General Assembly; introduction limits. Prohibits a member of the General Assembly from introducing more than a combined total of 12 bills, joint resolutions, and resolutions during any regular session of the General Assembly. Exceptions to this limitation include legislation that (i) commends, congratulates or memorializes and is not referred to a standing committee under the rules of the respective house; (ii) relates to the administration of government and is introduced at the request of the Governor; (iii) involves the confirmation of gubernatorial or circuit court appointees or the election of judges or other officials by the General Assembly; and (iv) affects the procedures or schedule of the General Assembly. The provisions of the bill will expire on July 1, 2007.

Patron - Purkey

HB2154 General Assembly; office allowances. Changes the nonvouchered office expense allowance arrangement for members of the General Assembly to an accountable plan within the meaning of the Internal Revenue Code regulations. Beginning January 11, 2006, members will be required to substantiate their business expenditures on a quarterly basis and return any amount in excess of the substantiated expenses. The bill also provides a separate office equipment allowance not to exceed \$2,000 during a two-year period. Members will be required to submit a voucher and accompanying receipts prior to receiving payment for equipment expenses. The Clerk of the House of Delegates and the Clerk of the Senate, under the direction of their respective Rules Committee, are required to establish policies in their houses regarding the transfer of office equipment purchased with the allowance to the Commonwealth when the equipment falls into disuse or the member leaves office. The Clerks must submit by November 1, 2005, the policies and forms needed to implement the bill to their respective Rules Committees for approval.

Patron - Brink

HB2607 Revenues; excess returned to taxpayers. Requires the General Assembly to refund to taxpayers in equal amounts the revenues, as of June 30 each fiscal year, in excess of the amount appropriated in the appropriations act for such fiscal year, having reserved the amounts required for the Revenue Stabilization Fund and the Water Quality Improvement Fund.

Patron - Cline

HB2733 Relating to Small Business Commission; membership and duties. Adds the Lieutenant Governor to the

Small Business Commission, provides that he will serve as chairman of the Commission, and that the Office of the Lieutenant Governor will provide administrative staff support together with the Office of the Clerk of the Senate. Also, the Commission is required to review and comment on the effectiveness of economic impact analyses prepared by the Department of Planning and Budget, and annually publish its agenda for the fiscal year and seek the participation of small business owners and advocates in agenda discussions.

Patron - Baskerville

HR27 House of Delegates; session coverage. Directs the House Rules Committee to adopt procedures no later than the first day of the 2006 Regular Session of the General Assembly that provide for the video and audio feed of the daily sessions of the House of Delegates to public television and other broadcast entities.

Patron - Armstrong

SB1134 The Council on Capitol Square. Establishes a permanent council to operate, maintain, and preserve Capitol Square, which includes the State Capitol, the Executive Mansion, the Bell Tower, and the area surrounding the Capitol enclosed by the iron fence installed in 1818 and its extension. The council will have the sole authority to coordinate and approve any additions, improvements, or renovations and will oversee the state appropriated funds for the operation, maintenance, and renovation of Capitol Square.

Patron - Norment

SB1292 Suspension of final rule or regulation. Provides that if the Commission makes a determination to suspend a final rule or regulation within 30 days of the beginning of the regular legislative session, the suspension shall run until the end of the second succeeding regular legislative session, notwithstanding §§ 2.2-4014 and 2.2-4015. This omits the previous timeline, which ran until the end of the legislative session.

Patron - Wagner

General Provisions of Virginia Code

Passed

HB2640 Recodification of Titles 1 and 7.1; General Provisions and Boundaries, Jurisdiction and Emblems of the Commonwealth. In accordance with § 30-152 of the Code of Virginia, the Virginia Code Commission, in May 2003, commenced its revision of Title 1. Title 1 contains the original provisions related to the enactment of the 1950 Code of Virginia and the statutory rules of construction that apply to the Code of Virginia and the uncodified acts of the General Assembly. At the May meeting, the Commission decided to expand the scope of the revision to include the incorporation of Title 7.1 (Boundaries, Jurisdiction and Emblems of the Commonwealth) into Title 1. Titles 1 and 7.1 were last revised in 1966. The revision provided an opportunity to combine two titles of a general nature that contained many provisions of fundamental and historical significance. The revision of Title 1 presented unique challenges compared to other title revisions. Because the provisions of Chapter 1 were part and parcel to the creation of the Code of 1950, they needed to be retained without any change in substance or form. This limitation necessitated that the revisions be done at the chapter level. The new Title 1 contains four revised chapters in which obsolete and

duplicative provisions have been removed, nomenclature updated, and the structure and clarity of the laws improved.

Patron - Hurt

PSJ388 Virginia Code Commission. Advises the citizens of Virginia of the intention of the Virginia Code Commission to publish a 2007 Code of Virginia to replace the Code of 1950.

Patron - Mims

Failed

FHB2097 Associational standing; definition of person aggrieved. Confers associational standing in Virginia as articulated in *Hunt v. Washington Apple Advertising Commission*, 432 U.S. 333 (1977). Virginia currently follows the common law rule that the person seeking standing must have an immediate, pecuniary, and substantial interest in the litigation, and not a remote or indirect interest. Unlike federal law, the injury to an individual of an association does not vest in the association.

Patron - Hugo

Health

Passed

PHB1570 Information on nosocomial infections. Requires acute care hospitals to report information about nosocomial infections to the Centers for Disease Control and Prevention's National Healthcare Safety Network. Nosocomial infections are acquired in a hospital or other health care setting. The hospitals must release their infection data to the Board of Health. The Board's regulations will determine the hospitals that will be required to report, and the specific infections and patient populations to be included in the data. Upon request, hospital infection rate data may be released to the public by the Board. The bill takes effect July 1, 2008.

Patron - Purkey

PHB1624 Department of Medical Assistance Services; implementation of Medicare Part D benefit. Grants the Board of Medical Assistance Services emergency regulatory authority to implement the provisions of the Medicare Part D prescription drug benefit that becomes effective January 1, 2006. The bill also directs the Department of Medical Assistance Services to convene a task force, upon the implementation of the Medicare Part D program, of public and private stakeholders to assist the Department in evaluating the federal program and make recommendations for enhancing, coordinating, and integrating the existing pharmacy assistance programs for low-income Virginians and the Medicare Part D benefit. The Department must report its findings and recommendations to the Governor and General Assembly by November 1, 2006. This bill is identical to SB 841.

Patron - Purkey

PHB1687 Vital records; grandchild's birth certificate. Requires the State Registrar or the city or county registrar to disclose data about or issue a certified copy of a birth certificate of a child to the grandparent of the child upon the written request of the grandparent when the grandparent has demonstrated to the State Registrar evidence of need, as prescribed by Board regulation, for the data or birth certificate.

Patron - Alexander

PHB1727 Vital statistics; death certificates. Requires the Board of Health, in its regulations on public or private agencies or persons obtaining copies of death certificates in the conduct of their official duties, to include within its definition of "legal representative" (i) any attorney licensed to practice law in Virginia, upon presentation of his bar number and evidence of need to obtain such copy; and (ii) any funeral service licensee or funeral director licensed to practice by the Board of Funeral Directors and Embalmers, upon presentation of evidence of licensure to so practice and evidence of being in charge of final disposition of the registrant's dead human remains or cremains or evidence of need to obtain such copy.

Patron - Alexander

PHB1798 Public Benefits; proof of legal presence. Provides that no person who is not a U.S. citizen or legally present in the United States is eligible for any state or local public benefits. The bill defines state and local benefits, and sets forth a series of exceptions to this eligibility rule. The bill also requires applicants for state or local assistance to provide proof of being in the United States legally and establishes a process for temporary receipt of benefits when applicants cannot provide such proof. In addition, the bill has a delayed effective date of January 1, 2006 and requires affected state agencies to cooperate with agencies of local government to develop a system to facilitate verification of legal presence. This bill is identical to SB 1143.

Patron - Albo

PHB1824 Newborn screening. Broadens the Commonwealth's newborn screening program for genetic disorders to include approximately 30 or more conditions that cause mental retardation, serious disability, or death if left untreated. The screening tests to be included in Virginia's panel of disorders will be consistent with, but not necessarily identical to, the uniform condition panel recommended by the American College of Medical Genetics in its report, *Newborn Screening: Toward a Uniform Screening Panel and System*. Upon the issuance by the federal Department of Health and Human Services of a panel of recommended tests, Virginia's testing program will be consistent with, but not necessarily identical to, the federal guidance document. The Board of Health's regulations must include (i) a list of conditions for which newborn screening tests are conducted pursuant to § 32.1-65, (ii) follow-up and referral protocols and necessary provisions to implement the newborn screening services, and (iii) any services available to the infants and children through the Children with Special Health Care Needs Program. The mandate for the increased testing will become effective on March 1, 2006; however, the Board of Health is required to promulgate emergency regulations. The second enactment clause of a 2002 Act of the General Assembly that required certain funding is repealed in order to ensure the integrity of the law. This bill incorporates HB 2511 and HB 2801 and is identical to SB 1184.

Patron - Frederick

PHB2018 Bedding and upholstery. Provides that a retailer may sell, give away, or rent used upholstered furniture that has been purchased by the retailer as new when such upholstered furniture has been used in the course of business. Such used furniture must be (i) conspicuously identified as used and (ii) reduced in price, sold at auction, donated to charity, or made available for a rental fee, and so tagged. Technical amendments are also included.

Patron - Hall

PHB2073 Testing of sewage sludge. Allows an individual to make a timely request of the Department of Health

and Environmental Quality that it obtain a sample of sewage sludge at a specific site prior to land application. The Department shall submit the sample to a certified laboratory for analysis. The person requesting the testing is responsible for paying the cost of obtaining and analyzing the sample.

Patron - Hogan

HB2197 Notice of sewage sludge application. Requires a person holding a permit to apply sewage sludge to the land to give notice to the local government at least 100 days prior to applying the sewage sludge. The notice will identify the location of the permitted site and the expected sources of the sewage sludge to be applied to the site. This requirement may be satisfied by providing a list of all available permitted sites in the locality at least 100 days prior to commencing the application at any site on the list. The notice requirement shall not apply to any application commenced prior to October 10, 2005.

Patron - Abbitt

HB2198 Training for sewage sludge testers. Requires the Board of Health and the Department of Health to establish a program to train in testing and monitoring sewage sludge employees of those local governments that have adopted a biosolids ordinance. The bill states what, at a minimum, the training shall include. The Health Department is authorized to charge trainees a reasonable fee to recover the costs of preparing course materials and providing facilities and instructors for the program.

Patron - Abbitt

HB2236 Hospitals sharing patient health data. Requires the Board of Health to implement regulations that require hospitals to have interoperability and sharing of patient health data through common data reporting formats and standardized methods of transmission while maintaining protections for the privacy of personal health information. The law will not go into effect unless it is reenacted by the 2006 General Assembly.

Patron - O'Bannon

HB2238 Board of Health regulations; emergency medical services personnel training, agency response times, and enforcement provisions; civil penalties. Requires the State Board of Health to prescribe, in regulation, requirements for (i) training for emergency medical services personnel; (ii) a uniform definition of "response time" and requirements for measuring response times from the time a call is received until the time the unit is responding and the arrival at the scene as well as collection and reporting of emergency response times; and (iii) enforcement provisions, including fines, to be assessed by the State Health Commissioner against any agency, or other entity found to be in violation of the emergency medical services statutes or regulations. All amounts paid as fines are to be allocated to the emergency medical services special fund.

Patron - O'Bannon

HB2243 Medical care facilities certificate of public need; parties to the case. Revises the designation of the parties to the case if an informal fact-finding conference is determined to be necessary by the Department of Health or is requested by a person seeking good cause standing. In such cases, the designation of the parties to the case will include the relevant health planning agency. In present law, the health planning agency is only a party to the case if its recommendation was to deny the application.

Patron - O'Bannon

HB2253 Statewide Emergency Medical Services Plan. Adds several new requirements to the Statewide Emergency Medical Services Plan developed by the Board of Health. These requirements include (i) publishing the Plan, (ii) expanding paramedic and advanced life support training, (iii) establishing and maintaining a process for crisis intervention and peer support services for emergency medical services and public safety personnel, a statewide emergency medical services for children program, a statewide system of health and medical emergency response teams, and a program to improve dispatching of emergency medical services, and (iv) identifying and establishing best practices for managing agencies and improving response times. The bill also deletes an obsolete cross-reference relating to automated external defibrillators. This bill incorporates HB 2039 and HB 2239.

Patron - Bell

HB2284 Children's health insurance through employer-sponsored health insurance programs. Requires the Department of Medical Assistance Services to amend the Family Access to Medical Insurance Security Plan and related regulations to simplify the administration of its premium assistance program available to families with children eligible for FAMIS who have access to employer-sponsored health insurance coverage. The bill removes the requirement that the Plan provide wraparound benefits for benefits not included in the employer-sponsored health insurance benefit plan.

Patron - Brink

HB2316 Certificate of Public Need; relocation of certain nursing home beds under limited circumstances. Establishes criteria for applications for limited relocation of nursing home beds for facilities under common ownership and control, if required criteria are met relating to (i) occupancy rates of both the facility from which and the facility to which the beds are to be relocated, and (ii) temporary staffing hours and the origin of residents for the facility from which the beds are being moved. The Commissioner is authorized to issue a certificate under these circumstances regardless of the components of any Request for Applications, etc.

Patron - Griffith

HB2363 Health records privacy. Emphasizes the right of an individual to have access to his health records with certain exceptions; defines the term "psychotherapy notes"; clarifies the list of persons to whom disclosure of protected health information may be made; underscores the confidentiality of psychotherapy notes and prohibits the disclosure of such psychotherapy notes, with exceptions for training programs, legal processes, protection of third parties, and various law-enforcement and regulatory investigations; and states specifically that state law controls the procedures for requesting health records. This bill is identical to SB 1064.

Patron - Melvin

HB2366 Design and construction of hospitals and nursing homes. Requires the Board of Health, in a section 1 bill, to promulgate regulations pursuant to § 32.1-127 of the Code of Virginia for the licensure of hospitals and nursing homes. The regulations must include minimum standards for the design and construction of hospitals, nursing homes, and certified nursing facilities consistent with the current edition of the Guidelines for Design and Construction of Hospital and Health Care Facilities issued by the American Institute of Architects Academy of Architecture for Health. This bill is identical to SB 1024.

Patron - Bryant

HB2430 Health care provider data services. Requires the nonprofit organization (Virginia Health Information) with which the Commissioner of Health contracts for compiling, storing, and making available health care provider data to collect data on safety services and quality of health care services rendered by physicians. The board of directors of the nonprofit organization must work with the Board of Medicine to determine the information to be collected and the costs thereof, and identify sufficient funding sources to appropriate to physicians for such data collection. The bill includes a reenactment clause and will, therefore, not go into effect unless reenacted by the 2006 Session of the General Assembly.

Patron - Hamilton

HB2451 Validity of certain septic tank permits; waivers. Excludes certain transfers of real property from the current provision that waivers granted for certain failing onsite sewage systems are nontransferable and limits the waiver provisions to systems on real property with 1 to 4 dwelling units. Currently, whenever any onsite sewage system is failing and the Board's regulations for repairing the system impose (i) a requirement for treatment beyond the level of treatment provided by the existing onsite sewage system when operating properly or (ii) a new requirement for pressure dosing, the owner may request a waiver from such requirements; however, the waivers are not transferable except between a husband and a wife. In addition to the new transfer exclusions for these residential properties, the bill requires the owner of the residential real property with the waived onsite sewage system to provide a written disclosure to the purchaser; the purchaser will have certain time lines and processes for terminating the contract. Real estate licensees will have a duty to inform owners and purchasers of their rights. The Real Estate Board is charged with enforcement of the disclosure, termination, and real estate licensees' duties under this provision.

Patron - Suit

HB2515 Charge for copying health records. Distinguishes between the charges that may be levied by a health care provider (also referred to as "health care entity") for copies of health records when the patient requests his own health records and the records are subpoenaed or otherwise requested by a third party. The patient (individual who is the subject of the record) will be charged "a reasonable cost-based fee" that will only include costs of supplies and labor, postage, and preparation of any summary of the information. Current charges authorized for copies in anticipation of litigation or in the course of litigation will not apply to patients requesting their own records. This bill is identical to SB 1203.

Patron - O'Bannon

HB2516 Health records privacy; minors' records. Revises certain provisions relating to minors' health records to provide a measure of consistency with the federal regulations that were promulgated by the federal Secretary of Health and Human Services pursuant to the Health Insurance Portability and Accountability Act concerning access to and authority to disclose protected health information. This bill is identical to SB 1109.

Patron - O'Bannon

HB2519 Virginia Immunization Information System (VIIS). Requires the Board of Health, to the extent funds are made available, to establish the Virginia Immunization Information System, a statewide immunization registry that consolidates patient immunization histories from birth to death into a complete, accurate, and definitive record that may be made available to participating health care providers throughout Virginia, to the extent funds are appropriated by the Gen-

eral Assembly or otherwise made available. The Board must promulgate regulations addressing voluntary participation, a secure system for data entry or delivery, incorporation of the data already reported on children's immunizations, the nature of the data to be reported, data-sharing agreements with other state and regional immunization registries, use of vital statistic data, requests for records in compliance with existing requirements, release of aggregate data without personal identifiers, and the use of the data in an epidemic or outbreak of a vaccine-preventable disease. The bill also establishes the criteria for disclosure of protected health information to VIIS, i.e., ensuring the integrity of the health care system and prevention of disease. Immunity is provided to participants, the Board and Commissioner of Health, and employees of the Department of Health. Current responsibilities for record maintenance and obtaining immunization of children are retained as well as existing exemptions on religious or health grounds. This bill is identical to SB 1132.

Patron - O'Bannon

HB2522 State Emergency Medical Services Advisory Board; membership. Increases Board membership from 25 to 28 by including one representative from each of the regional emergency medical services councils. Current law states that each of the "eight" regional councils shall be represented, but 11 such councils actually exist. The bill also deletes an obsolete cross-reference regarding the automated external defibrillator registry, which no longer exists. This bill is identical to SB 1145.

Patron - O'Bannon

HB2523 Localities' authority to charge insurers for ambulance services. Clarifies that localities are currently permitted to charge insurers for ambulance services provided to any person covered by an accident and sickness insurance policy that provides coverage for ambulance services.

Patron - O'Bannon

HB2624 Injection of sewage sludge. Provides that surface incorporation into the soil of sewage sludge applied to cropland may be required when practicable and compatible with a soil conservation plan meeting the standards and specifications of the U.S. Department of Agriculture Natural Resources Conservation Service. This bill also directs the Board of Health to develop regulations specifying and providing for extended buffers to be employed for application of sewage sludge (i) to hay, pasture, and forestland, or (ii) to croplands where surface incorporation is not practicable or is incompatible with a soil conservation plan. The extended buffers may be included by the Department as site specific permit conditions.

Patron - Byron

HB2639 Medical care facilities certificate of public need. Requires the Commissioner of Health to reissue a Request for Applications for 60 new nursing home or nursing facility beds in Planning District 12 when the scheduled construction date has passed, the company issued a certificate pursuant to a 1997 Request for Applications has not begun construction, and the certificate has expired. The Commissioner may give preference to an application that proposes a new facility within three miles of the boundary of the county seat or in the county seat of the county in which the nursing facility granted the previously-issued certificate is located.

Patron - Hurt

HB2656 Pilot programs for obstetrical and pediatric care in certain areas. Permits the Board of Health to approve pilot programs to improve access to obstetrical and pediatric care in areas of the Commonwealth where these ser-

vices are severely limited. Obstetrical care includes prenatal, delivery, and post-partum care. The pilot programs will be jointly developed and submitted to the Board by nurse practitioners licensed in the category of certified nurse midwife, certain perinatal centers as determined by the Board, obstetricians, family physicians, and pediatricians. Nurse practitioners licensed by the Boards of Medicine and Nursing in the category of nurse midwife who participate in a pilot program shall associate with perinatal centers recommended by the Board and physicians, but shall not be required to have physician supervision. The Department shall convene stakeholders, including nurse practitioners licensed by the Boards of Medicine and Nursing in the category of certified nurse midwife, pediatricians, and family physicians, to establish protocols to be used in the pilot programs no later than October 1, 2005. The pilot programs shall not provide or promote home births. The Department shall evaluate and report on the impact and effectiveness of the pilot programs in meeting the program goals and submit a report to the Joint Commission on Health Care by November 15, 2006, and annually thereafter. The bill requires the Boards of Medicine and Nursing, the Departments of Health Professions and Medical Assistance Services, and the Bureau of Insurance to provide assistance to the Department of Health in establishing and evaluating the pilot programs.

Patron - Hurt

PHB2805 Sewage sludge; penalty. Directs that sewage sludge be treated to meet standards for land application as required by Board regulation prior to delivery at the land application site. This bill prohibits any person from altering the composition of sewage sludge at the site where the sewage sludge is being applied. However, the addition of lime or deodorants to sewage sludge that has been treated to meet land application standards shall not constitute alteration of the composition.

Patron - Hogan

PHB2831 Health; publication of certain data on clinical drug trials. Requires the Secretary of Health and Human Resources to make available on the appropriate state health-related websites, information directing citizens to publicly available information on clinical drug trials and other clinical studies. This bill is identical to SB 1278.

Patron - Watts

PHJ574 Chronic Kidney Disease. Recognizes Chronic Kidney Disease as a health disparity and encourages licensed health care providers to develop a plan for early identification and implementation of an appropriate clinical management program for individuals at highest risk for Chronic Kidney Disease.

Patron - Ward

PHJ605 Palliative care. Encourages Virginia's health care community to increase the education and training of health care professionals in the techniques and benefits of palliative care, and to increase patient awareness regarding palliative care as a treatment component, in order to improve the overall quality of life for those suffering from chronic conditions, and to more effectively and efficiently treat the growing population of citizens suffering from chronic illnesses. This resolution is identical to SJR 352.

Patron - Morgan

PHJ701 "Wrap-around" discount card coverage available for some Medicare prescription drug card beneficiaries; resolution. Encourages the Commissioner of the Department for the Aging and the Commissioner of Health to provide information on wrap-around coverage offered by some

pharmaceutical companies for low-income Medicare beneficiaries who exhaust their transitional assistance credit.

Patron - Brink

PHJ702 Distribution of certain information by Mission of Mercy. Encourages the Department for the Aging, the Department of Medical Assistance Services, and the Department of Health to consult with the Virginia Dental Association and the Virginia Health Care Foundation on the feasibility of using the Mission of Mercy program to disseminate information concerning prescription assistance programs and prescription drug discount cards. This resolution is identical to SJR 363.

Patron - Morgan

PHJ818 High deductible health insurance plans and quality initiatives. Requests the Medical Society of Virginia, Virginia Association of Health Plans, Virginia Hospital and Healthcare Association, Board of Medicine, and Department of Health to meet and report concerning educational initiatives regarding high-deductible health insurance plans during the summer and fall of 2005.

Patron - Hamilton

SB792 Virginia Tobacco Settlement Board of Trustees; executive committee; annual report. Authorizes the Virginia Tobacco Settlement Board of Trustees to establish an executive committee to transact the business of the Board in its absence. The executive committee is composed of the chairman, vice chairman, and three additional members of the Board. The bill also specifies March 31 as the date for the Board to provide its annual report to the Governor and General Assembly.

Patron - Watkins

SB841 Health; implementation of federal Medicare Part D benefit; task force on prescription drug assistance for low-income Virginians. Directs the Board of Medical Assistance Services to promulgate necessary regulations to implement the provisions of the Medicare Part D prescription drug benefit that becomes effective January 1, 2006. Upon implementation of the Medicare Part D program, the Department of Medical Assistance Services shall convene a task force to assist the Department in evaluating the Medicare Part D benefit and to make recommendations for enhancing, coordinating, and integrating the existing pharmacy assistance programs for low-income Virginians and the Medicare Part D benefit. The Department shall report its findings and recommendations to the Governor and General Assembly by November 1, 2006. Authority for emergency regulations is included. This bill is identical to HB 1624.

Patron - Deeds

SB953 Pharmaceutical assistance; The Pharmacy Connection program. Requires, in order to maximize the benefits of the new Medicare pharmaceutical discount card program for Virginia's Senior Citizens, that the Commissioner of Health annually for two years commencing on July 1, 2005, (i) analyze access to The Pharmacy Connection program vis-a-vis the Medicare pharmaceutical discount card program, the \$600 transitional coverage provided under federal law, and pharmaceutical companies' offers of "wrap-around" coverage for low-income seniors; and (ii) recommend, to the Virginia Health Care Foundation, the Secretary of Health and Human Resources, and the Governor, appropriate localities for expansion of access to The Pharmacy Connection program in Virginia, particularly in areas having high concentrations of low-income seniors. The goal of the Commissioner's analysis will be to facilitate statewide implementation of The Pharmacy Connection program. The Commissioner must complete this

analysis by October 31 of each year and shall immediately request an estimate of the costs of the recommended expansion of such access from the Virginia Health Care Foundation to be forwarded to the Secretary and the Governor, for inclusion in the appropriation act, insofar as possible and appropriate to promote the health and safety of Virginia's low-income senior citizens.

Patron - Potts

SB1024 Licensure of hospitals and nursing homes; Board of Health. Directs the Board of Health to promulgate regulations for the licensure of hospitals and nursing homes. The regulations must include minimum standards for the design and construction of hospitals, nursing homes, and certified nursing facilities consistent with the current edition of the Guidelines for Design and Construction of Hospital and Health Care Facilities issued by the American Institute of Architects Academy of Architecture for Health. The Board is required to promulgate emergency regulations to implement this provision. This bill is identical to HB 2366.

Patron - Newman

SB1030 Office of the Chief Medical Examiner; confidentiality of certain information and records collected and maintained. Provides that confidential records and information obtained from private and public entities and provided to the Office of the Chief Medical Examiner (OCME) during the course of a death investigation and records collected and maintained during the course of investigations, surveillance programs or research or studies of deaths having a public health importance by the OCME are not subject to the provisions of the Freedom of Information Act. The bill also provides that confidential records received by the OCME from third-parties continue to be confidential and are protected from legal discovery.

Patron - Lambert

SB1064 Health records privacy. Emphasizes the right of an individual to have access to his health records with certain exceptions; defines the term "psychotherapy notes"; clarifies the list of persons to whom disclosure of protected health information may be made; underscores the confidentiality of psychotherapy notes and prohibits the disclosure of such psychotherapy notes, with exceptions for training programs, legal processes, protection of third parties, and various law-enforcement and regulatory investigations; and states specifically that state law controls the procedures for requesting health records. This bill is identical to HB 2363.

Patron - Martin

SB1109 Health records privacy; minors' records. Revises certain provisions relating to minors' health records to provide a measure of consistency with the federal regulations that were promulgated by the federal Secretary of Health and Human Services pursuant to the Health Insurance Portability and Accountability Act concerning access to and authority to disclose protected health information. This bill is identical to HB 2516.

Patron - Blevins

SB1111 State Registrar of Vital Records; compilation of certain marriage, divorce, and annulment information. Requires marriage records and divorce and annulment reports to include the age and race of the parties. Divorce and annulment reports must also contain the number of minor children involved. This bill also requires the State Registrar of Vital Records to compile, publish, and make available to the public aggregate data on the number of marriages, divorces, and annulments that occur each year in the Commonwealth from 2000 forward. The data shall be organized according to

the locality in which the marriage license is issued or in which the divorce or annulment report is certified, and shall include but not be limited to information regarding age and race of the parties. The data on divorce and annulments shall also include information regarding the number of minor children involved. The State Registrar is required to post, update, and maintain this information on the Department of Health website. Names, addresses, social security numbers, and any other personal identification information shall not be included. This is a recommendation from the Virginia Commission on Youth.

Patron - Blevins

SB1132 Virginia Immunization Information System (VIIS). Requires the Board of Health, to the extent funds are made available, to establish the Virginia Immunization Information System, a statewide immunization registry that consolidates patient immunization histories from birth to death into a complete, accurate, and definitive record that may be made available to participating health care providers throughout Virginia. The Board must promulgate regulations addressing voluntary participation, a secure system for data entry or delivery, incorporation of the data already reported on children's immunizations, the nature of the data to be reported, data-sharing agreements with other state and regional immunization registries, use of vital statistic data, requests for records in compliance with existing requirements, release of aggregate data without personal identifiers, and the use of the data in an epidemic or outbreak of a vaccine-preventable disease. The bill also establishes the criteria for disclosure of protected health information to VIIS, i.e., ensuring the integrity of the health care system and prevention of disease. Immunity is provided to participants, the Board and Commissioner of Health, and employees of the Department of Health. Current responsibilities for record maintenance and obtaining immunization of children are retained as well as existing exemptions on religious or health grounds. This bill is identical to HB 2519.

Patron - Howell

SB1143 Public Benefits; proof of legal presence. Provides that no person who is not a U.S. citizen or legally present in the United States is eligible for any state or local public benefits. The bill defines state and local benefits, and sets forth a series of exceptions to this eligibility rule. The bill also requires applicants for state or local assistance to provide proof of being in the United States legally and establishes a process for temporary receipt of benefits when applicants cannot provide such proof. In addition, the bill has a delayed effective date of January 1, 2006 and requires affected state agencies to cooperate with agencies of local government to develop a system to facilitate verification of legal presence. This bill is identical to HB 1798.

Patron - Hanger

SB1145 State Emergency Medical Services Advisory Board. Increases the State Emergency Medical Services Advisory Board from 25 to 28 members appointed by the Governor. The change reflects the increase in the number of regional emergency medical services councils. This bill is identical to HB 2522.

Patron - Deeds

SB1146 Statewide Emergency Medical Services Plan; additional programs. Amends the objectives of the Statewide Emergency Medical Services Plan by striking the now defunct registration program for automated external defibrillators and establishing new objectives including the identification and establishment of best practices for managing and operating agencies and improving and managing emergency medical response times as well as the establishment of (i) a process for crisis intervention and peer support services

for emergency medical services and public safety personnel; (ii) a statewide emergency medical services for children program; (iii) a statewide system of health and medical emergency response teams; and (iv) a program to improve dispatching of emergency medical services. The bill further provides that the Board of Health's Statewide Emergency Medical Services Plan may be posted on the Department of Health's website to satisfy the publication requirement.

Patron - Deeds

SB1184 Newborn screening. Broadens the Commonwealth's newborn screening program for genetic disorders to include approximately 30 or more conditions that cause mental retardation, serious disability, or death if left untreated. The screening tests to be included in Virginia's panel of disorders will be consistent with, but not necessarily identical to, the uniform condition panel recommended by the American College of Medical Genetics in its report, *Newborn Screening: Toward a Uniform Screening Panel and System*. Upon the issuance of a panel of recommended tests by the federal Department of Health and Human Services, where the victim was exposed to the body fluids of the person arrested, Virginia's testing program will be consistent with, but not necessarily identical to, the federal guidance document. The Board of Health's regulations must include a list of conditions for which newborn screening tests are conducted pursuant to § 32.1-65, follow-up and referral protocols and necessary provisions to implement the newborn screening services, and any services available to the infants and children through the Children with Special Health Care Needs Program. The mandate for the increased testing will become effective on March 1, 2006; however, the Board of Health is required to promulgate emergency regulations. This bill is identical to HB 1824.

Patron - Puller

SB1194 Christopher Reeve Stem Cell Research Fund. Establishes a special nonreverting, revolving and permanent fund for the support of stem cell research in honor of Christopher Reeve. The Fund will be used to support medical and biomedical stem cell research conducted in Virginia institutions of higher education relating to the causes and cures of disease, including, but not limited to, paralysis caused by spinal cord injury, diabetes, cancer, heart disease, and neurological disorders, such as Lou Gehrig's disease. No moneys from the Fund may be provided to any entity that conducts human stem cell research from stem cells obtained from human embryos, or for conducting such research; however, research conducted using stem cells other than embryonic stem cells may be funded. The Fund will consist of appropriations, gifts, grants, and donations from public or private sources, will be administered by the Commonwealth Health Research Board (an existing board with appropriate expertise), will not require matching funds from the institutions, and may be used to support stem cell research that is not eligible for federal research funds through the National Institutes of Health.

Patron - Potts

SB1203 Charge for copying health records. Distinguishes between the charges that may be levied by a health care provider (also referred to as "health care entity") for copies of health records when the patient requests his own health records and the records are subpoenaed or otherwise requested by a third party. The patient (individual who is the subject of the record) will be charged "a reasonable cost-based fee" that will only include costs of supplies and labor, postage, and preparation of any summary of the information. Current charges authorized for copies in anticipation of litigation or in the course of litigation will not apply to patients requesting their own records. This bill is identical to HB 2515.

Patron - Mims

SB1278 Health; availability of certain data on clinical drug trials. Requires the Secretary of Health and Human Resources to make available on the appropriate state health-related websites, information directing citizens to publicly available information on clinical drug trials and other clinical studies. This bill is identical to HB 2831.

Patron - Reynolds

SB1296 Certain information on shaken baby syndrome required. Requires information on shaken baby syndrome to be made available to maternity patients by nurse midwives and hospitals with maternity services.

Patron - Wampler

SB1344 Wheelchair interfacility transport services and vehicles; emergency medical services. Exempts wheelchair interfacility transport services and wheelchair interfacility transport service vehicles from regulation under the emergency medical services law. Currently, a license must be obtained by the service and a permit must be obtained for the vehicle. Wheelchair interfacility transport services and wheelchair interfacility transport service vehicles are the entities engaged in the business, service, or regular activity, whether or not for profit, of transporting wheelchair-bound passengers between medical facilities in the Commonwealth. The bill requires such services and vehicles to comply with DMAS regulations regarding the transportation of Medicaid recipients to covered services.

Patron - Lucas

SJ335 Limiting access to medications easily abused by minors. Encourages the retailers of Virginia to take voluntary steps to limit access to medications containing the drug Dextromethorphan (DXM) that are easily abused by minors.

Patron - Mims

SJ352 Palliative care. Encourages Virginia's health care community to increase the education and training of health care professionals in the techniques and benefits of palliative care, and patient awareness regarding palliative care as a treatment component, in order to improve the overall quality of life for those suffering from chronic conditions to more effectively and efficiently treat the growing population of citizens suffering from chronic illnesses. This resolution is identical to HJR 605.

Patron - Lambert

SJ363 Feasibility of information distribution by Mission of Mercy. Encourages the Department for the Aging, the Department of Medical Assistance Services, and the Department of Health to consult with the Virginia Dental Association and the Virginia Health Care Foundation on the feasibility of using the Mission of Mercy program to disseminate information concerning prescription assistance programs and Medicare prescription drug discount cards. This resolution is identical to HJR 702.

Patron - Martin

Failed

HB1662 Notification to parents of certain health services to minors. Requires any state or local government agency employee who provides services to a minor, relating to sexually transmitted diseases, the provision of emergency contraception, pregnancy, illegal drug use, and the contemplation of suicide to attempt notification, within two business days of delivery of such services, to a custodial parent, legal guardian

or other person standing in loco parentis of any service and any reason, condition or diagnosis requiring such service.

Patron - Lingamfelter

HB1677 Report of fetal death by mother; penalty. Provides that when a fetal death occurs without medical attendance, it shall be the woman's responsibility to report the death to the proper law-enforcement agency within 12 hours of the delivery. Violation of this section shall be punishable as a Class 1 misdemeanor.

Patron - Cosgrove

HB2039 Statewide Emergency Medical Services Plan. Adds several new requirements to the Statewide Emergency Medical Services Plan developed by the Board of Health. These requirements include establishing and maintaining (i) a process for crisis intervention and peer support services for emergency medical services and public safety personnel, (ii) a statewide emergency medical services for a children's program, (iii) a statewide system of health and medical emergency response teams, and (iv) a program to improve dispatching of emergency medical services. The bill also deletes an obsolete cross-reference relating to automated external defibrillators. This bill has been incorporated into HB 2253.

Patron - Hamilton

HB2040 Health; immunization of children against certain diseases. Requires that children who have not received immunization against varicella zoster (chicken pox) receive such immunization prior to entering sixth grade.

Patron - Hamilton

HB2070 Use of name on birth certificate. Provides that the surname entered on the birth certificate must be the name by which a child is identified for all purposes, except as may be agreed to by the child's natural mother and father.

Patron - Hogan

HB2081 Home care organizations; exemption. Exempts home-based and adult foster care services retained by local boards of social services for individuals in need of such services from the licensing requirements for home care organizations, provided the local board certifies to the Department of Social Services that the person providing such services meets the regulatory standards adopted by the State Board of Social Services. The provisions of the bill will sunset on July 1, 2008.

Patron - Watts

HB2104 Long-term care preadmission screenings. Provides that nurses, social workers, and physicians who are employees of a local area agency on aging may be part of the team to conduct Medicaid nursing home preadmission screenings. Employees of the Department of Health, the local department of social services or local area agency on aging may not participate in screenings in which they could become the service provider.

Patron - McQuigg

HB2125 Consumer-directed and nurse-delegated medical care. Requires the Department of Medical Assistance Services to amend current waiver programs authorized by the Centers for Medicare and Medicaid Services to allow for the provision of consumer-directed and nurse-delegated services where possible and appropriate.

Patron - Eisenberg

HB2148 Strategy to address the lack of appropriate mental health treatment among Virginia's children. Requires the Departments of Education; Health; Health Profes-

sions; Juvenile Justice; Medical Assistance Services; Mental Health, Mental Retardation, and Substance Abuse Services; and Social Services to develop, by July 1, 2006, the children's mental health treatment strategy. The strategy shall include increased funding for Medicaid and FAMIS; group home licensure requirements; adequate home health and mental health professionals; assurances that parents will not have to relinquish custody to obtain treatment for their children; increased services; and the identification and return home of children placed in foster care to obtain treatment. The strategy must be published on state web sites, as appropriate.

Patron - Amundson

HB2235 Health; vaccination of children against tetanus. Requires children to receive a second dose of tetanus vaccine at age 11 to 12 years if at least five years have elapsed since the last dose of tetanus vaccine.

Patron - O'Bannon

HB2239 Statewide Emergency Medical Services Plan; publication; training and best practices. Amends the requirements for the Statewide Emergency Medical Services Plan prepared by the Board of Health to include (i) publishing the Plan; (ii) expanding the availability of paramedic and advanced life support training; and (iii) identifying and establishing best practices for managing and operating emergency medical services agencies, improving and managing emergency medical response times, and disseminating certain information. The bill also deletes an obsolete cross reference to automated external defibrillators. This bill has been incorporated into HB 2253.

Patron - O'Bannon

HB2252 State Emergency Medical Services Advisory Board. Increases the State Emergency Medical Services Advisory Board from 25 to 27 members appointed by the Governor. The change reflects the increase in the number of regional emergency medical services councils. The bill decreases from two to one the number of representatives of the Virginia Association of Volunteer Rescue Squads, Inc. The bill contains technical amendments.

Patron - Bell

HB2281 Health; prescription drug purchasing option. Directs the Department of Medical Assistance Services, in consultation with the Office of the Attorney General and the Executive Director of the Board of Pharmacy, to evaluate and permit the implementation of, if feasible and cost effective and consistent with federal law and regulation, a process for purchasing reduced-cost prescription drugs from Canada in order to lower pharmacy costs for citizens of the Commonwealth. The Department may consult with the federal Food and Drug Administration and other federal officials in conducting such evaluation and shall examine the relevant federal regulations concerning both the legality and safety of importation of drugs from Canada prior to implementing any such importation program.

Patron - Spruill

HB2296 Comprehensive Services Act; medical assistance services. Mandates services to seriously emotionally disturbed children whose custody would otherwise have to be relinquished or entrusted by their parents or guardians to local social services agencies in order to receive needed mental health services, and whose parents or guardians cannot pay for such services as determined using ability-to-pay procedures and criteria established by the Office of Comprehensive Services. The bill directs the Director of the Department of Medi-

cal Assistance Services to develop and apply for a waiver to get Medicaid coverage for such services.

Patron - Fralin

HB2317 Home care organizations. Establishes minimum qualifications for home attendants performing home health, pharmaceutical, or personal care services for licensed home care organizations. The bill also prohibits the Board of Health from imposing geographic limitations on the service delivery area for home care organizations.

Patron - Griffith

HB2348 Health; prescription drug purchasing option. Directs the Governor to implement a process for purchasing reduced-cost prescription drugs from Canada in order to contain pharmacy costs in the interest of providing the citizens of the Commonwealth with a future that includes affordable health care. The Governor must take all steps necessary for the Commonwealth to join in participating with the states of Illinois, Wisconsin, Kansas, and Missouri in the I-SaveRx program, a program for purchasing lower-cost drugs from Canada that has already developed numerous measures to ensure the quality and safety of the imported drugs.

Patron - Marshall, R.G.

HB2361 Board of Health; nursing home standards. Requires the Board of Health to establish staffing standards for nursing homes that will provide an average of three and one-half hours of direct care services per resident per 24-hour period. The Board must also adopt regulations defining direct care services and establishing procedures for quarterly reporting.

Patron - Watts

HB2499 Health; reporting requirement for hepatitis C. Provides that any physician practicing in the Commonwealth must report to the local health department the identity of any patient who has tested positive for exposure to hepatitis C.

Patron - Amundson

HB2511 Newborn screening. Broadens the Commonwealth's newborn screening program for genetic disorders to include approximately 30 or more conditions that cause mental retardation, serious disability, or death if left untreated. The screening tests to be included in Virginia's panel of disorders will be consistent with, but not necessarily identical to, the uniform condition panel recommended by the American College of Medical Genetics in its 2004 report, *Newborn Screening: Toward a Uniform Screening Panel and System*. Upon the issuance of a panel of recommended tests by the federal Department of Health and Human Services, Virginia's testing program will be consistent with, but not necessarily identical to, the federal guidance document. The Board of Health's regulations must include a list of conditions for which newborn screening tests are conducted pursuant to § 32.1-65, follow-up and referral protocols and necessary provisions to implement the newborn screening services, and any services available to the infants and children through the Children with Special Health Care Needs Program. The mandate for the increased testing will become effective on March 1, 2006; however, the Board of Health is required to promulgate emergency regulations. The second enactment clause of a 2002 Act of the General Assembly that required certain funding is repealed in order to ensure the integrity of the law. This bill has been incorporated into HB 1824.

Patron - Welch

HB2543 Licensed physician assistants; forms and certificates. Provides that licensed physician assistants may

sign various forms and certificates, and provide medical information or treatment in certain situations, including situations involving the immunization of children, examination of persons suspected of having tuberculosis, prenatal tests, nursing homes, release of certain privileged medical information, competency for driver licenses, release of certain veterinary records, and assisted living facilities. The bill also provides that whenever any law or regulation requires a signature, certification, stamp, verification, affidavit, or endorsement by a physician, it will be deemed to include a signature, certification, stamp, verification, affidavit, or endorsement by a physician assistant. Enactment clauses provide that: (i) the Board of Medicine must promulgate emergency regulations, i.e., within 280 days of enactment, with the amendments requiring the physician assistants' authority for signatures, certifications, stamps, verifications, affidavits, and endorsements to be included in the written protocol between the supervising physician and the physician assistant; and (ii) that tanning facility signs will be updated in compliance with the new law when posted or replaced after the effective day of the act.

Patron - Jones, S.C.

HB2714 Health; Virginia Prescription Drug Payment Assistance Plan. Establishes a program to be administered by the Department of Medical Assistance Services (DMAS) to assist eligible elderly and disabled Virginians in paying for prescription drugs to work in coordination with the new federal Medicare program. DMAS may contract with third-party administrators to provide administrative services that include enrollment, outreach, eligibility determination, data collection, financial oversight, and reporting. The benefit is limited to prescription drugs manufactured by pharmaceutical companies that agree to provide manufacturer rebates. Eligible persons must have incomes at or below 150 percent of the federal poverty level, as set forth in the appropriation act. They must also be age 65 or older or eligible for Federal Old-Age, Survivors and Disability Insurance Benefits, not be receiving a prescription drug benefit through a Medicare supplemental policy or other third-party payor prescription benefit at the time they are to be enrolled in the program, and be ineligible for Medicaid prescription benefits. However, nothing shall prohibit the enrollment of a person in the program during the period in which his Medicaid eligibility is determined. Eligible enrollees will receive an identification card to be presented to pharmacists and will start receiving the benefit the month after their eligibility is determined. Benefits will be paid to pharmacies under a point-of-service claims procedure to be established by DMAS. Participants are required to make a copayment for each prescription, which will not exceed 25 percent of the cost, but will be no less than \$5. Money to pay the claims will come from the newly established Prescription Assistance Fund. Administrative costs are to be paid from the pharmaceutical manufacturer rebates to the extent available and the \$20 annual enrollment fees. The Board shall develop a comprehensive statewide community-based outreach plan to enroll eligible persons and DMAS shall report annually on the program's implementation. No entitlement to prescription drug coverage on the part of any eligible person or any right or entitlement to participation is created and such coverage shall only be available to the extent that funds are appropriated therefor.

Patron - Morgan

HB2751 Health; prescription drug purchasing option. Directs the Governor, immediately upon the issuance of a waiver template or process by the federal Secretary of Health and Human Services, to apply for a waiver to establish a mechanism for purchasing reduced-cost prescription drugs from Canada and other countries. The Governor must, in the exercise of his substantial powers under state law, take all steps necessary for the Commonwealth to join in participating with

the states of Illinois, Michigan, Iowa, and Minnesota in the I-SaveRx program, a program for purchasing lower-cost drugs from Canada and other countries that has already developed numerous measures to ensure the quality and safety of the imported drugs. The Governor may, when appropriate, sign a memorandum of understanding for Virginia to participate in the I-SaveRx program.

Patron - Miller

HB2784 Licensure of abortion clinics; penalties. Requires all abortion clinics, defined as any facility, other than a hospital or an ambulatory surgery center, in which 25 or more first trimester abortions are performed in any 12-month period, to be licensed and to comply with the requirements currently in place for ambulatory surgery centers effective July 1, 2005. The bill also places proposed and existing abortion clinics under the certificate of public need (COPN) law after July 1, 2005. Existing abortion clinics will be required to apply annually to the Board of Health to obtain an exemption by providing a rationale for being excluded. The Commissioner of Health will determine whether existing abortion clinics have demonstrated sufficient cause to be excluded from the COPN requirements according to certain criteria. The Commissioner is also empowered to deny, suspend or revoke the license upon finding the clinic is in violation of state or federal law or regulations.

Patron - Reid

HB2801 Newborn screening. Broadens the Commonwealth's newborn screening program for genetic disorders to include approximately 30 or more conditions that cause mental retardation, serious disability, or death if left untreated. The screening tests to be included in Virginia's panel of disorders will be consistent with, but not necessarily identical to, the uniform condition panel recommended by the American College of Medical Genetics in its 2004 report, *Newborn Screening: Toward a Uniform Screening Panel and System*. Upon the issuance of a panel of recommended tests by the federal Department of Health and Human Services, Virginia's testing program will be consistent with, but not necessarily identical to, the federal guidance document. The Board of Health's regulations must include a list of conditions for which newborn screening tests are conducted pursuant to § 32.1-65, follow-up and referral protocols and necessary provisions to implement the newborn screening services, and any services available to the infants and children through the Children with Special Health Care Needs Program. The mandate for the increased testing will become effective on March 1, 2006; however, the Board of Health is required to promulgate emergency regulations. The second enactment clause of a 2002 Act of the General Assembly that required certain funding is repealed in order to ensure the integrity of the law. This bill has been incorporated into HB 1824.

Patron - Plum

HJ695 Multistate Medicaid pooling arrangement. Requests that the Department of Medical Assistance Services join a multistate Medicaid pooling arrangement in order to reduce prescription costs.

Patron - Petersen

HJ716 Health; evidence-based practice guidelines for prenatal care. Encourages the Virginia Section of the American College of Obstetricians and Gynecologists, the Virginia Chapter of the American College of Nurse Midwives, the Virginia Chapter, American Academy of Pediatrics, and The Virginia Pediatric Society to promote among their members the use of nationally recognized and evidence-based guidelines on the care of pregnant women.

Patron - Pollard

SB702 Medical assistance services; medically needy. Requires the state plan for medical assistance services to include a provision for payment of medical assistance for aged and disabled individuals with incomes up to 100 percent of the federal poverty guideline as permitted by federal law. An enactment clause provides that the provisions of this act will not become effective unless an appropriation of general funds effectuating its purposes is included in the 2005 general appropriations act.

Patron - Reynolds

SB715 Board of Health regulations; guidelines for staffing of nursing homes. Requires the Board of Health, in its licensure regulations, to establish staffing guidelines for nursing homes and certified nursing facilities to ensure the delivery of quality care that shall establish a minimum of three and one-half hours of direct care services per resident per 24-hour period. The provisions of this act will not become effective unless an appropriation of general funds effectuating its purposes is included in the general appropriations act.

Patron - Edwards

SB724 Family councils in nursing homes. Clarifies the right of any nursing home resident, member of a resident's family, or resident's legal representative to establish a family council whereby a resident's family members and friends may confer in private without facility staff present. Further, a nursing home facility must provide meeting space at reasonable times and locations within the facility.

Patron - Edwards

SB742 Medical assistance; employer information. Requires the Department of Medical Assistance Services to collect from the Department of Social Services any available information regarding full- or part-time employment of any applicant for health care benefits under public health programs, such as Medicaid, the Family Access to Medical Insurance Security Plan, and the State/Local Hospitalization Program. The Department of Medical Assistance Services will prepare and submit a summary to the Governor and the General Assembly of statistical data on the full- and part-time employment of applicants for public health programs and the costs of the beneficiaries' health care to Virginia, which will classify Virginia employers by categories, as determined by the Director. No personal identifiers will be included in the summary for the beneficiaries or the employers.

Patron - Miller

SB744 Health; working conditions of certified nurse aides. Enables the nonprofit organization established by the Department of Medical Assistance Services, in the exercise of its responsibility to provide on-site training, assistance, and other services to promote the quality of care, and as an adjunct to training needed to become certified as a nurse aide, to provide training to direct service workers in long-term care settings with emphasis on practical strategies, care interventions, and timely referrals to medical professionals. An enactment clause provides that the provisions of this act will not become effective unless an appropriation of general funds effectuating its purposes is included in the 2005 general appropriations act.

Patron - Miller

SB839 Regulation of abortion clinics. Requires the regulation of abortion clinics as a category of outpatient surgical hospital and sets forth the requirements for the licensure of abortion clinics in a new article. Abortion clinics will not be required to comply with certificate of public need requirements or health care data reporting. The provision becomes effective on January 1, 2006. The Board of Health must promulgate

emergency regulations that include licensure fees for abortion clinics in an amount calculated to cover only the costs of the regulation required in this act.

Patron - Cuccinelli

FSB861 Reporting of tuberculosis strains with antimicrobial drug susceptibilities. Removes the option of submitting to the local health director a report of antimicrobial drug susceptibilities performed by a laboratory certified to perform such testing in lieu of submitting a representative and viable sample of initial cultures positive for tubercle bacilli to the Virginia Division of Consolidated Laboratory Services. The bill requires that the Virginia Division of Consolidated Laboratory Services establish a library of isolates from persons with active tuberculosis disease for the purpose of disease strain analysis as indicated by epidemiological investigations.

Patron - Howell

FSB951 Location or relocation of a pharmaceutical manufacturing company in the Commonwealth; production of influenza vaccine. Directs the Governor to stimulate the location or relocation of a pharmaceutical manufacturing facility to the Commonwealth, particularly a company that produces or plans to produce influenza vaccine. The Governor must direct the Secretaries of Commerce and Labor, Health and Human Resources, and Finance to assist him in this endeavor. The Governor is required to use his vast powers and resources to leverage the location or relocation of a pharmaceutical manufacturing facility, including, but not limited to, all relevant Virginia tax benefits, economic development mechanisms and partnerships, local government aspirations, and cooperative investment arrangements within his purview.

Patron - Potts

FSB1060 Motor medics pilot program. Creates a motor medics pilot program in the South Hampton Roads area. The program shall implement the use of motorcycles as a type of emergency medical services vehicle with the objective of reducing response time of emergency medical services personnel to emergencies.

Patron - Lucas

FSB1191 Virginia Indoor Clean Air Act; civil penalties. Moves the law restricting smoking in buildings and other enclosed areas from the title relating to local government (15.2) to the title relating to health (32.1) and prohibits smoking indoors in most buildings or enclosed areas frequented by the public. Exceptions to the smoking prohibition are provided for (i) private homes, private residences, and private automobiles, unless used as or in the operation of any establishment or facility in which smoking is prohibited; (ii) private functions; hotel, or motel rooms clearly designated as "smoking" rooms; (iii) hotel or motel rooms clearly designated as "smoking" rooms so long as such rooms do not exceed 25 percent of the total accommodations within the establishment that are offered for lease or rent to the public; (iv) bar or lounge areas separately enclosed from any establishment in which smoking is prohibited; (v) specialty tobacco stores; and (vi) private separately enclosed office or work areas that are not entered by the general public in the normal course of business or use of the premises unless a person who works in such private separately enclosed office or work area objects to smoking in such area. Signs stating "Warning: Smoking Permitted" must be posted by the proprietor of any exempt building or area when smoking is allowed. Any person who continues to smoke in an area in which smoking is prohibited after having been asked to refrain from smoking will be subject to a civil penalty of not more than \$100. Civil penalties of \$250 will be levied for subsequent offenses. Failure to comply with the building restrictions will subject proprietors to a \$200 civil penalty for the first offense

and \$500 for subsequent offenses. Any law enforcement officer may issue a summons regarding a violation of this law. The Board of Health and the Commissioner of Labor and Industry will jointly promulgate regulations to enforce these requirements and must annually report on their enforcement efforts by January 15, beginning in 2006. The bill sets out relevant definitions and notes that any proprietor of a building or area excepted has the right to prohibit smoking and that any principal or other administrator of an educational facility may adopt smoking prohibitions that are more stringent, including restrictions on smoking in areas on the facility's campus that are not enclosed; that signs will not be required on private homes or residences or private vehicles; and that the new chapter must not be construed to permit smoking where it is otherwise prohibited by the proprietor of any establishment, building, or area or by other applicable law. Enactment clauses repeal the present title relating to counties, cities, and towns and postpone the effective date for prohibiting smoking in such bars and lounges that are not separately enclosed from other establishments until July 1, 2006, and authorize, until such time, smoking in bars and lounges to the same extent as allowed under present law or ordinances.

Patron - Mims

FSB1208 Patient protections; safety. Requires the Department of Health (i) to establish a confidential toll-free hotline for reports on patient safety and quality of patient care in hospitals, nursing homes, and certified nursing facilities that may be made anonymously or in the name of any health care provider or consumer; (ii) respond to complaints and provide a concise description of any action taken pursuant to the complaint; and (iii) prohibits retaliation against complainants. The bill also requires facilities to develop, implement, and assure compliance with a patient safety plan and to submit the patient safety plan to the Department of Health prior to the date of license renewal. All facilities and all physicians are required to report serious medical errors to the patient who was the subject of the error and to the Board of Medicine. The facilities must require medical error reports from physicians with practice privileges, or having contracts with or who are employed by the facilities, which must be, in turn, reported to the Board of Health. The Board of Health must require that the reports of serious medical errors received by hospitals, nursing homes, and certified nursing facilities be submitted to the patient-level database. The bill also prohibits alteration, destruction or discarding of an individual's health record in an effort to conceal any serious medical error. Any physician of medicine, osteopathy, or podiatry found liable in three or more medical malpractice suits in a three-year period will be investigated to determine whether he is violating the regulatory law and should be the subject of a license revocation proceeding. The Director of the Department of Health Professions is authorized to provide a summary of any action taken as a result of a complaint to the complainant.

Patron - Mims

FSB1211 Health; working conditions of certified nurse aides. Directs the nonprofit organization, established by the Department of Medical Assistance Services to provide on-site training, assistance, and other services to promote the quality of care in nursing facilities, to address the working conditions, salary and benefits, and available career pathways for certified nurse aides with emphasis on recruitment and retention. Further, the nonprofit organization must explore possible funding streams for state-certified nurse aide programs, including but not limited to, voluntary tax options.

Patron - Miller

FSB1246 Health; prescription drug purchasing option. Directs the Governor, immediately upon the issuance

of a waiver template or process by the federal Secretary of Health and Human Services, to apply for a waiver to establish a mechanism for purchasing reduced-cost prescription drugs from Canada and other countries.

Patron - Reynolds

SB1247 Health; recovery of overpayment for medical assistance services. Provides that the Director of Medical Assistance Services must issue an informal fact-finding conference decision in appeals from agency determinations concerning provider reimbursement. Further, the timelines for notification to providers of Medicaid overpayment are revised to require issuance of the notice within the earlier of (i) four years after payment of the claim or other payment request, (ii) four years after filing by the provider of a complete cost report, or (iii) fifteen months after filing by the provider of the final complete cost report.

Patron - Bolling

SB1295 Reporting of nosocomial infection rates. Requires the Board of Health to develop a procedure whereby aggregate information on each hospital's nosocomial infection rates, without patient identifiers, may be (i) collected and reported using the surveillance components and the methodology as then currently required for such reports by the Centers for Disease Control and Prevention pursuant to the National Nosocomial Infection Surveillance System, and (ii) filed in the hospital's licensure records within the Department. The Board's procedure must authorize release of such information to the public, upon request.

Patron - Reynolds

Highways, Bridges and Ferries

Passed

HB1656 Ronald Wilson Reagan Memorial Highway. Designates Virginia Route 234 in Prince William County between U.S. Route 1 and Interstate Route 66 the "Ronald Wilson Reagan Memorial Highway."

Patron - Lingamfelter

HB1705 Manville Veterans Memorial Bridge. Designates the Virginia Route 665 bridge over Copper Creek in Scott County the "Manville Veterans Memorial Bridge."

Patron - Kilgore

HB1708 Joe D. Meade Bridge. Designates the new pedestrian bridge over Virginia Route 71 at Nickelsville in Scott County, connecting the Nickelsville Elementary School and Keith Memorial Park, the "Joe D. Meade Bridge."

Patron - Kilgore

HB1891 Junkyards. Amends the definition of "automobile graveyard" to provide that a facility is an "automobile graveyard" even if the vehicles stored there are rearranged within the existing lot.

Patron - Carrico

HB1893 Deputy Cliff Dicker Memorial Highway. Designates the Virginia Route 100 in Wythe County the "Deputy Cliff Dicker Memorial Highway."

Patron - Carrico

HB1931 Recreational access funding limits. Clarifies limitations on expenditures for recreation access projects.

Patron - Shannon

HB1972 Northern Virginia Transportation District Program. Allocates funding to the Route 28/Sterling Boulevard interchange in Loudoun County.

Patron - Black

HB2013 Virginia's Heritage Music Trail: The Crooked Road. Adds to "Virginia's Heritage Music Trail: The Crooked Road," designated in 2004, additional road mileage in Patrick County. This bill is identical to SB 740.

Patron - Armstrong

HB2020 Use of steel plates in highway repairs. Requires any person using steel plates in connection with highway repairs to follow VDOT standards as to warnings and markings.

Patron - Welch

HB2049 Virginia Capital Trail. Designates the bicycle and pedestrian transportation facilities within the Virginia Route 5 corridor between the City of Richmond and Jamestown the "Virginia Capital Trail." This bill is identical to SB 1033.

Patron - Miles

HB2067 Chesapeake Bay Bridge and Tunnel Commission. Provides that a member performing "extraordinary duties" may receive compensation for those duties. This provision expires January 1, 2006, and contains an emergency clause. This bill is identical to SB 1261.

Patron - Lewis

HB2068 Free use of certain toll facilities. Allows free use of toll facilities by law-enforcement officers of the Virginia Marine Resources Commission. This privilege does not extend to the Chesapeake Bay Bridge-Tunnel or facilities controlled by the Richmond Metropolitan Authority.

Patron - Lewis

HB2084 Commonwealth Transportation Board. Clarifies the roles of the Commonwealth Transportation Board and local governing bodies when the latter administer VDOT-financed projects. The bill also corrects obsolete cross-references.

Patron - Watts

HB2298 Land exchange. Authorizes the exchange of land in Roanoke County between the Commonwealth and the Mennel Milling Company, with the land to be acquired by the Commonwealth to be used as a VDOT maintenance facility. This bill is identical to SB 887.

Patron - Fralin

HB2336 William H. Hume and Jean Emmons McCarty Hume Memorial Bridge. Designates the Virginia Route 688 bridge across Carter's Run, South, near Hume the "William H. Hume and Jean Emmons McCarty Hume Memorial Bridge."

Patron - Athey

HB2400 The Crooked Road. Extends "The Crooked Road" (designated in 2004) from Clintwood through Haysi to Breaks Interstate Park.

Patron - Phillips

HB2554 Interstate Route 81 Safety Taskforce. Requires that the Commonwealth Transportation Commissioner establish an Interstate Route 81 Safety Advisory Com-

mittee within each highway construction district wherein any portion of Interstate Route 81 is located.

Patron - Cline

HB2576 H. Paul Buskell Memorial Bridge. Designates the U.S. Route 460 Cedar Bluff bypass bridge over the Clinch River the "H. Paul Buskell Memorial Bridge."

Patron - Stump

HB2578 VDOT resident engineers. Replaces references to VDOT "resident engineers" with "representatives of the Department" and similar terms. Other technical corrections are also made.

Patron - Stump

HB2596 Rail Partnership Fund and Rail Advisory Board. Establishes the Rail Advisory Board and changes the name of the Railway Preservation and Development Fund to the Rail Partnership Fund, and dedicates to this Fund a portion of the tax on motor vehicle rentals.

Patron - May

HB2605 Use of federal "transportation enhancement" grants by CTB. Provides that the Commonwealth Transportation Board shall, in accordance with federal law and guidelines for projects qualifying as "transportation enhancements," take such measures as may appear necessary or convenient to consider projects that will (i) address improvements to highway rest areas and welcome centers and (ii) accommodate anticipated quadricentennial tourism in Virginia.

Patron - Landes

HB2763 Transportation projects. Authorizes the Commonwealth Transportation Board, by and with the consent of the Governor, to issue from time to time revenue obligations of the Commonwealth to be designated "Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes, Series ..," provided that the aggregate principal amount outstanding at any time shall not exceed \$1.2 billion plus an amount for financing expenses. The net proceeds of the Notes shall be used exclusively for the purpose of providing funds, together with any other available funds, for paying the costs, incurred or to be incurred, for construction or funding of projects listed in the Six-Year Improvement Program as may be adopted from time to time by the Commonwealth Transportation Board.

Patron - Wardrup

HB2793 Transportation Partnership Opportunity Fund. Creates the Transportation Partnership Opportunity Fund (the Fund) to be used by the Governor to encourage the development of design-build transportation projects, projects under the Public Private Transportation Act (§ 56-556 et seq.) and to provide funds to address the transportation aspects of economic development opportunities. Under the bill, the Commonwealth Transportation Board, in consultation with the Secretary of Transportation and the Secretary of Commerce and Trade, shall develop guidelines and criteria to be used in awarding grants or making loans from the Fund.

Patron - Wardrup

HB2856 Virginia's Heritage Music Trail: The Crooked Road. Adds to "Virginia's Heritage Music Trail: The Crooked Road," designated in 2004.

Patron - Dudley

HB2905 Willard Owens Memorial Highway. Designates Virginia Route 609 in Buchanan County the "Willard Owens Memorial Highway."

Patron - Stump

HB2938 Michael Todd Blanton Memorial Bridge. Designates the Gaskins Road bridge over Interstate Route 64 in Henrico County the "Michael Todd Blanton Memorial Bridge."

Patron - O'Bannon

HJ709 I-81 corridor multi-state transportation planning initiative. Urges Congress to encourage the primary states served by the Interstate Route I-81 corridor to adopt a multi-state transportation planning initiative to (i) study, develop, and promote a plan for the design, construction, financing, and operation of optimal freight and passenger transportation facilities in the I-81 corridor; (ii) coordinate efforts to establish the least costly and most efficient combination of transportation infrastructure development; (iii) coordinate and require joint planning between the Virginia Department of Transportation and the departments of transportation of the other states; and (iv) seek and provide funding and resources for innovative and appropriate passenger and freight transportation improvement concepts. This resolution is identical to SB 778.

Patron - Cline

HJ819 Lift schedule of "Steel Bridge" in Chesapeake. Urges the United States Coast Guard to maintain the Memorial Day to Labor Day lift schedule at the Rt. 17 South/Dominion Boulevard "Steel Bridge" over the Elizabeth River.

Patron - Cosgrove

SB740 Virginia's Heritage Music Trail: The Crooked Road. Adds to "Virginia's Heritage Music Trail: The Crooked Road," designated in 2004, additional road mileage in Patrick County. This bill is identical to HB 2013.

Patron - Reynolds

SB778 Interstate Route 81 Corridor Multistate Transportation Planning Initiative. Provides for the establishment of the Interstate Route 81 Corridor Multistate Transportation Planning Initiative. This bill is identical to HJR 709.

Patron - Potts

SB813 Integrated Directional Sign Program. Requires the Commonwealth Transportation Board (CTB) to establish reasonable fees to be collected from qualified entities for participating in the Integrated Directional Sign Program (IDSP). These fees are to be deposited into a special fund used solely to defray the actual costs of supervising and administering the program. Included in these costs shall be a reasonable margin, not to exceed ten percent, in the nature of a reserve. The bill also requires the CTB to report no later than August 1, 2005, on the actions it has taken relative to adjusting fees as a result of the bill. The Department of Transportation is also directed to review (i) the feasibility and desirability of auctioning certain travel services (logo) signs for which there are more businesses interested in locating on the sign than there is space to accommodate and (ii) concerning Gas Category I, a change from 16 hours per day to 24 hours per day. The results of this review are to be reported to the Senate and House Transportation Committees no later than August 1, 2005. This bill incorporates SB 1254.

Patron - Williams

SB837 King Family Memorial Bridge. Designates Bridge Number 264 on the Route 260 Connector as the "King Family Memorial Bridge."

Patron - Quayle

SB887 Land exchange. Authorizes the exchange of land in Roanoke County between the Commonwealth and the

Mennel Milling Company, with the land to be acquired by the Commonwealth to be used as a VDOT maintenance facility. This bill is identical to HB 2298 and incorporates SB 748.

Patron - Bell

SB919 G. A. Treakle Memorial Bridge and T. Ray Hassell, III Memorial Highway. Designates the I-64 High Rise Bridge as the “G. A. Treakle Memorial Bridge” and the Route 168 Great Bridge Bypass as the “T. Ray Hassell, III Memorial Highway.”

Patron - Blevins

SB929 Blue Star Memorial Highway. Designates the entire length of U.S. Route 1 in Fairfax County the “Blue Star Memorial Highway.”

Patron - Puller

SB944 H. Paul Buskell Memorial Bridge. Designates the U.S. Route 460 Cedar Bluff bypass bridge over the Clinch River the “H. Paul Buskell Memorial Bridge.”

Patron - Puckett

SB985 Highway construction; advance of funds by counties. Provides that if funding for the construction of a primary or interstate project is scheduled in the Commonwealth Transportation Board’s Six-Year Improvement Program as defined in § 33.1-12, a locality may choose to advance funds to the project. The bill further provides that if such an advance is offered, the Board may consider such request and agree to such advancement and the subsequent reimbursement of the locality of the advance, in accordance with terms agreed upon by the Board and the locality.

Patron - Watkins

SB1033 Virginia Capital Trail. Designates the bicycle and pedestrian transportation facilities within the Virginia Route 5 corridor between the City of Richmond and Jamestown the “Virginia Capital Trail.” This bill is identical to HB 2049.

Patron - Lambert

SB1261 Chesapeake Bay Bridge and Tunnel Commission. Provides that a member performing “extraordinary duties” may receive compensation for those duties. This provision expires January 1, 2006, and contains an emergency clause. This bill is identical to HB 2067.

Patron - Rerras

SB1297 80th U.S. Army Reserve Division Highway. Designates portions of several highways south of Richmond as the “80th U.S. Army Reserve Division Highway.”

Patron - Wampler

Failed

HB1526 VDOT noise abatement policies. Provides that whenever (i) there is a conflict between published noise abatement policies of the Department and those published by the federal highway administration or other federal agencies under authority of the National Environmental Policy Act or any amendments thereto or (ii) the noise abatement policy of the Department is silent as to a situation or circumstance covered by a policy published by the federal highway administration or other federal agencies under authority of the National Environmental Policy Act or any amendments thereto, the provisions of the federal policy shall be controlling. The provisions of the bill apply to all highways and highway

maintenance or construction projects, regardless of federal funding or the lack of such federal funding.

Patron - Frederick

HB1527 Audits of Virginia Department of Transportation. Requires that, beginning July 1, 2005, and at least once every two years thereafter, the Commonwealth Transportation Commissioner must accept contract proposals from private companies for the purpose of conducting thorough, comprehensive, and independent audits of the Department of Transportation. The major purpose of any such audit will be to ensure that taxes and fees dedicated to transportation purposes are actually expended for transportation infrastructure construction, improvement, and maintenance, and are not wasted on unnecessary and unproductive bureaucracy.

Patron - Frederick

HB1528 HOV facilities. Bars trucks and tractor-trailer combinations from HOV facilities, except for vehicles of public utility companies operating in response to emergency calls.

Patron - Frederick

HB1531 High-occupancy vehicle (HOV) facilities. Permits law enforcement vehicles to use HOV facilities only when responding to an emergency call or in an emergency situation, unless occupied by the otherwise required minimum number of occupants.

Patron - Frederick

HB1537 Town of Dumfries; construction of debris barrier. Authorizes the Town of Dumfries to use I-95 right-of-way to construct a barrier to prevent the deposition of highway debris on property abutting the right of way. Costs of construction are to be paid out of funds allocated for primary system highway construction in the Northern Virginia District.

Patron - Frederick

HB1548 Special revenue sharing funds for certain towns; highway maintenance and construction funding. Authorizes the establishment of special revenue sharing funds for towns, similar to those authorized under § 33.1-75.1 for counties, to aid in highway projects undertaken jointly by towns and adjoining counties. Allocations by the Commonwealth Transportation Board would be made “off the top” of other allocations to match up to \$500,000 in town general funds. Operation of these funds would parallel those established for counties. This bill has been incorporated into HB 2330.

Patron - Scott, E.T.

HB1574 HOV lanes. Limits use of high-occupancy vehicles (HOV) lanes by law-enforcement personnel to Virginia State Police vehicles, Virginia sheriff’s department vehicles and Virginia local law-enforcement agency vehicles, unless the vehicle is carrying the specified minimum number of occupants.

Patron - Albo

HB1609 Charlottesville bypass. Requires that, if the U.S. Route 29 bypass is not constructed and reimbursement of federal funds expended in connection with that project is required, the amount of such reimbursement shall be deducted from funds allocated or allocable to primary system projects in Charlottesville and Albemarle County, rather than from funds allocated or allocable to the Culpeper Highway Construction District.

Patron - Cole

HB1632 Advertising within highway rights-of-way. Grants the City of Charlottesville the same ability presently granted to Fairfax County to enter into agreements with the Commonwealth Transportation Commissioner for enforcing provisions of § 33.1-373 relating to advertising within highway rights-of-way.

Patron - Van Yahres

HB1650 Transportation bonds; use of surplus revenues to pay debt service. Requires surplus revenue collections, after deposits are made to the Revenue Stabilization Fund and the Water Quality Improvement Fund, to be deposited in the Transportation Trust Fund and used to pay debt service on previously issued transportation bonds.

Patron - Orrock

HB1783 Residue parcels of land. Requires the Commonwealth Transportation Commissioner to offer residue parcels to the local governing body of the locality wherein the parcels are located before otherwise disposing of them.

Patron - BaCote

HB1784 Subdivision street standards. Allows county boards to establish standards for subdivision streets that differ from VDOT standards. If they do so, the amount of money allocated or allocable to the county for secondary system construction is not to be reduced.

Patron - BaCote

HB1825 Town of Dumfries; construction of debris barrier. Authorizes the Town of Dumfries to use the I-95 right-of-way to construct a barrier to prevent the deposition of highway debris on property abutting the right of way. Costs of construction are to be paid out of funds allocated for primary system highway construction in the Northern Virginia District.

Patron - Frederick

HB1855 Transportation construction and reconstruction. Specifies actions that must be taken (i) by VDOT prior to undertaking any highway construction or reconstruction project in Northern Virginia if the project involves construction of new traffic lanes or modification of existing lanes (ii) by any state agency in connection with any highway construction or reconstruction project under the Public-Private Transportation Act of 1995.

Patron - Eisenberg

HB1861 Prohibition on transportation of hazardous materials; penalty. Bans transportation of hazardous materials on Virginia Route 674 in Fairfax County between Virginia Route 123 and Virginia Route 606. This bill is identical to SB 997.

Patron - Shannon

HB1954 Highway construction, maintenance, and improvement contracts. Gives the Commonwealth Transportation Commissioner authority to let all contracts for highway construction, maintenance, and improvements up to \$10 million in value instead of the present \$2 million.

Patron - Jones, D.C.

HB2093 Financing of transportation "enhancement" projects. Requires that, in financing "enhancement" projects undertaken using federal grants to homeowners associations, no more than two percent of any such grant can be spent for environmental studies or other studies and activities preliminary to construction.

Patron - Hugo

HB2099 Transportation Investment Act. Provides long-term funding of transportation projects throughout the Commonwealth by dedicating all insurance license tax revenues for such purpose. The Commonwealth Transportation Board is authorized to issue revenue bonds using no more than one-third of the insurance license tax revenues for debt service on the bonds. The amount of insurance license tax revenues not used for debt service, plus the proceeds of the bonds, are allocated to each highway construction district for transportation projects on a pro rata basis according to population. The transportation projects to be funded shall be determined by the Commonwealth Transportation Board. This bill has been incorporated into HB 2771.

Patron - Hugo

HB2133 Tolls; motorcycles. Allows motorcycles toll-free use of VDOT-controlled toll facilities.

Patron - Gear

HB2224 Transportation construction and maintenance. Revises Virginia's transportation construction and maintenance allocation system in accordance with recommendations made by the Joint Legislative Audit and Review Commission to the 2002 Session of the General Assembly.

Patron - Rust

HB2226 Urban and secondary highway system construction allocations. Allocates urban system and secondary system highway construction funds among affected jurisdictions on the basis of (i) area, (ii) vehicle miles traveled, and (iii) population, with area being weighted 15 percent, vehicle miles traveled weighted 25 percent, and population weighted 60 percent.

Patron - Rust

HB2229 Reimbursement by localities of certain transportation expenses. Provides that if the Commonwealth expends funds for the design of transportation improvements and the locality in which the improvements are located subsequently decides that it is opposed to proceeding with the improvements, the locality shall reimburse the Commonwealth for the amount expended.

Patron - Rust

HB2307 Logo sign program; emergency. Requires the Virginia Department of Transportation and the Commonwealth Transportation Board to take immediate action to make two specific changes to the "bumping policy" associated with the Department's Integrated Directional Signing Program.

Patron - McDougle

HB2322 Primary system highway construction allocation. Provides that funds for construction projects in the primary highway system will be distributed among the nine highway construction districts on the basis of vehicle miles traveled per lane-mile.

Patron - Rust

HB2330 Special funds for highway improvements in localities. Expands the present revenue sharing fund program for counties to include cities and towns as well. The annual match limit is raised to \$2 million per locality, and the total limit on state funds is raised to \$50 million. Up to half of local contributions may take the form of proffers. Since the program now applies to all localities (not just counties), the present section embodying the program is repealed, and the new program is relocated to the article of Chapter 1 of Title

33.1 dealing with overall allocations of highway improvement funds. This bill incorporates HB 1548.

Patron - Athey

HB2355 Highway construction funds; primary system allocations. Allocates primary system construction funds among the nine highway construction districts on the basis of the ratio of vehicle-miles traveled on the primary system in each district divided by the number of primary system lane miles in each district, which is weighted 90 percent, and a primary road need factor, as determined by the Commonwealth Transportation Board, weighted 10 percent.

Patron - Watts

HB2385 Anthony S. and Edna Ridley King Commemorative Bridge. Designates Bridge Number 264 on the Route 260 Connector as the "Anthony S. and Edna Ridley King Commemorative Bridge."

Patron - Barlow

HB2398 Country Music Highway. Requires that signs used to indicate the designation of the Country Music Highway be of such a size and design as to make it possible to add the names of famous bluegrass and traditional country musicians.

Patron - Phillips

HB2403 Virginia Coalfield Coalition Authority. Authorizes the Virginia Coalfield Coalition Authority to issue \$300 million in 9 (d) debt for financing of the Virginia Coalfield Expressway Corridor.

Patron - Phillips

HB2465 Nonconforming billboard signs. Clarifies that signs relating to historic districts and sensitive areas are excluded from the maintenance and repair guidelines of all other nonconforming billboard signs.

Patron - May

HB2589 Port Republic Road. Designates Virginia Route 659, Port Republic Road, as a component of the primary highway system.

Patron - Weatherholtz

HB2592 Highway maintenance, construction, or reconstruction payments to Town of Broadway. Requires the Commonwealth Transportation Commissioner, subject to the approval of the Commonwealth Transportation Board, to make payments for maintenance, construction, or reconstruction of highways to the Town of Broadway.

Patron - Weatherholtz

HB2630 Special funds for highway systems in certain counties, cites, and towns; assessment of driver demerit points by the Commissioner of the Department of Motor Vehicles; imposition and collection of civil penalties for certain offenses relating to operation of motor vehicles; and disposition and use of funds collected. Expands the present revenue sharing fund program for counties to include cities and towns as well; raises the annual match limit per locality and the total limit on state funds available for the program. Up to half of local contributions may take the form of proffers. Since the program now applies to all localities (not just counties), the present section embodying the program is repealed, and the new program is relocated to the article of Chapter 1 of Title 33.1 dealing with overall allocations of highway improvement funds. The bill also requires the courts to impose, in addition to any other penalties imposed, civil penalties on drivers convicted of certain offenses: \$100 for speeding at least 15 but not more than 19 miles per hour above the

posted speed, \$250 for driving while his driver's license was suspended or revoked, \$300 for reckless driving or aggressive driving, and \$500 for driving while intoxicated. These fees, minus cost of collection, will be used first to fund competitive matching to localities for highway improvement projects aimed at improving air quality and highway congestion in localities experiencing high population growth and second to support issuance of bonds whose proceeds are to be used for transportation construction, reconstruction, maintenance, maintenance replacement, and/or improvement projects. Finally, the bill also revises the schedule of driver demerit points to be awarded for speeding so that speeding 1-9 mph carries three points, 10-14 mph carries four points, 15-19 mph carries five points, and 20 mph or more carries six points.

Patron - Albo

HB2677 Regional pedestrian and bicycle advisory committees. Requires VDOT to establish regional pedestrian and bicycle advisory committees.

Patron - Ebbin

HB2715 Toll facilities. Allows operators of "other emergency equipment" free use of VDOT-controlled toll facilities. This would be in addition to the exemption presently allowed to operators of fire-fighting equipment and ambulances.

Patron - Morgan

HB2736 Dedication, distribution, and management of transportation maintenance and construction funds. Renames the Commonwealth Transit Capital Fund the Transit Partnership Fund and extends the present matching requirements to at least 20 percent of the nonfederal share of the total project cost to cover both project and program costs. The bill establishes the Private Partnership Fund as a non-reverting fund whose proceeds are to make loans in furtherance of projects under the Public-Private Transportation Act of 1995 and establishes the Local Partnership Fund to be used by the Department of Transportation to encourage local management of construction and improvement projects in the state primary, urban, and secondary highway systems. The bill also renames the Railway Preservation and Development Fund the Rail Partnership Fund, and eliminates the present requirement that projects undertaken using the Fund be owned by the Commonwealth upon completion and, instead, limits Fund projects to those that the Director of the Department of Rail and Public Transportation determines will result in public benefits to Virginia that are equal to or greater than the funds required. The bill establishes the nine-member Rail Advisory Board to develop recommendations to be presented to the Commonwealth Transportation Board regarding allocations of funds from the Rail Partnership Fund and advise the Director and the Department of Rail and Public Transportation on other matters at their request. Finally, it also allows "operators" and "responsible public entities," in lieu of entering into comprehensive agreements under the Public-Private Transportation Act of 1995, to enter into development agreements under the terms of which the operator would perform work and receive compensation therefor without committing either party to completing the entire course of improvements otherwise contained in a comprehensive agreement. Finally, the bill requires the Commonwealth Transportation Board to ensure that funds allocated to any construction project are fully allocated and paid off no later than 12 months following completion of the project. This bill has been incorporated into HB 2771.

Patron - Reid

HB2771 Commonwealth Transportation Investment Fund. Creates the Commonwealth Transportation Investment Fund and dedicates to it one-third of all insurance

license tax revenues to be used for transportation projects throughout the Commonwealth. The revenues are allocated to each highway construction district for transportation projects on a pro rata basis according to population. The transportation projects to be funded shall be determined by the Commonwealth Transportation Board. This bill incorporates HB 2099 and HB 2736.

Patron - Callahan

HB2847 Commonwealth Mass Transit Fund. Increases the percentage of Transportation Trust Fund revenues flowing to the Commonwealth Mass Transit Fund from 14.7 percent to 19 percent.

Patron - Scott, J.M.

HB2929 Highway construction funds; primary system allocations. Allocates primary system construction funds among the nine highway construction districts on the basis of the ratio of vehicle-miles traveled on the primary system in each district divided by the number of primary system lane miles in each district, weighted 90 percent, and a primary road need factor, as determined by the Commonwealth Transportation Board, weighted 10 percent.

Patron - Hugo

SB701 “Pearl Harbor Memorial Flyway.” Designates Interstate Route 95 at the Springfield Interchange in Fairfax County the “Pearl Harbor Memorial Flyway.”

Patron - Houck

SB738 Fund to expedite construction of I-73 in Henry County. Establishes a special fund to expedite construction of I-73 in Henry County. The Fund consists of the first \$3 million of annual collections of state taxes on motor fuels, fees and charges on motor vehicle registrations, road taxes or any other state revenue allocated for highway purposes.

Patron - Reynolds

SB748 Land exchange. Authorizes the exchange of land in Roanoke County between the Commonwealth and the Mennel Milling Company, with the land acquired by the Commonwealth to be used as a VDOT maintenance facility. This bill has been incorporated into SB 887.

Patron - Edwards

SB750 Rail Transportation Development Authority. Establishes the Rail Transportation Development Authority. The Authority is to be responsible for identifying needed construction, reconstruction, improvements, or repairs to railroads and their facilities and equipment. The Authority is given the power to finance or assist in financing any such rail transportation project. The bill requires the Virginia Department of Rail and Public Transportation, in conjunction with the Authority, to develop a rail transportation plan for the Commonwealth. The bill also repeals Chapter 1041 of the 2003 Acts of Assembly, which provided for the creation of a Rail Transportation Development Authority. That act never became effective because it included a “reenactment clause,” and the act was not reenacted by the 2004 Session.

Patron - Edwards

SB764 Residue parcels of land. Requires the Commonwealth Transportation Commissioner to offer residue parcels to the local governing body of the locality wherein the parcels are located before otherwise disposing of them.

Patron - Locke

SB775 Abandoning companion animal within highway right-of-way; penalty. Provides a penalty of up to 12

months in jail and a fine of not less than \$250 or more than \$2,500, either or both, for persons who abandon, dispose of, or dump a companion animal within a highway right-of-way.

Patron - Potts

SB797 Allocation of construction funds within secondary system. Provides that secondary road construction funds allocated under § 33.1-23.4 shall be disbursed directly to the county, if so requested by resolution of the governing body. Any county receiving a direct allocation of funds shall certify to the Commonwealth Transportation Board that such funds will be expended exclusively for secondary road projects and according to appropriate standards.

Patron - Watkins

SB802 Fund to expedite improvements to U.S. Route 58 in Carroll, Grayson, and Patrick Counties. Establishes a special fund to expedite construction of improvements to U.S. Route 58 in Carroll, Grayson, and Patrick Counties. The Fund consists of the first \$3 million of annual collections of state taxes on motor fuels, fees and charges on motor vehicle registrations, road taxes, or any other state revenue allocated for highway purposes.

Patron - Reynolds

SB812 Residue parcels of land. Requires the Commonwealth Transportation Commissioner to offer residue parcels to the local governing body of the locality wherein the parcels are located before otherwise disposing of them.

Patron - Williams

SB845 Advertising within highway rights-of-way. Grants the City of Charlottesville the same ability presently granted to Fairfax County to enter into agreements with the Commonwealth Transportation Commissioner for enforcing provisions of § 33.1-373 relating to advertising within highway rights-of-way.

Patron - Deeds

SB962 Bob Hiteman Overpass. Designates the overpass connecting the inner loop of the Capital Beltway with Interstate Route 95 at Springfield the “Bob Hiteman Overpass.”

Patron - O’Brien

SB993 Special funds for highway improvements in localities. Expands the present revenue sharing fund program for counties to include cities and towns as well. The annual match limit is raised to \$5 million per locality, and the total limit on state funds is raised to \$100 million. Up to half of local contributions may take the form of proffers. Since the program now applies to all localities (not just counties), the present section embodying the program is repealed, and the new program is relocated to the article of Chapter 1 of Title 33.1 dealing with overall allocations of highway improvement funds.

Patron - Devolites Davis

SB997 Prohibition on transportation of hazardous materials; penalty. Bans transportation of hazardous materials on Virginia Route 674 in Fairfax County between Virginia Route 123 and Virginia Route 606. This bill is identical to HB 1861.

Patron - Devolites Davis

SB1092 Directional Signing Program. Requires the Virginia Department of Transportation and the Commonwealth Transportation Board to immediately revise the schedule of fees imposed on certain businesses for participation in the Department’s Integrated Directional Signing Program so that Program participants in economically depressed areas are

required to pay lower fees than participants in more prosperous and affluent portions of the Commonwealth.

Patron - Reynolds

SB1096 Integrated directional sign program. Directs the Commonwealth Transportation Board and the Virginia Department of Transportation to revise the integrated directional sign program to include signs requested by local governing bodies.

Patron - Ruff

SB1254 Fee-based signage programs. Provides that fees shall be collected by the Commonwealth Transportation Commissioner from any qualified entity for the purpose of participating in certain fee-based signage programs. This bill has been incorporated into SB 813.

Patron - Bell

SB1264 HOV lanes. Extends the ability of vehicles bearing clean fuel vehicle license plates to use HOV facilities, regardless of the number of their passengers, for two more years.

Patron - O'Brien

SB1319 PPTA; I-81 improvements. Requires VDOT to forthwith suspend negotiations under the Public-Private Transportation Act of 1995 (PPTA) involving improvements to I-81. No such negotiations are to resume until VDOT is authorized to do so by an act of the General Assembly.

Patron - Hanger

SB1324 Dedication, distribution, and management of transportation maintenance and construction funds. Renames the Commonwealth Transit Capital Fund the Transit Partnership Fund and extends the present matching requirements for at least 20 percent of the nonfilterable share of the total project cost to cover both project and program costs. The bill establishes the Private Partnership Fund as a nonreverting fund in which proceeds are to make loans in furtherance of projects under the Public-Private Transportation Act of 1995 and establishes the Local Partnership Fund to be used by the Department of Transportation to encourage local management of construction and improvement projects in the state primary, urban, and secondary highway systems. The bill also renames the Railway Preservation and Development Fund the Rail Partnership Fund, and eliminates the present requirement that projects undertaken using the Fund be owned by the Commonwealth upon completion and, instead, limits Fund projects to those that the Director of the Department of Rail and Public Transportation determines will result in public benefits to Virginia that are equal to or greater than the funds required. The bill establishes the nine-member Rail Advisory Board to develop recommendations to be presented to the Commonwealth Transportation Board regarding allocations of funds from the Rail Partnership Fund and advise the Director and the Department of Rail and Public Transportation on other matters at their request. Beginning with the 2006-2007 fiscal year, the bill dedicates all revenues from the insurance license tax on automobile premiums to the Priority Transportation Fund. The bill repeals the dedication of one-third of the revenues from the license tax on insurance companies to the Priority Transportation Fund effective July 1, 2005. The bill provides that all moneys in the Transportation Trust Fund, Priority Transportation Fund, and the Highway Maintenance and Operating Fund shall be used for transportation-related purposes and that moneys designated for deposit into the general fund shall not be used for transportation with limited exceptions. The bill also allows "operators" and "responsible public entities," in lieu of entering into comprehensive agreements under the Public-Private Transportation Act of 1995, to enter

into development agreements under the terms of which the operator would perform work and receive compensation therefor without committing either party to completing the entire course of improvements otherwise contained in a comprehensive agreement. Finally, the bill requires the Commonwealth Transportation Board to ensure that funds allocated to any construction project are fully allocated and paid off no later than 12 months following completion of the project. This bill incorporates SB 1325.

Patron - Saslaw

SJ272 Progress Park Industrial Access Road. Requests the Commonwealth Transportation Board to revise its agreement with Wythe County for construction of the Progress Park Industrial Access Road so as to extend until December 18, 2008, the time by which \$6 million in eligible capital outlays must be expended in connection with development of the industrial park served by the road.

Patron - Reynolds

SJ440 Supporting recommendations on a dedicated funding source for the Washington Metropolitan Area Transit Authority. Expresses the support of the General Assembly for the recommendations of the Panel on the Analysis of and Potential for Alternate Dedicated Revenue Sources for the Washington Metropolitan Area Transit Authority. The resolution also urges the Governor of Virginia to work with the Governor of the State of Maryland, the Mayor of the District of Columbia and federal officials to make the development of an implementation plan for the Panel's recommendations a top priority for introduction at the 2006 Regular Session of the General Assembly.

Patron - Whipple

Homestead and Other Exemptions

Passed

HB1559 Exemptions in bankruptcy; time limitations. Changes the date for setting aside that real or personal property which is exempt from bankruptcy proceedings from on or before the fifth day of the date initially set for the meeting of creditors and equity security holders to on or before the fifth day of the date such meeting is held.

Patron - Sherwood

HB1695 Creditors; retirement benefits exempt. Increases the amount of an individual retirement account, to which an employer does not contribute, that is exempt from the claims of an individual's creditors from an amount sufficient to generate \$17,500 annually to an amount sufficient to generate \$25,000 annually.

Patron - Spruill

HB1714 Garnishment; increasing maximum portion of protected disposable earnings. Increases the amount of a worker's aggregate disposable earnings protected from garnishment. Currently, the amount subject to garnishment may not exceed the lesser of (i) 25 percent of the worker's disposable weekly earnings or (ii) the amount by which his disposable earnings exceed 30 times the federal minimum hourly wage. This bill raises the federal minimum wage multiplier from 30 to 40.

Patron - Kilgore

Failed

F HB1642 Homestead exemption. Increases the homestead exemption from \$5,000 to \$10,000.

Patron - Orrock

F HB1698 Retirement benefits exempt from creditors. Extends the protections against creditor demands to all moneys in a retirement account to which an employer does not contribute. Under current law, the exemption from creditor demands applies only to that amount of investment in an account that generates an annual benefit in excess of \$17,500. The proviso that the exemption does not apply to demands for child or spousal support is retained.

Patron - Spruill

Hotels, Restaurants, Summer Camps and Campgrounds

Failed

F HB2806 Nudist camps for juveniles. Broadens the definition of “nudist camp for juveniles” to include all such camps, regardless of whether the juvenile’s parent or legal guardian is also registered and present. Under current law, the Board of Health is prohibited from issuing a license to the owner or lessee of any hotel, summer camp, or campground that maintains or conducts as any part of its activities a nudist camp for juveniles.

Patron - Carrico

Housing

Passed

P HB2720 New manufactured homes. Makes several changes to the definition of “new manufactured home,” including provisions that allow a manufactured home to be considered new if it has been previously sold from the original dealer to another dealer and is then sold to a consumer within two years of the date of manufacture.

Patron - Scott, J.M.

P HB2936 Board of Housing and Community Development; regulations; use of natural cut Christmas trees in the common areas of places of worship and in apartment dwelling units that do not have automatic sprinkler systems. Provides that emergency regulations adopted by the Board of Housing and Community Development in accordance with Chapter 138 of the Acts of Assembly of 2004 shall remain in full force and effect until a regulation to replace the emergency regulation is adopted in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) or July 2006, whichever occurs first. This bill incorporates HB 1934.

Patron - Cline

P SB984 Uniform Statewide Building Code and State Fire Prevention Code; applicability to certain transportation assets owned by the Virginia Department of Transportation. Provides that the Uniform Statewide Building Code and the State Fire Prevention Code do not apply to roadway tunnels and bridges owned by the Department of Transporta-

tion. Such structures are to be designed, constructed, and operated in compliance with fire safety standards that are based on nationally recognized model codes and standards. The standards will be developed by the Department in consultation with the State Fire Marshal and approved by the Commonwealth Transportation Board. Under the bill, the Department is required to report annually to the State Fire Marshall on the maintenance and operability of installed fire protection and detection systems in roadway tunnels and on bridges.

Patron - Watkins

Failed

F HB1853 Uniform Statewide Building Code; Board of Housing and Community Development; regulations. Requires the Board of Housing and Community Development to establish standards for the installation of Internet connections in the construction of new multifamily housing or substantial rehabilitation of such housing that is funded with federal or state funds.

Patron - Eisenberg

F HB1934 Board of Housing and Community Development; regulations; use of natural cut Christmas trees in the common areas of places of worship and in apartment dwelling units that do not have automatic sprinkler systems. Provides that regulations adopted by the Board of Housing and Community Development in accordance with Chapter 138 of the Acts of Assembly of 2004 shall remain in full force and effect until a regulation to replace the emergency regulation is adopted in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) or July 2006, whichever occurs first. This bill has been incorporated into HB 2936.

Patron - Shannon

F HB1992 Virginia Fair Housing Law; evidence of unlawful discriminatory practices. Provides that the use of words or symbols associated with a particular religion, national origin, sex, or race may be evidence of an illegal preference under the Virginia Fair Housing Law. Current law mandates that the use of such words or symbols is prima facie evidence of an illegal preference. The bill also eliminates the prohibition against use of a general disclaimer to overcome the prima facie evidence.

Patron - Griffith

F HB2439 Uniform Statewide Building Code; Board of Housing and Community Development; wind requirements. Requires the Board of Housing and Community Development to adopt regulations exempting residential buildings located in the Counties of Grayson and Smyth from wind requirements for windows.

Patron - Carrico

F HB2590 Uniform Statewide Building Code; definitions; farm building or structure. Amends the definition of “farm building or structure” to include buildings formerly used for commercial poultry production and converted to commercial storage areas for machinery, vehicles, equipment, or supplies normally used in farming operations. Such commercial storage area must not be open to the public and must not have employees regularly stationed therein. This bill is identical to SB 788.

Patron - Weatherholtz

F SB788 Uniform Statewide Building Code; definitions; farm building or structure. Amends the definition of “farm building or structure” to include buildings formerly used for commercial poultry production and converted to commer-

cial storage areas for machinery, vehicles, equipment, or supplies normally used in farming operations. Such commercial storage areas must not be open to the public and must not have employees regularly stationed therein. This bill is identical to HB 2590.

Patron - Obenshain

SB1269 Housing Authorities Law; exercise of eminent domain to acquire blighted commercial properties. Authorizes housing authorities to acquire blighted commercial and industrial properties through the power of exercise of eminent domain. Currently, housing authorities may exercise such power for single- or multifamily dwelling units or structures.

Patron - Locke

Institutions for the Mentally Ill; Mental Health Generally

Passed

HB578 Use of electronic communication for certain filings; parties and witnesses. Provides that petitions and orders for emergency custody, temporary detention, and involuntary commitment of minors may be filed, issued, served, or executed by electronic means, with or without the use of two-way electronic video and audio communication. The bill also allows petitions and orders for emergency custody of adults, temporary detention of adults, emergency custody and temporary detention of adults in judicial authorization of treatment proceedings, and emergency custody of conditionally released persons to be filed, issued, served, or executed by electronic means, with or without the use of two-way electronic video and audio communication. The bill provides for party and witness testimony through two-way electronic video and audio communication in such proceedings. Finally, the bill allows a witness to testify using a telephonic communication system when his testimony would be helpful to the conduct of such proceedings and he is not able to be physically present.

Patron - Hamilton

HB1778 Providers of treatment for persons with opiate addiction; standards required; moratorium. Requires the State Mental Health, Mental Retardation and Substance Abuse Services Board to establish standards to evaluate the need and appropriateness for the issuance of new licenses to providers of treatment for persons with opiate addiction. The standards will include various criteria relating to the number of persons needing such treatment in the service area, the proposed site of the clinic, the existing access to such treatment, the geographic and demographic parameters of the service area, and the proposed clinic's security and accountability measures. A moratorium on the issuance of new licenses for providers of treatment for persons with opiate addiction is established from the enactment date of this act until the date on which the standards become effective. The Board is authorized to promulgate emergency regulations. This bill is identical to SB 753.

Patron - Kilgore

HB1938 Community services boards and behavioral health authorities. Authorizes the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS) to transfer appropriated funds for mental health, mental retardation, and substance abuse services directly to operating community services boards and behavioral health authorities. Operating community services boards

must be authorized by each local governing body that established it to receive funds directly from the DMHMRSAS.

Patron - O'Bannon

HB1997 Civil commitment of sexually violent predators. Makes numerous changes authorizing the release of various information concerning the offender to the Attorney General, mental health examiners and the Department of Mental Health, Mental Retardation and Substance Abuse Services. The bill provides that the Office of the Attorney General is a criminal justice agency. The bill increases the number of prisoners eligible for commitment by providing that someone who is serving concurrent or consecutive time for a non-sexually violent offense in addition to his time for a sexually violent offense will be assessed for possible commitment. The bill redefines "sexually violent offense" to include the commission of aggravated sexual battery against a person younger than 13 and assures that a committed person who commits a jailable offense will be returned to the custody of the Department of Mental Health, Mental Retardation and Substance Abuse Services.

Patron - Griffith

HB2110 Involuntary commitment process for persons with mental illness; standard of proof. Provides that the judge must apply the standard of "clear and convincing evidence" during an involuntary commitment hearing for persons with mental illness. Current law requires the judge to make specific findings before issuing an order for involuntary commitment, but does not set forth a standard of proof for the judge to apply when considering the evidence.

Patron - McQuigg

HB2514 Disclosure of patient information by certain health care providers. Repeals provisions governing disclosure of patient information to third party payors by mental health, mental retardation, and substance abuse professionals. This bill is a recommendation of the Joint Commission on Health Care. This bill is identical to SB 1110.

Patron - O'Bannon

HB2796 Suicide prevention; lead agency. Provides that the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS) will be the lead agency for suicide prevention across the lifespan. DMHMRSAS will coordinate the activities of the agencies of the Commonwealth pertaining to suicide prevention in order to develop and carry out a comprehensive suicide prevention plan addressing public awareness, the promotion of health development, early identification, intervention and treatment, and support to survivors. The Department of Health will continue to be responsible for youth suicide prevention. This bill is identical to SB 889.

Patron - Baskerville

HB2826 Brain Injury Waiver; licensing authority. Authorizes the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS) to license providers of services under the Medicaid Brain Injury Waiver and providers of residential services for persons with brain injury. The bill defines "brain injury" for waiver purposes and requires the Department of Rehabilitative Services to collaborate with DMHMRSAS in activities related to the licensing of Brain Injury Waiver service providers. The bill requires the State Board of Mental Health, Mental Retardation and Substance Abuse Services to promulgate necessary regulations within 280 days of enactment. This bill is identical to SB 1237.

Patron - Orrock

P HB2870 State and local human rights committees. Requires that at least one appointment to the state human rights committee and each local human rights committee must be a health care provider. These committees address alleged violations of human rights of consumers of public and private mental health, mental retardation and substance abuse services.

Patron - Lewis

P HB2881 Summary suspension of licenses of certain children's group homes and residential facilities; penalty. Authorizes the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to issue an order of summary suspension of a license to operate a group home or residential facility for children, including homes or facilities licensed under core licensure regulations, in cases of immediate and substantial threat to the health, safety, and welfare of residents. The bill includes authority for emergency regulations. The Executive Secretary of the Supreme Court and the Department of Mental Health, Mental Retardation and Substance Abuse Services must establish a protocol for the expedited appointment of a hearing officer for the summary suspension of licenses in accordance with the provisions of this act. This bill is identical to SB 1333.

Patron - Nixon

P SB719 Public guardian and conservator program. Provides that if a person is adjudicated incapacitated and in need of a guardian or conservator and the court has not identified any person to serve as guardian or conservator within one month from the adjudication, the court may appoint a local or regional program of the Virginia Public Guardian and Conservator Program authorized by the Department for the Aging. If there is no program within the court's jurisdiction, the court may appoint a program within 60 miles of the residence of the incapacitated person. However, the court shall not appoint any program that has reached or exceeded its ideal ratio of clients to staff.

Patron - Edwards

P SB741 Substance Abuse Services Council; membership. Adds six new members to the Substance Abuse Services Council, as follows: one member representing the Virginia Drug Courts Association, the Commissioner of the Department of Motor Vehicles, the Director of the Department of Medical Assistance Services, the chief Operating Officer of the Department of Alcoholic Beverage Control, the Executive Director of the Governor's Office for Substance Abuse Prevention or his designee, and the Executive Director of the Virginia Tobacco Settlement Foundation or his designee. This bill incorporates SB 1025.

Patron - Reynolds

P SB753 Providers of treatment for persons with opiate addiction; standards required; moratorium. Requires the State Mental Health, Mental Retardation and Substance Abuse Services Board to establish standards to evaluate the need and appropriateness for the issuance of new licenses to providers of treatment for persons with opiate addiction. The standards will include various criteria relating to the number of persons needing such treatment in the service area, the proposed site of the clinic, the existing access to such treatment, the geographic and demographic parameters of the service area, and the proposed clinic's security and accountability measures. A moratorium on the issuance of new licenses for providers of treatment for persons with opiate addiction is established from the enactment date of this act until the date on which the standards become effective. The Board is authorized

to promulgate emergency regulations. This bill will become effective upon enactment.

Patron - Wampler

P SB889 Suicide prevention; lead agency. Provides that the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS) will be the lead agency for suicide prevention across the lifespan. DMHMRSAS will coordinate the activities of the agencies of the Commonwealth pertaining to suicide prevention in order to develop and carry out a comprehensive suicide prevention plan addressing public awareness, the promotion of health development, early identification, intervention and treatment, and support to survivors. The Department of Health will continue to be responsible for youth suicide prevention. This bill is identical to HB 2796.

Patron - Mims

P SB1017 Judicial authorization of treatment and detention. Clarifies the provisions relating to judicial authorization of treatment. The bill defines "treatment" to include "the provision, withholding, or withdrawal of a specific treatment or course of treatment" when certain conditions are satisfied, such as the unavailability of a legally authorized representative, the incapacity of the person who is the subject of the petition to make an informed decision and unlikely prospect of the person to become capable of making an informed decision. The proposed treatment must be in the best interest of the patient and "medically and ethically appropriate with respect to (i) the medical diagnosis and prognosis and (ii) any other information provided by the attending physician of the person for whom treatment is sought." Further, the court's authority to dispense with service of the petition and notice of the hearing to the next of kin for persons who are patients in hospitals or facilities of the Department of Mental Health, Mental Retardation and Substance Abuse Services is simplified by adding the condition that such patients have "no known guardian or legally authorized representative at the time" and authorizing dispensing of notice to the next of kin when "treatment is necessary to prevent imminent or irreversible harm." Palliative care may also be ordered. Technical amendments are included.

Patron - Mims

P SB1023 Recodification of Title 37.1; persons with mental illness, mental retardation, or substance abuse. Recodifies Title 37.1 as Title 37.2. In accordance with § 30-152, the Virginia Code Commission, in 2003, undertook the recodification of Title 37.1. Title 37.1 is the legal authority for the Department of Mental Health, Mental Retardation and Substance Abuse Services under the Secretariat of Health and Human Resources, as well as the Office of the Inspector General for Mental Health, Mental Retardation and Substance Abuse Services. Title 37.1 is also the legal authority for community services boards and behavioral health authorities. The title was last revised in 1968. During the past 37 years, much has happened to affect laws governing mental health, mental retardation, and substance abuse services. The Virginia Code Commission has rewritten and combined sections or parts of sections to clarify provisions and to eliminate archaic, obsolete, or redundant language. Additionally, certain substantive changes are made, many of which reflect current practices, delete eliminated programs, or conform provisions to other statutes and regulations. The Virginia Code Commission has divided Title 37.2 into four subtitles. Subtitle I contains general provisions applicable to the entire title. The title-wide definitions are included as general provisions. Subtitle II deals with mental health, mental retardation, and substance abuse services. A newly created chapter within Subtitle II consolidates sections related to state facilities that were previously scattered throughout Title 37.1. Subtitle III contains chapters related to

admissions and dispositions. Subtitle IV contains guardianship, conservatorship, and judicial authorization of treatment provisions. Current §§ 37.1-207 and 37.1-207.1, relating to the Substance Abuse Services Council are relocated to Title 2.2 (Administration of Government) as part of the title revision. This executive branch advisory council coordinates the Commonwealth's public and private efforts to control substance abuse and it is more appropriately placed in this general government title. Two current chapters are not carried forward as part of Title 37.2 and will be repealed: Chapter 3 (Persons Not Confined to State Hospitals) and Chapter 7 (Extradition of Persons of Unsound Minds). Both chapters are obsolete.

Patron - Mims

SB1110 Disclosure of patient information by certain health care providers. Repeals provisions governing disclosure of patient information to third party payors by mental health, mental retardation, and substance abuse professionals. This bill is a recommendation of the Joint Commission on Health Care. This bill is identical to HB 2514.

Patron - Blevins

SB1237 Brain Injury Waiver; licensing authority. Authorizes the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS) to license providers of services under the Medicaid Brain Injury Waiver and providers of residential services for persons with brain injury. The bill defines "brain injury" for waiver purposes and requires the Department of Rehabilitative Services to collaborate with DMHMRSAS in activities related to the licensing of Brain Injury Waiver service providers. The bill requires the State Board of Mental Health, Mental Retardation and Substance Abuse Services to promulgate necessary regulations within 280 days of enactment. This bill is identical to HB 2826.

Patron - Puller

SB1333 Summary suspension of licenses of certain children's group homes and residential facilities; penalty. Authorizes the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to issue an order of summary suspension of a license to operate a group home or residential facility for children, including homes or facilities licensed under core licensure regulations, in cases of immediate and substantial threat to the health, safety, and welfare of residents. The bill includes authority for emergency regulations. The Executive Secretary of the Supreme Court and the Department of Mental Health, Mental Retardation and Substance Abuse Services must establish a protocol for the expedited appointment of a hearing officer for the summary suspension of licenses in accordance with the provisions of this act. This bill is identical to HB 2881.

Patron - Martin

Failed

HB2009 Criminal background checks; behavioral health employees. Increases the number of misdemeanor assault convictions from no more than one to no more than two that are permitted before an employee is barred from working for a community services board, behavioral health authority, or agency licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services. Such conviction must have occurred more than 10 years ago and not while employed in a direct consumer position.

Patron - Armstrong

HB2139 Criminal history background checks. Allows a (i) provider licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services, (ii)

community services board, or (iii) behavioral health authority that has submitted a request for a national criminal history record report on an applicant to employ the applicant while awaiting a response.

Patron - Purkey

HB2551 Definition of mental illness not to include dementia or Alzheimer's disease for certain purposes. Amends the definition of "mentally ill" in Title 37.1 of the Code to exclude persons with a primary diagnosis of dementia or Alzheimer's disease, for the purposes of the voluntary and involuntary admissions procedures in Chapter 2 of Title 37.1.

Patron - Moran

SB853 Voluntary treatment. Authorizes juveniles age 14 and older who have the consent of their parent to be admitted voluntarily to state hospitals (Department of Mental Health, Mental Retardation and Substance Abuse Services) for treatment.

Patron - Cuccinelli

SB1025 Substance Abuse Services Council; membership. Adds six new members to the Substance Abuse Services Council, as follows: one member representing the Virginia Drug Courts Association, the Commissioner of the Department of Motor Vehicles, the Director of the Department of Medical Assistance Services, the Chief Operating Officer of the Department of Alcoholic Beverage Control, the Executive Director of the Governor's Office for Substance Abuse Prevention or his designee, and the Executive Director of the Virginia Tobacco Settlement Foundation or his designee. This bill has been incorporated into SB 741.

Patron - Newman

SB1050 Health; appointment of ombudsman for incapacitated seniors. Authorizes a court, following the appointment of a guardian for incapacitated persons aged 60 or over, to appoint an ombudsman to serve as an intermediary to protect the interests of persons subject to the guardianship order. The entity with whom the Department for the Aging contracts to provide long-term care ombudsmen must establish a system for voluntary ombudsman services acting as intermediary for such persons subject to guardianship orders.

Patron - Wagner

Insurance

Passed

HB814 Insurance; homeowners; cancellation or nonrenewal; claims inquiries. Prohibits an insurer from canceling or refusing to renew homeowners insurance policies based solely on inquiries from insureds about insurance coverage or policy provisions. The measure does not apply to notifying the insurer of a loss, incident or accident, or providing information indicating an increase in the hazard insured against. Insurers are prohibited from reporting inquiries to any loss history database maintained by a consumer reporting agency or insurance support organization.

Patron - Eisenberg

HB1492 Health savings accounts. Requires the Department of Taxation and the State Corporation Commission to amend the Virginia Medical Savings Account Plan to address the provisions of federal law that permit eligible individuals to establish health savings accounts. The revised plan, to be called the Virginia Health Savings Account Plan, is

required to identify measures that will increase the utilization and efficacy of health savings accounts. Existing medical savings accounts may be converted to health savings accounts. Health carriers are expressly authorized to offer high deductible health plans that qualify for and may be offered in conjunction with health savings accounts. Banks, savings institutions, and credit unions are authorized to act as trustees of health savings accounts. No later than July 1, 2006, the health insurance plan for state employees is required to include, as one of the health coverage options offered in each planning district, a high deductible health plan that would qualify for a health savings account. The 2003 federal Medicare legislation authorizes eligible individuals who purchase a high deductible health plan to make tax-deductible contributions into a health savings account, generally up to the amount of the health plan's deductible, and to make tax-free withdrawals from the health savings account to pay for qualified medical expenses. The measure also repeals provisions relating to the establishment of the Virginia Medical Savings Account Plan and the role of the Joint Commission on Health Care in monitoring the Plan. This bill is identical to SB 1097.

Patron - Hamilton

HB1505 Birth-Related Neurological Injury Compensation Program. Establishes that the Birth-Related Neurological Injury Compensation Program's response to a claimant's petition is not due until 10 days after the three-physician panel's report is filed with the Workers' Compensation Commission. Upon the filing of the Program's response, the Commission shall set the hearing date, which shall be no sooner than 15 and no later than 90 days after the filing of the Program's response. This bill is identical to SB 1323.

Patron - Tata

HB1663 Insurance for unregistered motor vehicles. Authorizes insurance on any motor vehicle, trailer or semi-trailer that is exempt from motor vehicle registration requirements to be written under a policy other than a motor vehicle insurance policy. Such registration-exempt vehicles remain exempt from the liability insurance requirements that apply to registered motor vehicles. Currently, an owner who elects to insure a registration-exempt vehicle that is designed for use on public roads must, with some exceptions, insure it under a motor vehicle insurance policy. This measure, by providing that policies covering such vehicles are exempt from the requirements applicable to motor vehicle insurance generally, allows such vehicles to be insured under a general liability policy or farm policy.

Patron - Lingamfelter

HB1882 Miscellaneous casualty insurance; notices; policy provisions. Requires insurers to deliver written notice of cancellation, renewal, reduction in coverage, or certain rate increases to the named insured under policies of miscellaneous casualty insurance issued to a business entity. Miscellaneous casualty policies insure against liability, and against loss, damage, or expense arising out of injury to the economic interests of any person. The measure also requires policies insuring against liability for injury to the economic interests of any person to include provisions regarding the insolvency or bankruptcy of the insurer and when an action may be maintained by the insured against the insurer.

Patron - Hargrove

HB2143 Notices of health insurance premium increase. Requires a health insurer, issuer of subscription contracts, or health maintenance organization to provide the required notice of an increase in premium that exceeds 35 percent of the annual premium to the designated consultant or other agent of the group policyholder, contract holder, or sub-

scriber, if requested in writing. Currently, the notice is required to be given at least 60 days prior to the proposed renewal of coverage to the policyholder, contract holder, or subscriber.

Patron - Joannou

HB2219 Insurance rates; policies acquired from other insurers. Clarifies that an insurer may cap the renewal rates for policies that have been transferred from another insurer pursuant to a merger, acquisition, or sale, to the same extent that such rates may be capped for policyholders whose coverage is continued by that insurer.

Patron - Hargrove

HB2410 Medical malpractice insurance; notice of policy changes. Requires insurers to provide no less than 90 days' notice of a cancellation or non-renewal of, or a premium increase of more than 25 percent for, a medical malpractice insurance policy. If cancellation or non-renewal of such a policy is for nonpayment of the premium, the cancellation or non-renewal will be effective not less than 15 days from the date of mailing or delivery of the notice. For all other liability insurance policies, 45 days' notice of a 25 percent increase in the premium, rather than in the filed rate, is required.

Patron - Rust

HB2681 Disclosure of insurance information; natural disaster damage assessments. Permits the disclosure to state, federal, and local government officials of certain aggregated information involving property damage resulting from natural disasters.

Patron - Lingamfelter

HB2766 Life insurance; insurable interests. Eliminates a provision that currently allows a person to procure an insurance contract upon another individual when the benefits are payable to a beneficiary designated by the insured, if the beneficiary did not have an insurable interest in the insured when the contract was made. The measure provides that a lawful and substantial economic interest, which constitutes an insurable interest, is deemed to exist in parties to a contract for the purchase or sale of a business firm or in trustees of certain trusts. The measure does not apply to life insurance policies or contracts where, prior to December 31, 2004, a Virginia-headquartered charitable organization executed a nondisclosure and exclusivity agreement and was the holder of a charitable certificate issued prior to that date, if the policies or contracts are written on individuals who were donors to such a charitable organization or an organization under common control with the charitable organization. This bill is identical to SB 1227.

Patron - Griffith

HB2821 Title insurance risk rates. Authorizes title insurance companies to charge risk rates that it negotiates with a potential insured. Such rates shall be presumed not to be unfairly discriminatory if they are sufficient to furnish a reasonable margin for profit after provision for probable losses, exposure to loss under policies, allocations to reserves, costs of participating insurance, operating costs and other items of expense fairly attributable to the operation of the business, and are not unfairly discriminatory between risks involving essentially the same hazards and expense elements.

Patron - Suit

SB864 Availability of individual health insurance coverage. Prohibits health insurers from imposing affiliation periods on eligible individuals in the individual accident and sickness insurance market. Such insurance is currently guaranteed to be available to eligible individuals with prior coverage. The measure is required to conform Virginia law with federal

regulations issued under the Health Insurance Portability and Accountability Act.

Patron - Miller

SB904 Health insurance; claims paid to insureds for services rendered by non-participating providers.

Requires health insurers, health services plans and health maintenance organizations that send payment to the insured, subscriber or enrollee for services received from a non-participating physician or osteopath to notify the insured, subscriber or enrollee of the responsibility to apply the payment to the claim from the non-participating provider. The notice is required to include the last known address of the non-participating provider on the explanation of benefits statement. This notice provision is effective January 1, 2006, for health insurers, health services plans and health maintenance organizations with no more than 500,000 insureds, subscribers or enrollees. A similar requirement is applicable to the state employees' health insurance plan.

Patron - Norment

SB913 Insurance rates; large commercial risks.

Revises the criteria for qualification as a large commercial risk by reducing the eligibility threshold for net worth from \$10 million to \$2 million; for annual revenues from \$25 million to \$2 million; for full time employees from 80 to 10; for aggregate insurance payments from \$100,000 to \$25,000; and for annual budgeting expenditures for nonprofit organizations or public bodies from \$10 million to \$5 million.

Patron - Norment

SB1059 Insurance collateral deposited with State Treasurer.

Authorizes the State Treasurer to assess a fee, to be determined annually based on estimated expenses, to cover the expenses associated with the safekeeping and handling of securities or surety bonds deposited with the State Treasurer by insurance companies. The fee shall not exceed one-fourth of one percent of the par or face value of the deposited securities or surety bonds. Currently, the State Treasurer may charge a fee of not more than one-tenth of one percent of the par or face value of the deposited securities or surety bonds. The assessments will be deposited in a special, nonreverting fund to be known as the Insurance Collateral Assessment Fund.

Patron - Wagner

SB1097 Health savings accounts.

Requires the Department of Taxation and the State Corporation Commission to amend the Virginia Medical Savings Account Plan to address the provisions of federal law that permit eligible individuals to establish health savings accounts. The revised plan, to be called the Virginia Health Savings Account Plan, is required to identify measures that will increase the utilization and efficacy of health savings accounts. Existing medical savings accounts may be converted to health savings accounts. Health carriers are expressly authorized to offer high deductible health plans that qualify for and may be offered in conjunction with health savings accounts. Banks, savings institutions, and credit unions are authorized to act as trustees of health savings accounts. No later than July 1, 2006, the health insurance plan for state employees is required to include, as one of the health coverage options offered in each planning district, a high deductible health plan that would qualify for a health savings account. The 2003 federal Medicare legislation authorizes eligible individuals who purchase a high deductible health plan to make tax-deductible contributions into a health savings account, generally up to the amount of the health plan's deductible, and to make tax-free withdrawals from the health savings account to pay for qualified medical expenses. The measure also repeals provisions relating to the establishment of the Virginia Medical Savings Account Plan

and the role of the Joint Commission on Health Care in monitoring the Plan. This bill is identical to HB 1492.

Patron - Martin

SB1106 Health insurance carriers; ethics and fairness in business practices.

Requires health insurance carriers that bundle or downcode claims submitted by a provider to disclose that practice to the provider. Carriers are also required to disclose their bundling or downcoding policies. Other provisions require carriers to establish in writing their claims payment dispute mechanism and make the information available to providers. The measure also provides that an amendment to a contract shall not be effective unless the proposed amendment is delivered to the provider at least 60 days prior to its effective date and the provider has failed to notify the carrier within 30 days of receipt of the documentation that the provider intends to terminate the provider's contract. The measure applies to provider contracts entered into, amended, extended, or renewed on or after January 1, 2006.

Patron - Saslaw

SB1227 Life insurance; insurable interests.

Eliminates a provision that currently allows a person to procure an insurance contract upon another individual when the benefits are payable to a beneficiary designated by the insured, if the beneficiary did not have an insurable interest in the insured when the contract was made. The measure provides that a lawful and substantial economic interest, which constitutes an insurable interest, is deemed to exist in parties to a contract for the purchase or sale of a business firm or in trustees of certain trusts. The measure does not apply to life insurance policies or contracts where, prior to December 31, 2004, a Virginia-headquartered charitable organization executed a nondisclosure and exclusivity agreement and was the holder of a charitable certificate issued prior to that date, if the policies or contracts are written on individuals who were donors to such a charitable organization or an organization under common control with the charitable organization. This bill is identical to HB 2766.

Patron - Stosch

SB1260 Motor vehicle, aircraft, and watercraft liability insurance policies.

Authorizes a liability insurer to limit its liability, under an insurance policy covering bodily injury or property damage, for injury or damage resulting from any one accident or occurrence to the liability limits for such coverage set forth in the policy for any accident or occurrence or for any one person. The measure also provides that if an accident or occurrence involves more than one defendant who is covered by the policy, the plaintiff may recover the per person limit of the policy against each defendant, subject to the policy's per accident or occurrence limit.

Patron - Norment

SB1323 Birth-Related Neurological Injury Compensation Program.

Establishes that the Birth-Related Neurological Injury Compensation Program's response to a claimant's petition is not due until 10 days after the three-physician panel's report is filed with the Workers' Compensation Commission. Upon the filing of the Program's response, the Commission shall set the hearing date, which shall be no sooner than 15 and no later than 90 days after the filing of the Program's response. This bill is identical to HB 1505.

Patron - Devolites Davis

SB1338 Group accident and sickness insurance coverage.

Allows coverage under a group accident and sickness insurance policy to be extended to insure any class of persons as may mutually be agreed upon by the insurer and the group policyholder.

Patron - Howell

Failed

HB1545 Motor vehicle insurance; limited tort option. Requires insurers to allow insureds to elect to obtain limited tort motor vehicle insurance policies under which the named insured and members of the named insured's household are precluded from maintaining an action for pain and suffering and other noneconomic loss sustained in a motor vehicle accident as the result of another person's fault, unless the person responsible for the accident is convicted of driving under the influence in the accident, is operating a vehicle registered in another state, or has not maintained liability insurance on his vehicle. Insurers shall allow an appropriate reduction in premiums for persons who elect to obtain such limited insurance policies.

Patron - Frederick

HB1553 Life insurance; payment of benefits to designee of beneficiary. Authorizes the named beneficiary of record of an individual life insurance policy to designate one or more persons to receive all or a portion of the proceeds of the policy to which the beneficiary is entitled, unless otherwise prohibited by law or the terms of the policy. The insurer shall honor such designation if it is in writing, signed by the beneficiary, attested by a notary public, and received by the insurer prior to paying the proceeds to the beneficiary.

Patron - Alexander

HB1629 Health insurance; mandated coverage for prescription contraceptives. Requires health insurers, corporations providing accident and sickness subscription contracts, and health maintenance organizations, whose policies, contracts, or plans include prescription drugs on an outpatient basis, to include coverage for any prescribed drug or device approved by the United States Food and Drug Administration for use as a contraceptive.

Patron - Van Yahres

HB1740 Health insurance; mandated coverage for hearing aids for minors. Requires health insurers, health maintenance organizations, and corporations providing health care coverage subscription contracts to provide coverage for hearing aids and related services for children from birth to age 18 when a licensed audiologist prescribes such hearing aids and related services. The coverage shall include one hearing aid per hearing-impaired ear, up to a cost of \$1,500, every 24 months.

Patron - Cosgrove

HB1772 Homeowners insurance; grounds for non-renewals. Prohibits an insurer or agent from refusing to renew a homeowner's insurance policy after the homeowner is insured with such insurer for seven years or longer, solely because of a claim resulting primarily from other than natural causes, unless the claim is the result of a substantial increase, subsequent to the date the policy was issued or renewed, in the risk of loss that the insurer assumed under the policy. A substantial increase in risk of loss includes physical changes that result in the property becoming uninsurable, criminal conduct that increases the probability that an insured peril will occur, and reckless acts or omissions that increase the probability that a peril insured against will occur.

Patron - Dillard

HB1903 Medical malpractice claims; reporting. Reinstates a requirement that medical malpractice liability insurers submit annual reports to the State Corporation Commission containing information regarding claims made against

health care providers. This bill has been incorporated into HB 2659.

Patron - Baskerville

HB1936 Health insurance; state health care plan; mandated coverage for treatment of morbid obesity. Requires health insurers, health maintenance organizations, corporations providing health care coverage subscription contracts, and the state health insurance plan to provide coverage for treatment of morbid obesity. Currently, these entities are required to offer and make available coverage for this treatment.

Patron - O'Bannon

HB1949 Insurance for unregistered motor vehicles. Exempts bodily injury and property damage insurance coverage on a motor vehicle, trailer, or semi-trailer that is exempt from motor vehicle registration requirements, including vehicles used exclusively for agricultural purposes, from requirements that generally apply to liability insurance policies. Such registration-exempt vehicles remain exempt from the liability insurance requirements that apply to registered motor vehicles. Currently, an owner who elects to insure a registration-exempt vehicle that is designed for use on public roads must, with some exceptions, insure it under a motor vehicle insurance policy. This measure allows such vehicles to be insured under a general liability policy.

Patron - Saxman

HB1953 Insurance; medical malpractice claims. Requires all insurers or health care providers to provide annual reports to the State Corporation Commission's Commissioner of Insurance relating to medical malpractice claims. The report shall include, among other things, the nature of the claim and the damages asserted, the principal medical and legal issues, and the amount of the settlement or judgment awarded to the claimant to the extent the amount is known. The report shall include a statistical summary of the information collected in addition to an individual report on each claim.

Patron - Kilgore

HB2011 Health insurance; mandated coverage for treatment of inborn errors of metabolism. Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for treatment of inborn errors of metabolism that involve amino acid, carbohydrate, and fat metabolism and for which medically standard methods of diagnosis, treatment, and monitoring exist.

Patron - Armstrong

HB2077 Health insurance; mandated coverage for habilitative services for children. Requires health insurers, health maintenance organizations, and corporations providing health care coverage subscription contracts to provide coverage for habilitative services for persons younger than 19 years.

Patron - Plum

HB2135 Motor vehicle insurance policies; access to recorded data; penalties. Prohibits motor vehicle insurers from including in policies any provision that authorizes the insurer to obtain access to data that is electronically stored in an electronic data recording system in the motor vehicle.

Patron - Gear

HB2147 Motor vehicle insurance; diminished value coverage. Provides that motor vehicle insurance includes coverage for the diminution in the value of a motor vehicle, which is the amount, if any, by which the value of the

vehicle prior to a collision exceeded its value after collision repairs are completed.

Patron - Amundson

HB2184 Viatical settlement brokers. Establishes criteria under which life and annuities insurance agents will be deemed to have met the requirements for obtaining a viatical settlement broker's license.

Patron - Hargrove

HB2225 Homeowners insurance; exclusion for inherently hazardous object or condition. Authorizes the issuer of a homeowner's policy, with the insured's written consent, to exclude from coverage any portion of the risk that may reasonably be classified by the insurer as an inherently hazardous object or condition of the property.

Patron - Rust

HB2251 Prescription drug utilization review programs. Requires any health insurer, subscription plan or health maintenance organization with a policy that includes prescription drug coverage to institute a prescription drug utilization review program, pursuant to which it is required to conduct a prospective drug review before it approves coverage for a new prescription. The review shall involve screening for drug interactions, incorrect dosage, and other potential drug therapy problems. If the review indicates that a potential drug therapy problem may exist, it shall not approve coverage for the new prescription until it notifies the covered individual and his pharmacist of the potential problem.

Patron - Bell

HB2345 Health Care Voluntary Purchasing Alliance Act. Authorizes the establishment of a state-administered purchasing alliance program, through which small employers may purchase health insurance coverage for employees. The Health Care Voluntary Purchasing Authority is established to offer the program. Small employers, defined as employing between two and 50 employees, may join together to purchase health insurance through the program. The Authority is authorized to contract with qualified group health insurance carriers to provide health insurance plans to participating small employers.

Patron - Hall

HB2349 Health insurance; explanation of benefits. Requires that the explanation of benefits set forth the benefits payable under the contract in a manner understandable to the consumer and provide the consumer with timely notice of the action on the claim. The explanation of benefits process must also be designed to avoid delivery to the consumer of confusing and redundant notices on the same claim. The Commissioner of Insurance must issue regulations on these matters.

Patron - Marshall, R.G.

HB2445 Home protection insurance contracts; extended service contracts. Exempts maintenance contracts from the Extended Service Contract Act. The measure also specifies that built-in household appliances, mechanical, plumbing, and electrical systems are consumer products subject to the Act, and provides that extended service contracts include agreements under which the purchaser is indemnified against the cost of repair or replacement of consumer products that fail due to normal wear and tear. The registration and renewal fee under the Act is increased from \$100 to \$300. The measure allows obligors to demonstrate financial responsibility by maintaining a funded reserve account of not less than 40 percent of the gross consideration received, less claims paid, on the sale of the service contract for all in-force contracts.

Patron - Suit

HB2485 Rural health initiative; medical malpractice liability insurance program. Directs the Division of Risk Management to establish a medical malpractice liability insurance program for physicians who maintain a primary care practice generally open to the public in a locality where 50 percent or more of the households have an annual gross income that is less than 200 percent of the federal poverty level. In addition, at least 50 percent of the practice's patients must receive care under the Medicaid or Medicare programs, a majority of the physician's practice must be in Virginia, and the physician must comply with such other criteria as the Division establishes. The monthly premium for the insurance will not exceed \$100 per month. Participation in the plan will be limited to the number of qualified physicians that appropriated funds will allow. The measure is contingent upon the appropriation of sufficient funds to establish the program.

Patron - Petersen

HB2525 Health insurance; mandated coverage for ambulance services. Requires health insurers, health maintenance organizations, and corporations providing health care coverage subscription contracts to provide coverage for ambulance services involving the transportation of a covered person to an acute care facility, trauma center, or burn facility, when the transportation is medically appropriate as the result of the person's sustaining an urgent or life-threatening injury, burn, or other medical emergency.

Patron - O'Bannon

HB2633 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 HB 2659.

Patron - Moran

HB2718 Reporting medical malpractice claims to State Corporation Commission. Requires medical malpractice liability insurers to submit annual reports to the State Corporation Commission stating information regarding closed claims made against health care providers.

Patron - Morgan

HB2785 Accident and sickness insurance; legal custody. Allows group health insurance policies to provide coverage for a child under age 19 if an insured group member has legal custody of the child.

Patron - Hogan

HB2824 Insurance; extended service contracts. Excludes from the definition of insurance the making of an extended service contract by a wholly-owned subsidiary of a manufacturer, seller, lessor, or builder of a product or service, if the subsidiary has an insurance policy providing coverage for the making of the extended service contract and persons making claims under the extended service contract are entitled to make a direct claim against the insurer if a claim is not paid within 60 days after proof of loss is filed.

Patron - Griffith

HB2898 Passenger rail service liability. Authorizes any agency or political subdivision of the Commonwealth that provides public rail transportation services to contract with a railroad company to allocate financial responsibility for claims related to passenger rail services. The agency or political subdivision shall maintain a liability insurance policy with limits of not less than \$200 million per incident or accident. The measure caps the aggregate liability of the agency or political sub-

division and the railroad company for claims arising from a single accident or incident related to passenger rail services at the greater of \$200 million per incident or accident or the proceeds available from the insurance policy.

Patron - Janis

FSB860 Health insurance; mandated coverage for prescription contraceptives. Requires health insurers, corporations providing accident and sickness subscription contracts, and health maintenance organizations whose policies, contracts, or plans include prescription drugs on an outpatient basis, to include coverage for any prescribed drug or device approved by the United States Food and Drug Administration for use as a contraceptive.

Patron - Howell

FSB982 Title insurance rates; penalties. Prohibits title insurance companies, agencies, and agents from making or issuing a title insurance policy or contract except in accordance with the rate of premium, policy fee, or other charge that is published by the title insurance company. Title insurance companies are required to publish their risk rates, and to separately state, but not to publish, charges for separate or related services or for examining titles. A title insurance company, agency, or agent that fails to publish its risk rates, or issues a policy not in accordance with its published risk rates, may be assessed a penalty in an amount equal to the premium that should have been charged for the transaction based on the risk rates in use at the time of the transaction.

Patron - Watkins

FSB1032 Health insurance; state health care plan; mandated coverage for treatment of morbid obesity. Requires health insurers, health maintenance organizations, corporations providing health care coverage subscription contracts, and the state health insurance plan to provide coverage for treatment of morbid obesity. Currently, these entities are required to offer and make available coverage for this treatment.

Patron - Lambert

FSB1037 Group health insurance; misreporting of claims experience data; civil penalty. Prohibits the issuer of a group health insurance plan from misreporting claims data about a group policyholder to another insurer, corporation, or health maintenance organization in a manner or to an extent that prevents or materially impedes the group policyholder's ability to conduct a fair bidding process for group health coverage. The Bureau of Insurance is authorized to audit the claims experience data reported to other health insurers, and to give the group policyholder a copy of the results of the audit.

Patron - Ruff

FSB1049 Health insurance; optional coverage for developmental delay treatment. Requires health insurers, health maintenance organizations, and corporations providing health care coverage subscription contracts to offer and make available coverage for the treatment of developmental delay.

Patron - Wagner

FSB1265 Communication of health insurance documents. Authorizes health insurers to provide explanations of benefits, individual certificates, and evidence of coverage by means other than a printed document, if the person entitled to the document may request and receive a printed copy.

Patron - Wagner

FSB1321 Health care provider panels. Includes in the definition of "provider panels" providers under contract with a health maintenance organization or preferred provider

organization regardless of the payment methodology utilized by such organization.

Patron - Saslaw

FSB1328 Homeowners insurance policies; fungi coverage. Authorizes insurers issuing policies on owner-occupied dwellings to limit coverage for loss caused by or consisting of the presence of fungi to not less than \$10,000 for fungi remediation. This limit does not apply to fungi resulting from covered fire or lightning losses. The limited fungi coverage only applies to fungi resulting from a cause of loss not otherwise covered by the policy. Insurers are required to notify insureds of the option to purchase, for an additional premium, higher limits for fungi remediation coverage. The measure applies to policies issued or renewed on or after October 1, 2005.

Patron - Colgan

Juvenile Justice

Passed

PJHB2657 Department of Juvenile Justice; juvenile work release program established; penalties. Authorizes the Director of the Department of Juvenile Justice to establish work release programs whereby (i) a juvenile who is proficient in any trade or occupation, and who meets the work release criteria established by the Director, may be approved for employment by private individuals, corporations, or state agencies at places of business; or (ii) a juvenile who the Director is satisfied meets the work release criteria and is capable of receiving substantial benefit from educational or other related community activity programs that are not available within a juvenile correctional center may attend such programs outside of the juvenile correctional facility. The bill requires the Department of Juvenile Justice to provide juveniles committed to the Department with opportunities to work and participate in career training or technical education programs as operated by the Department or by the Department of Correctional Education, and sets forth provisions relating to eligibility for work release, compensation, custody, and penalties for violating the terms of work release. The bill provides that the Department shall promulgate emergency regulations, and provide the services set forth in the bill at one location on a pilot program basis beginning July 1, 2005, and ending July 1, 2006. The Department shall report to the General Assembly concerning the implementation of the pilot program. Aside from the pilot program, the bill has a delayed effective date of July 1, 2006.

Patron - BaCote

Labor and Employment

Passed

PJHB1703 Volunteer firefighters; minors; emergency. Provides that ordinances of counties, cities and towns authorizing participation by minors aged 16 years or older in volunteer fire companies apply to minors resident anywhere in the Commonwealth. The measure also provides that localities by ordinance may authorize such minors to seek firefighter certification. Such minors who are members of a volunteer fire company are exempted from child labor provisions while participating in all activities of a volunteer fire company, but shall not enter a burning structure prior to obtaining firefighter certi-

fication except where such entry is necessary to obtain the firefighter certification. This bill contains an emergency clause and will take effect upon passage.

Patron - Kilgore

P HB1834 Labor violations; time for reporting complaint. Prohibits an employee from seeking relief via the administrative process through the Commissioner of Labor and Industry for discharge or discrimination as a result of reporting health or safety violations if the employee does not file his complaint within 60 days after the discharge or discrimination occurred. This bill is identical to SB 971.

Patron - Parrish

P HB1955 Boiler and pressure vessel inspections; expiration of certificate; inspection by Commonwealth. Authorizes the Commissioner to assign an agent or special inspector to inspect any boiler or pressure vessel 91 days after certificate expiration and assess an inspection fee against the owner or operator of the boiler or pressure vessel.

Patron - Jones, D.C.

P HB2393 Employee's day of rest. Repeals the statutory provisions governing the employee day of rest requirements.

Patron - Griffith

P HB2638 Failure or refusal to pay wages; penalty. Provides that an employer who fraudulently fails or refuses to pay wages is guilty of a Class 6 felony if the amount of wages is \$10,000 or more or if it is a second or subsequent conviction. Under current law the refusal to pay wages is a Class 1 misdemeanor regardless of the amount. The bill also provides the determination as to the "value of the wages earned" shall be made by combining all wages the employer failed or refused to pay.

Patron - Ebbin

P HB2842 Payment of wages or salaries. Authorizes employers to pay wages by credit to a prepaid debit card or card account without the employee's consent if the employee has failed to designate a financial institution where payment may be deposited by automated fund transfer and if the employee is employed at a facility where amusement devices are operated.

Patron - Hargrove

P SB971 Labor violations; time for reporting complaint. Prohibits an employee from seeking relief via the administrative process through the Commissioner of Labor and Industry for discharge or discrimination as a result of reporting health or safety violations if the employee does not file his complaint within 60 days after the discharge or discrimination occurred. This bill is identical to HB 1834.

Patron - O'Brien

Failed

F HB2194 Employee day of rest; banking institutions. Exempts banking institutions from the requirement to provide employees one day of rest in any calendar week.

Patron - Abbitt

F SB705 Qualification for payment of overtime compensation. Provides that employers subject to the Fair Labor Standards Act shall pay wages for overtime in accordance with the regulations governing overtime pay that were in effect prior to August 23, 2004, except that the minimum qualifying salary for an exempt employee (i.e., an employee not entitled to over-

time) shall be that set forth at 29 C.F.R. § 541.600, effective August 23, 2004. Regulations effective prior to August 23, 2004 required payment of overtime wages to employees earning wages at or below \$8,060 per year. Employees earning more than \$8,060 could qualify for overtime based on a further evaluation of their duties and responsibilities. Under the regulations effective August 23, 2004, employees earning less than \$23,660 annually must be paid overtime compensation without consideration of their duties and responsibilities. Employees earning more than \$23,660 may qualify for overtime compensation, depending on further evaluation of their duties and responsibilities. The regulations also distinguish between white collar and blue collar employees and direct that the latter can never be deemed exempt, and require that certain specific groups of employees (such as police officers, correctional officers and emergency medical technicians) are never to be considered exempt. See 29 C.F.R. § 541.3. At the same time, the regulations effective August 23, 2004 provide that an employee can spend unspecified amounts of time performing nonexempt tasks, yet be found exempt if his "primary duty" is management or supervision of other employees. Under the regulations in effect prior to August 23, 2004, an employee who spent more than 80 percent of his time performing nonexempt tasks was entitled to overtime, regardless of whether his work also involved management or supervision of other employees. See former 29 C.F.R. § 541.112 (providing that "An employee will not qualify for exemption as an executive if he devotes more than 20 percent...of his hours worked in the workweek to nonexempt work"). The bill retains the threshold wage of \$23,660 established in the regulations in effect on August 23, 2004, and requires the application of the regulations in effect prior to August 23, 2004, for the purposes of evaluating whether an employee earning more than that threshold wage is entitled to overtime compensation.

Patron - Miller

F SB713 Parental leave for school involvement. Requires employers to permit employees who are parents or guardians of, or who stand in loco parentis to, a school-aged child to take up to four hours of leave annually in order to attend or otherwise be involved in the child's school. The employer and employee must mutually agree to the time for the leave, the leave need not be compensated, and the employer may require both 48 hours' advance notice of the leave and written verification from the school of the employee's involvement in the school.

Patron - Potts

F SB1172 Covenants not to compete. Establishes that a covenant between an employer and employee that restricts the employee's ability to compete with his employer following the termination of employment is enforceable if the restrictions are reasonable in duration, geographic area, and scope; the agreement is signed by the individual; the covenant is justified by the former employer's legitimate business interest; and the individual's agreement to the covenant is supported by consideration. The measure does not apply in actions to enforce a covenant entered into prior to July 1, 2005.

Patron - Stolle

Libraries

Passed

P HB1791 Virginia Public Records Act. Makes several clarifying and technical changes to the Virginia Public Records Act. The bill removes obsolete definitions, clarifies

existing definitions of "archival records" and "public records," and creates a definition for "private record," a term that is used in the Act but not currently defined. The bill removes references to the preservation of medical records, an area of law that has been superseded by other state and federal medical records laws, and programs for microfilming records by The Library of Virginia, a service not provided by The Library of Virginia. The bill also clarifies that a public record may not be destroyed or discarded unless certain requirements are met. This change codifies current practice. This bill is a recommendation of the HJR 6 study (2004).

Patron - Cox

Failed

F HB2699 Public libraries; state grants to improve standards. Provides that state aid to libraries or systems serving a population in excess of 600,000 shall receive \$0.30 per capita. Currently, this amount is set at \$0.10. The bill also contains technical amendments.

Patron - Sickles

F HB2797 Technology protection measures; public libraries. Requires the library board or governing body of a library that receives state funding for any purpose to include in its acceptable use policy for the Internet provisions on selecting and installing on those computers that have Internet access a technology protection measure to filter or block Internet access through such computers to child pornography as set out in § 18.2-374.1:1, obscenity as defined in § 18.2-372 and, with respect to minors, materials deemed harmful to juveniles as defined in § 18.2-390. The bill also requires the library board or governing body to actually select and install the technology protection measure.

Patron - Nixon

F SB882 Technology; required protection measures; public libraries. Requires the library board or governing body of a library that receives state funding for any purpose to include in its acceptable use policy for the Internet provisions requiring the selection, installation, and activation on those computers that have Internet access a technology protection measure, as selected by the Library of Virginia, to filter or block Internet access through such computers to child pornography as set out in § 18.2-374.1:1, obscenity as defined in § 18.2-372, and, with respect to minors, materials deemed harmful to juveniles as defined in § 18.2-390. The bill also requires the library board or governing body to actually select, install, and activate the technology protection measure.

Patron - Obenshain

Mechanics' and Certain Other Liens

Passed

P HB1599 Mechanics' lien; repairs to personal property. Increases from \$625 to \$800 the maximum lien a mechanic can assert for repairs to personal property. The maximum lien that garage, marina, livery and hangar operators can assert was increased to \$800 in the 2004 General Assembly session.

Patron - Hargrove

P HB2310 Lien of keeper of livery stable, garage, marina, etc. Increases the lien limits for storage from \$300 to \$500, and requires that the person asserting the lien make a reasonable attempt to notify any secured party of record at the Department of Motor Vehicles or the Department of Game and Inland Fisheries not just in writing but also by telephone, with both forms of notice required within three business days of the person's taking possession of the boat, aircraft or vehicle. An item of personal property left with the stored property must be returned only if the owner claims the item before auction.

Patron - Griffith

Failed

F SB704 Mechanics' liens; easements of public service company, etc. Prohibits a lien attaching to adjacent properties where the lien is based on a claim for repair, etc., upon an easement of right-of-way owned by or authorized by a public service entity. Notice of such lien shall not be served upon the adjacent property owners. The bill provides that no such lien shall be filed in a circuit court and that any such lien filed or notice served contrary to the provisions of the bill is null and void and without legal effect. Any person or entity filing such a lien or causing such a notice to be served may be subject to a civil penalty of \$100, which will be deposited into the Home Energy Assistance Fund.

Patron - Reynolds

Military and Emergency Laws

Passed

P HB2032 Powers and duties of Department of Emergency Management; coordination of emergency services intelligence and response; Freedom of Information Act. Provides that the Department of Emergency Management shall be responsible for the coordination, receipt, evaluation, and dissemination of emergency services intelligence and shall coordinate intelligence activities with the Department of State Police. The bill also creates a records exemption under the Virginia Freedom of Information Act for contact information, computer information, and operating schedule information submitted by an individual or agency for participation in the Statewide Alert Network where the release of such information would compromise the security of the Statewide Alert Network or individuals participating in the Statewide Alert Network.

Patron - Miles

P HB2379 Mutual aid arrangements. Allows a local director of emergency management to enter into mutual aid arrangements for reciprocal assistance in case of disaster with other states or localities within other states. Currently, directors are limited to making these arrangements with other public or private agencies within the Commonwealth or with states adjacent to the Commonwealth. This bill is identical to SB 766 and incorporates HB 1786.

Patron - Rapp

P SB766 Mutual aid arrangements. Allows a local director of emergency management to enter into mutual aid arrangements for reciprocal assistance with other states or localities within other states in case of disaster. Currently, directors are limited to making these arrangements with other public or private agencies within the Commonwealth or with

states adjacent to the Commonwealth. This bill is identical to HB 2379 and incorporates SB 814.

Patron - Locke

SB800 Disaster preparedness programs; continuity of operations. Requires that the State Department of Emergency Management provide guidance and assistance to state agencies and localities in developing and maintaining continuity of operations (COOP) programs.

Patron - Watkins

Failed

HB1786 Mutual aid arrangements. Allows a local director of emergency management to enter into mutual aid arrangements for reciprocal assistance in case of disaster with other states or localities within other states. Currently, directors are limited to making these arrangements with other public or private agencies within the Commonwealth or with states adjacent to the Commonwealth. This bill has been incorporated into HB 2379.

Patron - BaCote

SB814 Mutual aid arrangements. Allows a local director of emergency management to enter into mutual aid arrangements for reciprocal assistance with other states or localities within other states in case of disaster. Currently, directors are limited to making these arrangements with other public or private agencies within the Commonwealth or with states adjacent to the Commonwealth. This bill has been incorporated into SB 766.

Patron - Williams

Mines and Mining

Passed

HB2573 Coal mining safety; civil penalty. Amends the Virginia Coal Mine Safety Act and the Virginia Coal Surface Mining Control and Reclamation Act to increase mine safety and address safety concerns, including notification of violations, qualifications of inspectors, new map designations, roof control plans, requirements for storage of explosives, clearance on haulage roads, operation of equipment, slope and shaft conditions, requirements for protective clothing, location of fire-fighting equipment, and increased safety examinations. The bill consolidates reporting requirements for impoundments or dams and requires that emergency evacuation plans be kept up to date. This bill also (i) requires ground control plans to ensure the safety of persons in any area that may be affected by blasting or falling, sliding, or other uncontrolled movement of material and (ii) increases the maximum civil penalty from \$5,000 to \$70,000 for violations that result in an injury or fatality to any person. This bill contains an emergency clause.

Patron - Stump

Failed

HB2394 Coal mine blasting practices. Prohibits blasting for underground coal mine air shafts within 500 feet of a residence and prohibits all coal mine blasting within 1,500 feet of a residence at night.

Patron - Phillips

HB2507 Coal mining safety. Amends the Virginia Coal Mine Safety Act and the Virginia Coal Surface Mining

Control and Reclamation Act to address safety concerns, including notification of violations, qualifications of inspectors, new map designations, roof control plans, requirements for storage of explosives, clearance on haulage roads, operation of equipment, slope and shaft conditions, requirements for protective clothing, location of fire-fighting equipment, and increased safety examinations. The bill consolidates reporting requirements for impoundments or dams, and requires that emergency evacuation plans be kept up to date. This bill also prohibits mining from occurring in an area where the topography and geology may result in danger to any residence, or at night or in locations where a threat of danger to lives or property exists. This bill requires prior approval of a detailed plan to protect individuals and property outside of the permitted area from potential harm caused by mining activities, and construction of protective barriers along the perimeter of mining areas where harmful materials may become loose as a result of mining activities and pose a threat to lives and property outside of the permitted area.

Patron - Phillips

SB1091 Coal mining safety; civil penalty. Amends the Virginia Coal Mine Safety Act and the Virginia Coal Surface Mining Control and Reclamation Act to increase mine safety and address safety concerns, including notification of violations, qualifications of inspectors, new map designations, roof control plans, requirements for storage of explosives, clearance on haulage roads, operation of equipment, slope and shaft conditions, requirements for protective clothing, location of fire-fighting equipment, and increased safety examinations. The bill consolidates reporting requirements for impoundments or dams and requires that emergency evacuation plans be kept up-to-date. This bill also (i) requires ground control plans to ensure the safety of persons in any area that may be affected by blasting or falling, sliding, or other uncontrolled movement of material and (ii) increases the maximum civil penalty from \$5,000 to \$70,000 for violations that result in an injury or fatality to any person. This bill contains an emergency clause.

Patron - Puckett

Motor Vehicles

Passed

HB1494 Access to records of the Department of Motor Vehicles (DMV). Requires the DMV Commissioner, on the written request of any person who has applied to be a volunteer vehicle operator with a Virginia chapter of the American Red Cross, to (i) compare personal information supplied by a Virginia chapter of the American Red Cross with that contained in the Department's records and, when the information supplied by a Virginia chapter of the American Red Cross is different from that contained in the Department's records, provide the Virginia chapter of the American Red Cross with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. The abstract is to be provided free of charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer vehicle operator with a Virginia chapter of the American Red Cross.

Patron - Sherwood

HB1501 Special license plates; House "Omnibus." Authorizes the issuance of special license plates for recipients

of the National Defense Service Medal; recipients of the Global War on Terrorism Service Medal; unmarried surviving spouses of United States Marine Corps veterans; members and former members of the U.S. Naval Construction Force; members of the Veterans of Foreign Wars of the United States organization; members of the Virginia Division of the United Daughters of the Confederacy; supporters of community traffic safety programs in the Commonwealth; special license plates bearing the seal, symbol, emblem, or logotype of counties, cities, and towns; supporters of the Shenandoah National Park Association; supporters of the Rocky Mountain Elk Foundation; supporters of the Surfrider Foundation; Virginia quilters; Master Gardeners; members of the Northern Virginia Swim League; Virginia scuba divers; lung cancer research, awareness, and prevention; Virginia Wines; supporters of the Robert Russa Moton Museum; supporters of the Salem Avalanche baseball team; members and supporters of the Mustang Club of America; the 100th anniversary of the City of Galax; persons who desire to contribute to the Virginia Housing Partnership Revolving Fund; fees. This bill incorporates HB 1600, HB 1613, HB 1614, HB 1724, HB 1725, HB 1758, HB 1895, HB 1990, HB 1999, HB 2178, HB 2196, HB 2270, HB 2271, HB 2272, HB 2387, HB 2501, HB 2530, HB 2597, HB 2781, HB 2792, and HB 2875.

Patron - Cosgrove

HB1519 Leaving scene of accident. Rewords the penalty portion of the law on leaving the scene of an accident to clarify that, in cases where property is damaged in an accident, the severity of the penalty depends on the amount of the damage caused, not the value of the property that was damaged. This bill incorporates HB 1680.

Patron - Reese

HB1539 Disabled parking license plates and placards. Provides that "physicians' certificates" required as a precondition for issuance of temporary disabled parking and placards may be in certain instances issued by podiatrists and chiropractors.

Patron - Cosgrove

HB1587 Duties of driver in event of accident involving damage only to unattended property. Provides that when a driver has an accident with an unattended vehicle, he may leave identifying and descriptive information at the scene other than a note, which is now required. The bill also provides that the written report of the accident shall contain a description of the property damage by the driver rather than his estimate of the damage.

Patron - Reese

HB1601 U.S. mail vehicles. Provides for optional use of rear-mounted "U.S. MAIL" signs on vehicles used to collect and deliver the mail.

Patron - Hargrove

HB1605 Amber warning lights. Allows use of amber warning lights by neighborhood watch patrol vehicles.

Patron - Baskerville

HB1611 Special identification cards; fees. Allows persons who are 70 years old or older to exchange their valid driver's license for free.

Patron - Cole

HB1672 Vehicle titles. Provides a mechanism for correcting errors made in the title process.

Patron - Cosgrove

HB1722 Reckless driving; restricted license. Allows a judge to issue a restricted license by a judge who has suspended the license of someone convicted of certain reckless driving offenses. Under current law there is no provision for the issuance of a restricted license for the following reckless driving offenses: faulty brakes; passing on a crest, grade or curve; obstructed view; impaired control; passing two vehicles abreast; driving two abreast in a single lane; passing at a railroad crossing; passing a stopped school bus; failing to give a signal; driving too fast for conditions; exceeding the speed limit; failure to yield right-of-way; and reckless driving on parking lots. Although discretionary with the judge, the period of suspension for these offenses is not less than 60 days nor more than six months. Another statute (§ 46.2-392) provides for a period of suspension of not less than 10 days nor more than six months for reckless driving and allows restricted licenses. This bill is a recommendation of the Committee on District Courts.

Patron - McDougle

HB1736 Coercion of motor vehicle dealers. Prohibits motor vehicle manufacturers and distributors from requiring retail dealers to offer to sell or sell any extended service contract or extended maintenance plan offered, sold, backed by, or sponsored by the manufacturer or distributor. The bill also eliminates the Class 1 misdemeanor penalty for violation and provides for holding hearings at the request of aggrieved parties instead.

Patron - Cosgrove

HB1749 Special license plates; expired authorizations. Repeals authorization for issuance of special license plates that have failed to meet the deadline for receipt of the minimum number of prepaid applications. The affected plates are those for: 1600 Communications Association, Mothers Against Drunk Driving, Blue Knights, Blue Ridge Parkway Foundation, Optimist International, Big Brothers and Sisters of America, Boy Scouts, Girl Scouts, U.S. Pony Clubs, Mariner's Museum, Shenandoah National Park Association, Rocky Mountain Elk Foundation, Town of Occoquan, County of New Kent, Burke's Station, Town of Smithfield, City of Salem, City of Portsmouth, values of diversity, Virginia Indian tribes, proud to be an American, Virginia zoos, crime prevention, first Africans in Virginia, Relay for Life, "God Bless America," Project Lifesaver, Interdenominational Children's Foundation, court-appointed special advocates, American Legion, U.S. Navy chief petty officers, Langley Air Force Base, paratroopers, Washington, D.C. United soccer, youth soccer, POW/MIA logo, children with special needs, childhood cancer awareness, American Cancer Society, retired law-enforcement officers, printers, beekeepers, motorcycle rider safety training program, barbershop quartet singing enthusiasts, motor vehicle hobbyists, and Holstein dairy cow.

Patron - Landes

HB1883 Lights on bicycles. Requires a taillight that emits a red light visible from a distance of at least 500 feet between sunset and sunrise on highways with speed limits of 35 mph or greater.

Patron - Hargrove

HB1968 Parking. Grants counties with populations of more than 500,000 and the towns within those counties expanded powers to regulate parking of large, heavy vehicles within their boundaries.

Patron - Amundson

HB1983 Video displays in motor vehicles. Prohibits drivers of motor vehicles from viewing any motion picture or video display while driving.

Patron - Howell, A.T.

HB2019 Special license plates. Provides that no special license plates are to be considered for authorization by the General Assembly unless and until the individual, group, organization, or other entity seeking the authorization of such special license plates has demonstrated to the satisfaction of the General Assembly that they meet specified issuance requirements. The bill also provides a mechanism whereby commemorative license plates for local government anniversaries can be issued without specific General Assembly authorization for each separate series of plates.

Patron - Welch

HB2022 Motor vehicle dealers; sale and distribution of funeral vehicles; emergency. Restores an exemption from full licensure as motor vehicle dealers for persons dealing solely in the sale and distribution of funeral vehicles. This exemption was repealed by the 2004 Session. The bill further provides that any manufacturer of firefighting equipment who, on or before December 31, 2004, had requested a hearing before the Department or the Commissioner in accordance with subdivision 4 of § 46.2-1572 for licensure as a dealer in fire-fighting equipment and/or ambulances may be licensed as a dealer in firefighting equipment and/or ambulances.

Patron - Welch

HB2156 Speed limits. Adds Montgomery County to the list of counties within which the maximum speed limit on nonsurfaced treated roads is 35 miles per hour, unless increased or decreased by the Commonwealth Transportation Commissioner. This bill is identical to SB 774.

Patron - Nutter

HB2186 Vehicle safety inspection approval stickers. Provides that any vehicle safety inspection approval sticker issued for any vehicle whose registered owner is a person in the armed services of the United States will not be held to have expired during the period of the owner's official absence from the Commonwealth in the armed services of the United States and for 24 hours following the return of the service person's vehicle, for any reason, to the Commonwealth. The bill also allows the owner to travel to an inspection station without penalty upon his return. This bill incorporates HB 1688.

Patron - Wardrup

HB2187 Special license plates; certain officials and constitutional officers; fees. Increases the fee for issuance of special license plates to the Speaker of the House of Delegates, members of the House of Delegates, members of the Virginia Senate, the Clerk of the House of Delegates, the Clerk of the Virginia Senate, the Governor of Virginia, the Lieutenant Governor of Virginia, the Attorney General of Virginia, United States Congressmen, United States Senators, sheriffs, county and city treasurers and commissioners of the revenue, attorneys for the Commonwealth, circuit court clerks, and general registrars to \$25 plus the vehicle registration fee and the reserved numbers or letters fee.

Patron - Wardrup

HB2189 Motor vehicle registration. Authorizes permanent registration for buses.

Patron - Wardrup

HB2193 Renewal of driver's licenses. Reduces the number of applicants for driver's license renewal that have to retake the rules-of-the-road written test.

Patron - Abbitt

HB2199 Safety inspection; fees. Increases motorcycle fee from \$5 to \$12, with \$10 going to inspection stations, \$1.50 going into the Motorcycle Rider Safety Training Fund, and \$.50 to the State Police to administer the safety inspection program. This bill becomes effective January 1, 2006.

Patron - Abbitt

HB2249 Distribution of handbills, etc., on certain highways. Allows the Town of Vienna by ordinance to prohibit or regulate (i) the distribution of handbills, leaflets, bulletins, literature, advertisements, or similar material to, (ii) the solicitation of contributions from, and (iii) the sale of merchandise to the occupants of motor vehicles on highways. The bill also allows Albemarle and Greene Counties by ordinance to prohibit or regulate (i) the distribution of handbills, leaflets, bulletins, literature, advertisements, or similar material to, (ii) the solicitation of contributions from, and (iii) the sale of merchandise to the occupants of motor vehicles on public roadways and medians. This bill incorporates HB 1859.

Patron - Bell

HB2275 DEQ vehicles; operating in emergencies. Allows vehicles of the Department of Environmental Quality (DEQ) to be equipped with red or red and white warning lights and to pass slowed or stopped vehicles off the roadway on the way to an emergency when displaying these warning lights.

Patron - Oder

HB2277 Oversize vehicles; use of optical detection systems in identification. Authorizes the Virginia Department of Transportation to use optical detection systems to identify vehicles that exceed the overhead clearance of the westbound lane of the Hampton Roads Bridge Tunnel.

Patron - Oder

HB2278 Tunnels; oversize vehicles. Provides that any person who drives or attempts to drive any vehicle into or through any tunnel when the height of such vehicle exceeds that permitted for such tunnel is guilty of a Class 3 misdemeanor (fine up to \$500) and will be assessed three driver demerit points.

Patron - Oder

HB2293 Vehicle titles. Authorizes creation of electronic certificates of title.

Patron - Lingamfelter

HB2342 Special license plates; law-enforcement chaplains. Authorizes the issuance of special license plates to current and former law-enforcement chaplains and graduates and supporters of the U.S. Merchant Marine Academy and supporters of the On the Rebound Bulldog Rescue Foundation.

Patron - Putney

HB2418 Definition of "residence district"; speed limits. Includes residential subdivisions and territory zoned residential in the definition of residence district for purposes of Title 46.2 (Motor Vehicles). The bill also excludes nonlimited access highways with four or more lanes and primary highways located in residence districts from having 25 miles per hour speed limits.

Patron - Armstrong

HB2434 Vehicle safety inspection stations. Exempts “private” inspection stations that inspect only company-owned or leased or government-owned or leased vehicles from the requirement that inspection stations carry at least \$500,000 garage liability insurance coverage.

Patron - Carrico

HB2435 Notice of impoundment. Removes the requirement that the officer who impounds a car shall serve notice of the impoundment to the Commissioner of DMV.

Patron - Carrico

HB2502 Local vehicle license fees. Provides that a town cannot charge a license fee to any new resident of the town, previously a resident of a county within which all or part of the town is situated, who previously paid a license fee for the same tax year to such county.

Patron - Johnson

HB2508 Electronic summons may be used for reportable motor vehicle law violations; citations. Provides that an electronic summons may be used in lieu of a paper summons for reportable motor vehicle violations.

Patron - Welch

HB2509 Driver’s licenses and special identification cards. Requires that driver’s license applications include the applicant or licensee’s full legal name. This bill is identical to SB 965.

Patron - Welch

HB2572 Special license plates bearing the names, numbers, and color schemes used by professional stock car drivers; fees. Allows DMV to issue stock car driver special license plates by entering into agreements to purchase such license plates from a supplier.

Patron - Dudley

HB2575 Overweight permits for trucks hauling coal, gravel, sand, crushed stone, or liquids produced from gas or oil wells. Allows coal-hauling vehicles with six axles to have a maximum gross weight, when loaded, of no more than 110,000 pounds; a single axle weight of no more than 24,000 pounds; a tandem axle weight of no more than 44,000 pounds; and a tri-axle weight of no more than 54,500 pounds. The bill also prohibits five-axle and six-axle vehicles from carrying loads in excess of the maximum bed size for such vehicle, and provides a formula for calculating “maximum bed size.” Finally, in counties that impose a severance tax on coal and gases, the bill applies certain coal truck weight limits to motor vehicles hauling liquids produced from a gas or oil well and water used for drilling and completion of a gas or oil well no more than 50 miles from origin to destination. Nothing contained in this subsection shall authorize any extension of weight limits provided in § 46.2-1127 for operation on interstate highways. Any weight violation involving these vehicles are to be subject to the penalties authorized by § 46.2-1135 (liquidated damages for weight limit violations).

Patron - Stump

HB2580 Temporary license plates. Allows dealers to transfer customers’ metal license plates to purchased vehicles.

Patron - Stump

HB2581 Motor vehicle dealers. Requires applicant for original licensure as an independent motor vehicle dealer to

satisfactorily complete courses of study prescribed by the Board.

Patron - Stump

HB2664 Driver’s license reinstatement fees. Imposes an additional \$40 fee for reinstatement of suspended or revoked driver’s licenses. Proceeds of this additional fee are to be paid into the Trauma Center Fund for the purpose of defraying the costs of providing emergency medical care to victims of automobile accidents attributable to alcohol or drug use.

Patron - McDonnell

HB2690 Utility trailers. Requires that present requirements for reflectors or reflectorized materials on the rear of trailers with unloaded weights of 3,000 pounds or less be limited to utility trailers whose body and tailgate consist largely or exclusively of a metal mesh.

Patron - Pollard

HB2772 Commencement of periods for suspension or revocation of driver’s licenses, registration cards, or license plates. Provides that periods of suspension begin on the date the conviction becomes final or after the order of the DMV Commissioner becomes final (rather than 180 days after such dates).

Patron - Van Yahres

HB2776 Special license plates; U.S. Army. Authorizes the issuance of special license plates for persons who either (i) have served in the U.S. Army, (ii) have been honorably discharged from the U. S. Army after at least six months of active duty service, or (ii) are retired from the U. S. Army.

Patron - Frederick

HB2822 Transfer of vehicle title by operation of law; emergency. Provides that DMV will issue a new title upon presentation of a title from another state and a form prescribed by the Commissioner attesting to the lawful repossession of the vehicle and the intent to offer the vehicle for sale in the Commonwealth. DMV will then request the other state to cancel its title. This bill is identical to SB 1234.

Patron - Welch

SB710 Distributing materials, soliciting funds on highways. Grants the Town of Vienna the same powers presently enjoyed by Arlington and Henrico Counties to ban distribution of materials to and soliciting contributions from motorists on highways.

Patron - Devolites Davis

SB774 Speed limits. Adds Montgomery County to the list of counties within which the maximum speed limit on nonsurface treated roads is 35 miles per hour, unless increased or decreased by the Commonwealth Transportation Commissioner. This bill is identical to HB 2156.

Patron - Bell

SB789 Special identification cards. Provides that special identification cards issued by DMV for persons less than 15 years old will expire on the person’s 16th birthday.

Patron - Obenshain

SB815 “Photo-toll” toll collection programs. Authorizes “photo-toll” facilities to record images of all vehicles whose operators choose to use the facilities and bill the registered owners of vehicles as to which no toll is paid, prior to pursuing other remedies. This bill also allows operators to

charge an administrative fee of up to \$25 when collecting unpaid tolls.

Patron - Williams

SB819 Motor fuel drive-off; penalty. Raises the penalty to \$250 from \$100 for driving off without paying for motor fuel.

Patron - Williams

SB820 Special license plates; DRIVE SMART. Credits revenue-sharing revenues generated by the DRIVE SMART special license plates to Drive Smart Virginia instead of the Department of Motor Vehicles.

Patron - Williams

SB821 Acceptability of foreign driver's license as the equivalent to a learner's permit. Allows any person at least 19 years old to have the learner's permit or driver education requirement waived if that person possesses a foreign driver's license.

Patron - Williams

SB822 Flashing vehicle headlights. Makes permanent the temporary authorization for emergency vehicles in the City of Chesapeake, the City of Portsmouth, the City of Poquoson, and the County of York to flash their headlights after dark.

Patron - Williams

SB823 Motor vehicle rear-view camera systems. Allows use of closed circuit video monitors in vehicles other than trucks and motor homes.

Patron - Williams

SB884 Special license plates; Senate "Omnibus." Authorizes the issuance of special license plates for members of the Virginia State Defense Force; supporters of children with special needs, education and the public schools of Virginia, and the Salem Avalanche; members and supporters of the Junior League, the Virginia Association for Community Conflict Resolution, and the Mustang Club of America. This bill incorporates SB 745, SB 763, SB 885, SB 942, SB 1236, and SB 1242.

Patron - Bell

SB925 Obscene videos in motor vehicles; penalty. Makes it unlawful (Class 4 misdemeanor, fine up to \$250) for the operator of any motor vehicle on a public highway to display or permit the display within the vehicle of any motion picture or video display that is obscene if such motion picture or video display can be seen by persons outside the vehicle.

Patron - Blevins

SB965 Driver's licenses and special identification cards. Requires that driver's license applications and driver's licenses include the applicant or licensee's full legal name. The bill also requires that applications for special identification cards issued by DMV include the applicant's full name; year, month, and date of birth; sex; and residence address. This bill is identical to HB 2509.

Patron - O'Brien

SB972 Special identification cards. Allows licensed drivers to exchange their driver's licenses for special identification cards without incurring an additional fee. The bill also brings the fees charged for issuance of special identification cards more into line with those charged for driver's licenses.

Patron - O'Brien

SB1016 Overlength trucks on certain highways; penalty. Provides that any person operating an overlength

vehicle on a two-lane highway where passing is permitted is guilty of a traffic infraction and fined \$250.

Patron - Mims

SB1058 Military veteran license plates; fees. Provides the World War II veteran and Asiatic-Pacific veteran special license plates will be subject to a one-time \$10 surcharge instead of an annual surcharge.

Patron - Wagner

SB1198 Commercial vehicle driver's licenses. Amends various Virginia Code sections in order to comply with the final rule promulgated by the Federal Motor Carrier Safety Administration to implement the commercial driver licensing requirements of Section 201(b) of the Motor Carrier Safety Improvement Act of 1999. This act requires stricter licensing and record-keeping procedures and imposes increased sanctions against commercial driver's license holders who operate commercial and noncommercial vehicles in an unsafe manner.

Patron - Williams

SB1205 Surrendered driver's licenses. Clarifies when a driver's license is retained by the court, returned to the defendant, or submitted to DMV when a defendant is convicted of an offense that requires or permits the revocation or suspension of the license.

Patron - Mims

SB1210 Speed limits. Sets the speed limit on U.S. Route 17 between Port Royal and Saluda at 60 miles per hour.

Patron - Chichester

SB1223 Speed limit on U.S. Routes 29 and 460. Provides that the maximum speed limit will be 60 miles per hour where indicated by lawfully placed signs, erected subsequent to a traffic engineering study, on U.S. Routes 29 and 460 where they are nonlimited access, multilane, divided highways.

Patron - Newman

SB1229 Speed limit on U.S. Route 58. Provides that the maximum speed limit will be 60 miles per hour where indicated by lawfully placed signs, erected subsequent to a traffic engineering study, on U.S. Route 58 where it is a nonlimited access, multilane, divided highway.

Patron - Ruff

SB1234 Transfer of vehicle title by operation of law; emergency. Provides that DMV will issue a new title upon presentation of a title from another state and a form prescribed by the Commissioner attesting to the lawful repossession of the vehicle and the intent to offer the vehicle for sale in the Commonwealth. DMV will then request the other state to cancel its title. This bill is identical to HB 2822.

Patron - Houck

Failed

HB1493 Motor vehicle window tinting films. Allows application of sun-shading or tinting films to the front side windows of any motor vehicle operated on the highways of the Commonwealth that reduce total light transmittance of such window to 35 percent. Present law requires that films on these windows permit a light transmittance of at least 50 percent.

Patron - Lewis

HB1496 Possession of open container of alcohol in a motor vehicle; penalty. Provides that no person shall pos-

sess an alcoholic beverage in the passenger area of a motor vehicle upon a public highway of the Commonwealth in other than the manufacturer's unopened, original container. The bill punishes violators with a civil penalty of \$25.

Patron - Purkey

HB1540 Special license plates; Fraternal Order of Police; fees. Imposes, in addition to all other applicable fees, a fee of \$2 for each set of Fraternal Order of Police license plates issued by the Department of Motor Vehicles. This bill has been incorporated into HB 1734.

Patron - Cosgrove

HB1543 Issuance of documents by Department of Motor Vehicles (DMV); proof of U.S. citizenship. Provides a list of specific evidence that may be used to prove U.S. citizenship in applying for DMV-issued documents. The bill also grants the DMV Commissioner the discretion to issue driver's licenses, following a hearing, to persons who cannot prove U.S. citizenship.

Patron - Fralin

HB1558 "Photo-red" traffic light signal enforcement. Eliminates the July 1, 2005, "sunset" on local "photo-red" traffic light signal enforcement programs, but limits such programs to named localities wherein "photo-red" programs are already in effect.

Patron - Tata

HB1563 Assessment of fees by Department of Motor Vehicles (DMV) on certain drivers; use of fees collected. Requires the DMV Commissioner to impose and collect fees on drivers who have accumulated more than four net driver demerit points or have been convicted of reckless driving, aggressive driving, driving on a suspended or revoked license, DUI, or any other misdemeanor involving operation of a motor vehicle. Annually, the first \$40 million of these fees, minus cost of collection, will be directed to the Transportation Partnership Opportunity Fund and the remainder will be directed to the Local Congestion Mitigation Incentive Fund. This bill incorporates HB1564.

Patron - Rust

HB1564 Assessment of fees by Department of Motor Vehicles (DMV) on certain drivers; use of fees collected. Requires the courts to impose, in addition to any other penalties imposed, civil penalties on drivers convicted of certain offenses: \$100 for speeding at least 15 but not more than 19 miles per hour above the posted speed, \$250 for driving with a suspended or revoked driver's license, \$300 for reckless driving or aggressive driving, and \$500 for driving while intoxicated. These fees, minus cost of collection, will be used to support issuance of bonds whose proceeds are to be used for transportation construction, reconstruction, maintenance, maintenance replacement, and/or improvement projects. The bill also revises the schedule of driver demerit points to be awarded for speeding so that speeding 1-9 mph carries three points, 10-14 mph carries four points, 15-19 mph carries five points, and 20 mph or more carries six points. This bill has been incorporated into HB 1563.

Patron - Albo

HB1569 Safety belts. Requires all persons who are at least 16 years old to use safety belts when occupying any seat in a motor vehicle.

Patron - Oder

HB1576 Stopping for accidents. Requires persons involved in accidents to provide their license plate numbers

and states of registration. Present law requires them to provide their vehicle registration numbers.

Patron - Reese

HB1600 Special license plates; United Daughters of the Confederacy. Authorizes the issuance of special license plates to members of the Virginia Division of the United Daughters of the Confederacy. This bill has been incorporated into HB 1501.

Patron - Hargrove

HB1613 Special license plates; local government logos; fees. Provides for issuance of plates with or without local revenue sharing at the option of the locality. This bill has been incorporated into HB 1501.

Patron - Cole

HB1614 Special license plates; Global War on Terrorism Service Medal. Authorizes issuance of special license plates to persons awarded the Global War on Terrorism Service Medal. This bill has been incorporated into HB 1501.

Patron - Cole

HB1625 Driver's licenses; learner's permits. Prohibits issuance of driver's licenses and learner's permits to persons incapable of communicating using the English language. The prohibition extends to both original issues and to renewals.

Patron - Marshall, D.W.

HB1628 Local limitations on operations of mopeds, etc. Grants the City of Charlottesville the same ability presently granted counties, cities, and towns located within the Northern Virginia Planning District to limit the operation of motorcycles, mopeds, electric power-assisted bicycles, trail-bikes, mini-bikes, or go-carts.

Patron - Van Yahres

HB1630 Use of VASCAR speed determination devices. Adds the City of Charlottesville to the list of localities that may use VASCAR (visual average speed computer and recorder) speed determination devices. Presently use of these devices by local law-enforcement personnel is limited to the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park and the Counties of Arlington, Fairfax, Loudoun, and Prince William and towns within them.

Patron - Van Yahres

HB1640 Registration of uninsured motor vehicles; fee. Increases the fee charged by the Department of Motor Vehicles for registration of an uninsured motor vehicle from \$500 to \$1000.

Patron - Miles

HB1660 Special license plates; supporters of traditional marriage. Authorizes the issuance of special license plates to supporters of traditional marriage. The design of the plates is to include the legend: TRADITIONAL MARRIAGE and two interlocked golden wedding bands over a red heart.

Patron - Lingamfelter

HB1680 Leaving scene of accident. Rewords the penalty portion of the law on leaving the scene of an accident to clarify that, in cases where property is damaged in an accident, the severity of the penalty depends on the amount of the damage caused, not the value of the property that was damaged. This bill has been incorporated into HB 1519.

Patron - Albo

HB1688 Safety inspection approval stickers. Extends the validity of vehicle safety inspection approval

stickers for vehicles whose registered owners are members of the armed forces serving outside Virginia. The stickers will remain valid until the member of the armed forces returns to Virginia and for 30 days thereafter. No extension can exceed five years. This bill has been incorporated into HB 2186.

Patron - Hargrove

HB1710 All-terrain vehicles. Allows limited over-the-road operation of all-terrain vehicles in Lee County.

Patron - Kilgore

HB1718 Issuance of documents by Department of Motor Vehicles (DMV); proof of U.S. citizenship. Provides a list of specific evidence that may be used to prove U.S. citizenship in applying for DMV-issued documents. The bill also grants the DMV Commissioner the discretion to issue driver's licenses, following a hearing, to persons who cannot prove U.S. citizenship.

Patron - Fralin

HB1724 Special license plates for persons who desire to contribute to the Virginia Housing Partnership Revolving Fund; fees. Authorizes the issuance of revenue-sharing special license plates to persons who desire to contribute to the Virginia Housing Partnership Revolving Fund. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other nonrevenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 will go to the Virginia Housing Partnership Revolving Fund. This bill has been incorporated into HB 1501.

Patron - Oder

HB1725 Special license plates; DRIVE SMART. Credits revenue-sharing revenues generated by the DRIVE SMART special license plates to Drive Smart Virginia instead of the Department of Motor Vehicles. This bill has been incorporated into HB 1501.

Patron - Oder

HB1730 Driver's license reinstatement fees. Provides that no reinstatement fee will be charged by DMV when the suspension or revocation of license results from reasons of health not related to the use of self-administered intoxicants or drugs.

Patron - Cosgrove

HB1734 Special license plates; Fraternal Order of Police. Repeals authorization for nonrevenue sharing special license plates for members of the Fraternal Order of Police and authorizes, instead, revenue sharing special license plates for members of the Fraternal Order of Police. The annual surcharge for these plates would be \$12, instead of the standard \$10 for most other nonrevenue sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$2 will go to the Fraternal Order of Police to support its programs and activities in Virginia. This bill incorporates HB 1540.

Patron - Cosgrove

HB1758 Special license plates; supporters of the Rocky Mountain Elk Foundation. Authorizes the issuance of special license plates to supporters of the Rocky Mountain Elk Foundation. The bill also repeals the 2002 statute that authorized issuance of special license plates for Rocky Mountain Elk Foundation volunteers. This bill has been incorporated into HB 1501.

Patron - Dillard

HB1828 Motorcycles; helmets. Allows certain persons who are more than 21 years old, subject to payment to DMV of a fee of \$1 per year, to ride motorcycles helmet-free.

The bill also provides that violations of the "helmet law" (i) are punishable by a civil penalty of \$25, to be paid into the Motorcycle Ride Safety Training Fund; (ii) are not to be assessed demerit points or court costs; (iii) do not constitute negligence and cannot be commented on by counsel in any action for the recovery of damages; (iv) may be charged on the uniform traffic summons form; and (v) are "secondary offenses."

Patron - Janis

HB1830 Use of certain wireless communication devices by operators of motor vehicles. Provides that, except in certain emergency situations, the operator of a moving motor vehicle is prohibited from using any wireless communication device, unless the device is equipped for hands-free operation and is being used as such.

Patron - Parrish

HB1856 Special identification cards. Provides for the issuance of special identification cards by the Department of Motor Vehicles to persons with no current, fixed address. The fee for issuance of these cards is \$1.00.

Patron - Eisenberg

HB1859 Distributing materials, soliciting funds on highways. Grants the Town of Vienna the same powers presently enjoyed by Arlington and Henrico Counties to ban distribution of materials to and soliciting contributions from motorists on secondary highways within their boundaries. This bill has been incorporated into HB 2249.

Patron - Shannon

HB1868 Photo-red traffic light signal enforcement. Extends the July 1, 2005, sunset on local photo-red programs until July 1, 2006. The bill also asks VCU's Transportation Safety Training Center Interdisciplinary Crash Investigation Team to report to the 2006 Session as to the impact of photo-red programs on safety and the degree to which objections to such programs in other states apply to those in Virginia as well.

Patron - Brink

HB1895 Special license plates; 100th anniversary of the City of Galax. Authorizes the issuance of special license plates for the 100th anniversary of the City of Galax. This bill has been incorporated into HB 1501.

Patron - Carrico

HB1962 Use of certain wireless communication devices by operators of motor vehicles. Provides that, except in certain emergency situations, the operator of a moving motor vehicle is prohibited from using any wireless communication device, unless the device is equipped for hands-free operation and is being used as such.

Patron - Jones, D.C.

HB1973 Motor vehicle inspection stations; insurance. Authorizes the Superintendent of State Police to allow self-insurance of motor vehicle inspection stations.

Patron - Tata

HB1979 Motorcycles; wearing of helmets; penalty. Limits the application of the "motor cycle helmet law" to operators and passengers who are less than 21 years old.

Patron - Janis

HB1982 Adjustment of driver's seat. Prohibits operation of any motor vehicle if the driver's seat is reclined at such an angle as to prevent the driver from seeing the brake lights of vehicles ahead.

Patron - Howell, A.T.

HB1984 Vehicle sound systems; penalty. Prohibits use of vehicle sound amplification systems that can be heard 50 feet or more from the vehicle.

Patron - Howell, A.T.

HB1990 Mustang Club of America. Authorizes the issuance of special license plates for members and supporters of the Mustang Club of America. This bill has been incorporated into HB 1501.

Patron - Griffith

HB1999 Special license plates; supporters of the Salem Avalanche baseball team. Authorizes the issuance of special license plates to supporters of the Salem Avalanche baseball team. This bill has been incorporated into HB 1501.

Patron - Griffith

HB2025 “Electric-powered wheeled devices” and “gasoline-powered wheeled devices.” Supplies definitions of “electric-powered wheeled devices” and “gasoline-powered wheeled devices.” The bill then treats electric-powered wheeled devices the same as electric power-assisted bicycles, and treats gasoline-powered wheeled devices the same as mopeds. The bill also treats operation of electric-powered wheeled devices and gasoline-powered wheeled devices the same as motor vehicles when their operators are under the influence of alcohol.

Patron - Welch

HB2028 Mopeds, etc. Amends the definition of “moped” to include devices powered by electric motors and allows local governments to regulate or prohibit operation of mopeds, electric power-assisted bicycles, trail-bikes, mini-bikes, go-carts, and motorized skateboards. The bill also extends to all local governments the power presently granted only to local governments in the Northern Virginia Planning District to prevent operation of any motorcycle, moped, electric power-assisted bicycle, trail-bike, mini-bike or go-cart within 500 feet of a residential district.

Patron - Amundson

HB2082 Vehicle safety inspections. Prohibits imposition by the Superintendent of State Police of fees on inspection stations as a precondition for participation in the vehicle safety inspection program.

Patron - Watts

HB2095 “Photo-red” programs. Postpones the July 1, 2005, “sunset” on local “photo-red” programs to July 1, 2007.

Patron - Hugo

HB2105 Photo-monitoring systems to enforce traffic light signals. Expands photo-monitoring systems for traffic signal enforcement to all of Virginia instead of specified localities.

Patron - McQuigg

HB2107 Leaving certain children unattended in motor vehicles prohibited; civil penalty. Provides that any parent or other adult person responsible for the care of a child less than six years old who leaves such child unattended in a motor vehicle shall be subject to a civil penalty of no more than \$100. The bill also provides that a violation of the provision shall not be considered evidence of (i) negligence, (ii) contributory negligence, or (iii) assumption of the risk.

Patron - McQuigg

HB2134 Recording devices in motor vehicles; ownership of data. Deems data that is recorded on a device that records or transmits performance or operation information about the vehicle the personal property of the owner of the motor vehicle and may not be downloaded or otherwise retrieved by a person other than the owner, except (i) with the consent of the owner or (ii) in response to an order of a court of competent jurisdiction.

Patron - Gear

HB2141 Towing and recovery businesses; posting of certain information. Requires towing and recovery business operators to post signs indicating the maximum charge allowed by local ordinance, if any, for towing and recovery services and the name and business telephone number of the local official, if any, responsible for handling consumer complaints. The bill also prohibits imposition of charges for obtaining vehicle owner data from the Department of Motor Vehicles and vehicle release charges.

Patron - Eisenberg

HB2175 Mopeds. Provides that mopeds will be considered motorcycles when operated on any highway. The bill also prohibits operation of mopeds by persons whose driver’s licenses have been suspended or revoked, but does not change the status of mopeds within the context of Chapter 19.2 of Title 46.2 (Motorcycle Dealers) or Chapter 17.3 of Title 59.1 (the Motor Vehicle Warranty Enforcement Act), and does not impinge upon the ability of the Commonwealth Transportation Board to ban mopeds from controlled-access highways.

Patron - Louderback

HB2178 Special license plates; Shenandoah National Park Association. Reauthorizes issuance of special license plates for supporters of the Shenandoah National Park Association. This bill has been incorporated into HB 1501.

Patron - Louderback

HB2179 Special license plates; Combat Infantryman Badge. Reauthorizes issuance of special license plates for persons awarded the Combat Infantryman Badge.

Patron - Louderback

HB2196 Special license plates; supporters of the Robert Russa Morton Museum; fees. Authorizes the issuance of revenue sharing special license plates to supporters of the Robert Russa Morton Museum. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other nonrevenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 will go to the Robert Russa Morton Museum to support its programs and activities in Virginia. This bill has been incorporated into HB 1501.

Patron - Abbitt

HB2230 Mopeds, etc. Amends the definition of “moped” to include devices powered by electric motors and allows local governments in the Northern Virginia Planning District enhanced power to regulate or prohibit operation of mopeds, electric power-assisted bicycles, trail-bikes, mini-bikes, and go-carts.

Patron - Rust

HB2256 Vehicle safety inspection stations. Bars State Police from requiring that all inspection stations be capable of inspecting every kind, size, and class of vehicle.

Patron - Bell

HB2270 Special license plates; VIRGINIA WINES. Authorizes the issuance of revenue-sharing special

license plates bearing the legend VIRGINIA WINES. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other nonrevenue sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 will go to the Virginia Tech Food Services and Oenology Laboratory to support its programs and activities in Virginia. This bill has been incorporated into HB 1501.

Patron - Bell

HB2271 Special license plates promoting lung cancer research and awareness; fees. Authorizes the issuance of revenue-sharing special license plates promoting lung cancer research and awareness. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other non-revenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 will go to the American Lung Association of Virginia to support lung cancer research, awareness, and prevention. This bill has been incorporated into HB 1501.

Patron - Bell

HB2272 Special license plates; Virginia scuba divers. Reauthorizes issuance of special license plates for Virginia scuba divers. This bill has been incorporated into HB 1501.

Patron - Bell

HB2274 Photo-red. Permits localities with one or more of the five most dangerous intersections in Virginia to use red light photo-monitoring. The bill also repeals the July 1, 2005 "sunset" on "photo-red" traffic light signal enforcement programs in Virginia.

Patron - Oder

HB2311 Towing charges. Increases maximum allowed vehicle towing and storage charges. The bill also requires that towing companies accept at least one nationally recognized credit card for payment of their charges and requires that these charges be conspicuously posted.

Patron - Griffith

HB2312 Immobilized and abandoned vehicles. Revises the procedures by which towing and storage companies may seek to recover their fees and charges for towing away and storing immobilized and abandoned vehicles.

Patron - Griffith

HB2329 Impoundment of vehicle for disregarding signal by law-enforcement officer to stop. Provides that the motor vehicle of a person detained for a misdemeanor violation of eluding police shall be impounded or immobilized by the law-enforcement officer for a period of 30 days. The bill also provides that the person has a right to petition a district court for review of the impoundment.

Patron - Athey

HB2331 Designation of private roads as highways for law-enforcement purposes. Allows local governing bodies to designate the private roads within any residential development containing 50 or more lots as highways for law-enforcement purposes. Present law allows this only for developments with 100 or more lots.

Patron - Athey

HB2333 Loitering on bridges. Prohibits loitering on bridges that overpass highways and railroads unless the bridges are screened to prevent dropping of objects from the bridge onto the highway or railroad below.

Patron - Athey

HB2334 Mopeds. Prohibits operation of mopeds on highways where the speed limit is 35 miles per hour or more.

Patron - Athey

HB2335 Seizure and forfeiture of motor vehicle for felonious eluding of police. Provides that the motor vehicle of a person who commits a felony violation of eluding a law-enforcement officer shall be immobilized and thereafter seized for forfeiture.

Patron - Athey

HB2343 Motor vehicle safety glass. Provides that the statute requiring safety glass in motor vehicles is not to be construed to require installation of safety glass in trailers, semitrailers, or other vehicles incapable of self-propulsion.

Patron - Putney

HB2380 Mopeds, etc. Amends the definition of "moped" to include devices powered by electric motors and allows local governments to regulate or prohibit operation of mopeds, electric power-assisted bicycles, trail-bikes, mini-bikes, go-carts, motorized scooters, and motorized skateboards. The bill also extends to all local governments the power presently granted only to local governments in the Northern Virginia Planning District to prevent operation of any motorcycle, moped, electric power-assisted bicycle, trail-bike, mini-bike or go-cart within 500 feet of a residential district.

Patron - Rapp

HB2387 Special license plates; VFW members. Authorizes the issuance of special license plates to members of the Veterans of Foreign Wars of the United States (VFW) organization. This bill has been incorporated into HB 1501.

Patron - Barlow

HB2389 "Photo-red" traffic light signal enforcement programs. Allows Williamsburg and James City County to have "photo-red" traffic light signal enforcement programs. The bill also postpones the July 1, 2005, "sunset" of all such programs until July 1, 2006.

Patron - Barlow

HB2390 Wheel covers. Prohibits wheel covers that create the illusion that a vehicle is moving when it isn't, or that is stationary when it is moving.

Patron - Barlow

HB2468 Event data recorders; vehicle manufacturers; disclosure. Requires a manufacturer of a new motor vehicle sold or leased in the Commonwealth that is equipped with one or more recording devices, commonly referred to as "event data recorders" (EDR) or "sensing and diagnostic modules" (SDM), to disclose that fact in the owner's manual for the vehicle. The bill also requires a seller or lessor of a new vehicle to conspicuously disclose the fact prior to sale or lease. The bill applies to all motor vehicles manufactured for model year 2007 and later.

Patron - May

HB2469 Recording devices; motor vehicles; access to data; penalties. States that information recorded by devices in motor vehicles is the personal property of the vehicle owner. The bill provides circumstances under which parties may access the information, responsibilities and duties of those parties, and civil and criminal liability for violations.

Patron - May

HB2497 Vehicle sound systems; penalty. Prohibits use of vehicle sound amplification systems that can be heard

50 feet or more from the vehicle. First-time violations are punishable by a fine of \$100 and subsequent violations within 12 months are punishable by a fine of \$100 and suspension of the driver's license for six months.

Patron - Keister

HB2501 Special license plates; members and supporters of the Northern Virginia Swim League. Authorizes the issuance of special license plates to members and supporters of the Northern Virginia Swim League. This bill has been incorporated into HB 1501.

Patron - Amundson

HB2530 Special license plates; U.S. Marine Corps veterans. Allows unmarried surviving spouses of deceased Marine Corps veterans to receive Marine Corps veterans' special license plates. This bill has been incorporated into HB 1501.

Patron - Melvin

HB2544 Special license plates; supporters of Deep Creek High School; fees. Authorizes the issuance of revenue-sharing special license plates to members/supporters of Deep Creek High School. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other non-revenue sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 will go to Deep Creek High School to support its operation, programs, and activities.

Patron - Jones, S.C.

HB2597 Special license plates; National Defense Service Medal. Authorizes issuance of special license plates to recipients of the Defense Service Medal. This bill has been incorporated into HB 1501.

Patron - Black

HB2608 Decommissioned law-enforcement vehicles. Requires that when state or local law-enforcement vehicles are permanently taken out of service, they be placed in highway medians so as to deter motor vehicle law violations.

Patron - Cline

HB2609 Parking on entrance and exit ramps; penalty. Prohibits parking on entrance or exit ramps of controlled access highways. Violations are punishable as Class 3 misdemeanors (fine up to \$500) and subject to assessment of four driver demerit points as well.

Patron - Cline

HB2637 Operation of motor vehicles by persons unable to establish legal presence; Certificate for Driving; penalty. Allows persons unable to establish legal presence in the United States who would be otherwise eligible for a Virginia driver's license to obtain a Certificate for Driving (Certificate) to be used for driving purposes only. The Certificate would not be lawful as a proof of identification or legal presence. Any persons found guilty of using the Certificate for such purposes would be guilty of a Class 2 misdemeanor.

Patron - Ebbin

HB2658 Release of personal data by the Department of Motor Vehicles to toll facility operators and toll technology entities. Postpones until July 1, 2012, the "sunset" on 2004 legislation that allowed the Commissioner of the Department of Motor Vehicles to enter into agreements with private toll facility operators or toll collection technology entities to enable them to obtain from the Department of Motor Vehicles personal information in order to conduct motor vehi-

cle research relating to methods of electronic toll collection. The original "sunset" was July 1, 2005.

Patron - Black

HB2698 Truck parking. Authorizes Fairfax County and the towns within its boundaries to limit the parking of trucks with gross vehicle weight ratings between 8,000 and 12,000 pounds to one such vehicle per dwelling, provided that such vehicle is registered to an address on a street located within the residential district.

Patron - Sickles

HB2754 Towing and recovery operators. Requires towing and recovery operators to obtain licenses from the Department of Motor Vehicles (DMV). It further requires that towing and recovery operators have a permanent, fixed street address in Virginia and working telephones where they can be reached 24 hours a day. The bill provides that whenever any towing and recovery operator tows any vehicle without the express consent of its owner, he must tow the vehicle to a facility nearest to the place from which the vehicle was towed, and not to the towing and recovery operator's business address or any other location, and notify the vehicle owner that his vehicle has been towed. This notice must include the name, street address, and business hours of the towing and recovery operator; his telephone number and 24-hour telephone number, if different from his ordinary telephone number; the location of the towed vehicle; and the vehicle's license number, make, and model. In order to facilitate providing this notice, the bill authorizes towing and recovery operators who tow vehicles without the express consent of their owners to enter into agreements with DMV to allow them direct on-line access to DMV's vehicle owner data. The bill also prohibits towing and recovery operators from charging separate fees for obtaining vehicle owner data from the Department or for releasing towed vehicles, and limits charges for storage and safekeeping to no more than \$35 per day, with fractions of a day calculated on a pro rata basis.

Patron - Bland

HB2781 Special license plates; Master Gardeners. Authorizes the issuance of special license plates to Master Gardeners. This bill has been incorporated into HB 1501.

Patron - Alexander

HB2792 Special license plates; Virginia quilters. Authorizes the issuance of special license plates to Virginia quilters. This bill has been incorporated into HB 1501.

Patron - O'Bannon

HB2794 Definition and regulation of mopeds. Provides a new definition for mopeds, guidelines for operation on highways, and inspection requirements.

Patron - Ingram

HB2834 Hours of service; drivers transporting employees in the course of their employment. Requires that a contract carrier limit the hours of service by a driver transporting employees in the course of their employment on the public highways of the Commonwealth in a vehicle designed to carry 15 or fewer passengers to 12 hours of vehicle operation per day, 15 hours of on-duty service per day, and 70 hours of on-duty service in seven consecutive days. The bill also requires that the contract carrier limit a driver who has 12 hours of vehicle operation per day or 15 hours of on-duty service per day to have at least eight consecutive hours off duty before operating a vehicle again.

Patron - Amundson

HB2841 Speed limits. Provides for a speed limit of 35 miles per hour on U.S. Route 460 at Rich Creek, Virginia.

Patron - Keister

HB2849 Clean special fuel vehicle license plates. Provides that no new clean special fuel vehicle license plates will be issued, beginning July 1, 2005.

Patron - McQuigg

HB2875 Special license plates; supporters of the Surfrider Foundation. Authorizes the issuance of special license plates for supporters of the Surfrider Foundation. This bill has been incorporated into HB 1501.

Patron - Miller

HB2895 Motor vehicle mufflers. Prohibits modification of motor vehicle exhaust systems to the extent that the exhaust systems produce more than 95 decibels of noise as measured by the Society of Automotive Engineers Standard J1169. For the purposes of this bill, motorcycles are not to be deemed motor vehicles.

Patron - Fralin

SB706 Mopeds. Allows local governments to require moped riders to wear helmets.

Patron - Puller

SB721 "Photo-red" traffic light signal enforcement. Adds Roanoke City to the list of localities authorized to have a "photo-red" traffic light signal enforcement program. The bill also eliminates the July 1, 2005 "sunset" for "photo-red" programs and provides that a contract between a locality and a private entity cannot include provisions for the payment or compensation to the private entity based on the number of violations, or as a percentage of revenue generated as the result of the violations detected by use of the photo-monitoring equipment.

Patron - Edwards

SB726 Mopeds. Provides that mopeds will be considered motorcycles when operated on any highway. The bill also prohibits operation of mopeds by persons whose driver's licenses have been suspended or revoked, but does not change the status of mopeds within the context of Chapter 19.2 of Title 46.2 (Motorcycle Dealers) or Chapter 17.3 of Title 59.1 (the Motor Vehicle Warranty Enforcement Act), and does not impinge upon the ability of the Commonwealth Transportation Board to ban mopeds from controlled-access highways.

Patron - Potts

SB728 All-terrain vehicles; title. Requires original owners of all-terrain vehicles purchased on or after July 1, 2005, and all successor owners of such vehicles to obtain titles for them from the Department of Motor Vehicles.

Patron - Potts

SB732 Photo-monitoring systems to enforce traffic light signals. Expands photo-monitoring systems for traffic signal enforcement to all of Virginia instead of specified localities.

Patron - Colgan

SB745 Special license plates; children with special needs; fees. Reauthorizes the issuance of revenue-sharing special license plates bearing the legend: CHILDREN WITH SPECIAL NEEDS. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other non-revenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 will go to Snap4kids to

support its programs and activities in Virginia. This bill has been incorporated into SB 884.

Patron - Miller

SB763 Special license plates; supporters of education and the public schools of Virginia; fees. Authorizes the issuance of revenue-sharing special license plates to supporters of education and the public schools of Virginia. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other nonrevenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 will go to the Virginia Department of Education to support its programs and activities. This bill has been incorporated into SB 884.

Patron - Locke

SB768 Special license plates. Vests responsibility for authorization of special license plates with the Commonwealth Transportation Board.

Patron - Bell

SB780 "Photo-red" programs. Postpones the July 1, 2005, "sunset" on local "photo-red" programs to July 1, 2007.

Patron - Mims

SB784 Youthful drivers. Prohibits use of wireless telecommunications devices by holders of provisional driver's licenses while operating motor vehicles. The bill also eliminates the "secondary offense" provision of the section dealing with operators holding provisional driver's licenses. This bill has been incorporated into SB 966.

Patron - Mims

SB816 Release of personal data by the Department of Motor Vehicles to toll facility operators and toll technology entities. Postpones until July 1, 2012, the "sunset" on 2004 legislation that allowed the Commissioner of the Department of Motor Vehicles to enter into agreements with private toll facility operators or toll collection technology entities to enable them to obtain from the Department of Motor Vehicles personal information in order to conduct motor vehicle research relating to methods of electronic toll collection. The original "sunset" was July 1, 2005.

Patron - Williams

SB818 Flashing headlights. Allows emergency vehicles to flash headlights after dark.

Patron - Williams

SB825 Overweight truck penalties. Allows all counties, cities, and towns to adopt truck weight limit ordinances, parallel to state law, and to assess and collect penalties for violations of such ordinances and use the proceeds to support either local highway construction and maintenance or local vehicle safety inspection programs. The bill makes other non-substantive editorial changes as well.

Patron - Mims

SB835 Motor vehicle insurance. Provides that if a motor vehicle is an insured motor vehicle for only part of the year, it will, nevertheless, be deemed an "insured motor vehicle" and the owner will not be required to pay the fee for registration of an uninsured motor vehicle provided it is not operated on the public highway while uninsured.

Patron - Quayle

SB852 Vehicle safety inspections; frequency. Requires vehicles to undergo safety inspections once every 24 months instead of once every 12 months.
Patron - Cuccinelli

SB885 Mustang Club of America. Authorizes the issuance of special license plates for members and supporters of the Mustang Club of America. This bill has been incorporated into SB 884.
Patron - Bell

SB901 Motor vehicle safety belts. Makes safety belt violations primary offenses. This bill also requires that, with a few exceptions, all passengers be belted, not just those in the front seats.
Patron - Norment

SB911 Motor vehicle dealers. Provides that towing, recovery, and storage business operators need not be licensed as motor vehicle dealers if they sell unclaimed vehicles to the public.
Patron - Norment

SB924 Modified vehicles. Applies to pickup or panel trucks the same bumper height limitations presently applicable to passenger vehicles.
Patron - Blevins

SB954 Regulation of mopeds. The bill grants the City of Charlottesville and the City of Hopewell the same ability presently granted counties, cities, and towns located within the Northern Virginia Planning District to limit the operation of motorcycles, mopeds, electric power-assisted bicycles, trail-bikes, mini-bikes, or go-carts.
Patron - Deeds

SB955 Use of VASCAR speed determination devices. Adds the City of Charlottesville to the list of localities that may use VASCAR (visual average speed computer and recorder) speed determination devices. Presently, use of these devices by local law-enforcement personnel is limited to the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park and the Counties of Arlington, Fairfax, Loudoun, and Prince William and towns within them.
Patron - Deeds

SB966 Provisional driver's licenses. The bill bans use of cellular telephones and wireless telecommunication devices by holders of a provisional license and incorporates SB 784.
Patron - O'Brien

SB967 Assessment of fees by Department of Motor Vehicles (DMV) on certain drivers; use of fees collected. Requires the DMV Commissioner to impose and collect fees on drivers who have accumulated more than six net driver demerit points or have been convicted of reckless driving, aggressive driving, driving on a suspended or revoked license, DUI, or any other misdemeanor involving operation of a motor vehicle. These fees, minus cost of collection, will be used to support issuance of bonds whose proceeds are to be used in the highway construction district wherein the offenses leading to the imposition of the fees were committed for transportation construction, reconstruction, maintenance, maintenance replacement, and/or improvement projects.
Patron - O'Brien

SB977 Driver's licenses. Requires all first-time applicants for Virginia driver's licenses to prove that they have

successfully completed either a driver education program approved by the State Department of Education or a course offered by a licensed driver training school.
Patron - O'Brien

SB980 Improper driving; penalty. Provides that a person may be charged with the offense of improper driving when his conduct is of the kind that constitutes reckless driving but when his degree of culpability is slight. Currently, improper driving is only a lesser included offense of reckless driving.
Patron - O'Brien

SB1004 Photo-monitoring systems to enforce traffic light signals. Expands photo-monitoring systems for traffic signal enforcement to all of Virginia instead of specified localities. Several additional provisions specify where, when, and how these systems are to be used.
Patron - Devolites Davis

SB1039 Regulation of mopeds. Allows Charlottesville and Hopewell to regulate mopeds for noise.
Patron - Quayle

SB1048 Water-damaged vehicles. Increases from \$1,000 to \$5,000 the amount of a water damage claim that must have been paid by an insurance company before water damage must be disclosed when ownership of the vehicle is transferred.
Patron - Wagner

SB1081 Wireless communication devices; use by drivers. Prohibits drivers' use of hand held telecommunications devices while their vehicles are in motion, except in an emergency. This prohibition does not extend to devices being operated hands-free. Violations are traffic infractions punishable by fines of \$100.
Patron - Ticer

SB1095 "Photo-red" enforcement of traffic signals; penalty. Repeals the July 1, 2005, "sunset" on the photo-red traffic light signal enforcement program.
Patron - Stolle

SB1114 Motor vehicle dealers. Allows motor vehicle dealers to cancel "spot sales" conditioned on approval of an installment sales contract. It also allows the dealer, if the sale falls through, to return the "equivalent value" of any trade-in or down payment made by the would-be buyer. In addition, the bill allows dealers to delay delivery of the vehicle's title or certificate of origin to the buyer if the sale is conditioned upon approval of purchase money financing. No dealer is to be held liable for fraud, conversion, violation of Title 8.9A (Secured Transactions) or Chapter 17 of Title 59.1 (Virginia Consumer Protection Act), or any other law of the Commonwealth solely by virtue of delivering a motor vehicle to a consumer before purchase money financing is approved. Dealers are also allowed to include in a vehicle buyer's order an express, written waiver of any rights or causes of action that may accrue to the customer as a result of the sale.
Patron - Norment

SB1236 Special license plates; members and supporters of the Virginia Association for Community Conflict Resolution; fees. Authorizes the issuance of revenue-sharing special license plates to members and supporters of the Virginia Association for Community Conflict Resolution. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other nonrevenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets),

\$15 will go to the Virginia Association for Community Conflict Resolution to support its programs and activities in Virginia. This bill has been incorporated into SB 884.

Patron - Miller

[F]SB1242 Special license plates; members and supporters of the Junior League. Authorizes the issuance of special license plates to members and supporters of the Junior League. This bill has been incorporated into SB 884.

Patron - Devolites Davis

[F]SB1315 Release of security interest in motor vehicle certificate of title; penalty. Requires a secured party that fails to mark satisfied and surrender a certificate of title within 15 days after its security interest is satisfied to forfeit \$500 to the owner. If the \$500 is not paid within 10 business days after demand in writing, the secured party is required to pay the owner's court costs and reasonable attorneys' fees. The failure to release a security interest within 10 days is currently punishable as a Class 3 misdemeanor.

Patron - Colgan

[F]SB1339 Vehicle Safety Inspection. Provides that only motor vehicles, trailers, and semitrailers with more than 55,000 miles of use will be subject to annual state safety inspections.

Patron - Cuccinelli

Notaries and Out-of-State Commissioners

Passed

[P]SB760 Notary fees. Increases from \$3 to \$5 the fee that a notary may charge for taking and certifying the acknowledgment of any writing, administering and certifying an oath, certifying affidavits and depositions of witnesses, or certifying that a copy of a document is a true copy.

Patron - Locke

Failed

[F]SB991 Notaries public. Requires each notary to keep an official seal, describes the information required to be on the seal, and requires that the affixed seal be a legible, permanent, and photographically reproducible image. The bill also requires that the seal not be possessed or used by any other person and not be surrendered to an employer upon termination of employment.

Patron - Devolites Davis

Pensions, Benefits and Retirement

Passed

[P]HB1651 Optional life, accidental death, and dismemberment insurance. Increases from \$500,000 to \$600,000 the amount of optional life, accidental death, and dismemberment insurance that employees may purchase. The bill also eliminates the requirement for a review of such maximum

amount once every two years and provides for a review period of at least once every five calendar years.

Patron - Tata

[P]HB1652 Law Enforcement Officers' Retirement System and State Police Officers' Retirement System; retirement options. Eliminates the retirement option of 50 years of age with 10 years of service. The bill also makes technical changes.

Patron - Tata

[P]HB1653 Virginia Retirement System; life insurance. Clarifies that an employee with 20 years creditable service with a retirement plan administered by the VRS or any other public plan participating in the group life insurance program will have life insurance based on two times his highest annual salary earned during such employment.

Patron - Tata

[P]HB1787 Teacher's retirement allowance. Extends from July 1, 2005, to July 1, 2007, the sunset date for provisions allowing retirees to be hired as teachers or administrative personnel without interruption of their retirement benefits. Requires the Virginia Retirement System to determine the actuarial cost of the allowance and report its findings prior to the 2007 Session of the General Assembly.

Patron - BaCote

[P]HB1831 Mandatory retirement for judges. Provides that any judge of the State Corporation Commission who is (i) 70 years old and to be retired before the end of his elected term under otherwise mandatory retirement laws and (ii) to be retired during a session of the General Assembly in which the General Assembly is required to elect another judge or judges of the State Corporation Commission shall be retired upon the first to occur of (a) the expiration of the term to which he was elected or (b) 20 days after the commencement of the regular session of the General Assembly that immediately follows the date the judge turns 72 years old. Under current law, all judges who turn 70 shall be retired 20 days after the convening of the next regular session of the General Assembly.

Patron - Parrish

[P]HB1920 Purchase of prior service for retirement. Provides that in a case where an employee is purchasing prior service credit at a cost of 5 percent of current compensation or average final compensation, whichever is greater, if the employee uses pre-tax or post-tax deductions to purchase the service, then the cost of the service shall be 5 percent of current compensation even if this is less than 5 percent of average final compensation. The bill provides that certain creditable service for which employee and employer contributions have not been made to the Virginia Retirement System because of payroll error shall be purchased by the employer at an actuarial equivalent cost. The bill clarifies that active duty military service that can be purchased for retirement credit is full-time service of at least 180 consecutive days.

Patron - Cox

[P]HB1925 Health insurance credit; persons with creditable service as constitutional officers or employees of local social services boards. Provides that a person with 15 or more years of total creditable service as a constitutional officer or an employee of a local social services board who becomes employed by a local government that does not elect to provide the health insurance credit, shall be eligible for the health insurance credit made available to persons retiring as local constitutional officers or employees of local social services boards. This bill incorporates HB 1991.

Patron - Tata

HB1926 Employee benefits; long-term disability. Clarifies that state employees participating in defined contribution plans and receiving long-term disability shall receive the maximum health insurance credit. Currently, the maximum monthly credit provided to state employees is \$120 per month.
Patron - Tata

HB1927 Virginia Retirement System; suspension of retirement payments when in covered position. Clarifies that retirement payments are suspended whenever the member is employed in a position covered by any of the retirement plans administered by the Virginia Retirement System.
Patron - Tata

HB1928 Virginia Retirement System; administrative costs of defined contribution plans. Permits the Virginia Retirement System (VRS) to include its administrative costs in setting the employer contribution rates for any defined contribution plan administered by VRS.
Patron - Tata

HB1929 Federal social security. Requires that a local governing body's resolution requesting that its eligible employees become members of the Virginia Retirement System shall not be approved by the Board of Trustees of the Virginia Retirement System unless the locality has first entered into a plan of agreement to extend benefits under the Social Security Act to its employees. The bill also names the director of the Virginia Retirement System as the state social security administrator, and allows him, rather than the Board, to adopt rules and policies necessary for the administration of the Social Security Act. The state social security administrator may, with the approval of the Board, submit and agree to modifications to the agreement with the federal government concerning coverage, benefits, and administration of the Social Security Act. The state social security administrator will be tasked with carrying out all functions required of him by the Social Security Act, including but not limited to negotiating the inclusion of additional coverage groups, resolve coverage and taxation issues, and negotiate with the federal government to resolve social security contribution payment and reporting questions for wages paid before 1987. The bill also contains several definitional and technical changes.
Patron - Tata

HB1930 Retirement benefits. Provides for a potentially greater retirement benefit when a member dies while in service and has named his spouse, minor child, or parent as a contingent annuitant under a joint and last-survivor optional retirement benefit.
Patron - Tata

HB2489 Virginia Sickness and Disability Program; appeal of disability benefit determinations. Clarifies the authority of the Board of Trustees of the Virginia Retirement System to develop an appeals process as an alternative to the process set forth in the Administrative Process Act (APA), provided that the process: (i) provides for adequate notice in writing to any participant whose claim for benefits has been denied setting forth the specific reasons for such denial and (ii) affords a reasonable opportunity to any participant whose claim for benefits has been denied for a review of the decision denying the claim. The bill includes technical amendments.
Patron - Petersen

HB2536 Long-term disability benefit. Clarifies that the waiting period for a long-term disability benefit and supplemental long-term disability benefit is 125 work days.
Patron - Ingram

HB2746 Retirement. Provides that a local government that establishes a retirement system shall not be liable for any loss resulting from the governing body's selection of an individual retirement plan provider, or investment product in the case of an automatic rollover of a mandatory cash-out, when the selection of the provider or product is made in accordance with safe harbor guidelines adopted by the United States Department of Labor.
Patron - Ware, R.L.

HB2765 Health insurance credits; general registrars. Adds retired general registrars and their retired employees who rendered at least 15 years of creditable service to the list of those who will receive a health insurance credit to their monthly retirement allowance under the Virginia Retirement System.
Patron - Dillard

SB785 Virginia Retirement System; default payment option for retirement allowances. Provides that the retirement allowance shall be paid as a single life annuity in cases where the member, following reasonable notification, has not selected a payment option for his retirement allowance by the mandatory beginning date for payment of the allowance. A spousal acknowledgement of the payment option and the basic benefit shall not be required in these situations.
Patron - Stosch

SB786 Virginia Retirement System; liability of Board of Trustees. Provides that, in the case of an automatic rollover of a mandatory cash-out pursuant to § 401 of the Internal Revenue Code, the Board of Trustees shall not be liable for any loss resulting from the Board's selection of an individual retirement plan provider and investment product where the selection is made in accordance with guidelines to be adopted by the Board that are similar to the safe harbor guidelines adopted by the United States Department of Labor for such purpose.
Patron - Stosch

SB817 Teacher's retirement allowance. Extends the July 1, 2005, sunset date to July 1, 2007, for provisions allowing retirees to be hired as teachers or administrative personnel without interruption of their retirement benefits. This bill incorporates SB 762.
Patron - Williams

Failed

HB1497 Virginia Law Officers' Retirement System. Provides that the supplemental allowance currently paid to certain members upon retirement until age 65 shall instead be paid until Social Security retirement age.
Patron - Wright

HB1503 Health insurance credit for retired teachers. Increases the health insurance credit for retired teachers to \$4 per month for each year of creditable service with no monthly cap. Under current law, retired teachers with 15 or more years of service are allowed a health insurance credit of \$2.50 per month for each year of creditable service with a cap of \$75 per month. This bill has been incorporated into HB 1523.
Patron - Shuler

HB1521 Virginia Retirement System; benefits. Increases monthly retirement benefits of certain future retirees by increasing the percentage of average final compensation multiplied by the amount of creditable service from 1.7 to 2.0

for years of service in excess of 25 years for most state employees, and from 2.0 to 2.3 for certain state law-enforcement officers.

Patron - Callahan

HB1523 Health insurance credits; teachers. Increases the monthly health insurance credit to retired teachers from \$2.50 to \$4.00 for each full year of the retired member's creditable service. The bill is applicable to current and future retirees and is not effective unless funding for such is included in the Budget Bill. This bill incorporates HB 1503.

Patron - Tata

HB1626 Health insurance credits for retired state employees. Removes the monthly health insurance credit cap of \$120 for retired state employees. The bill is not effective unless there is funding for such in the Budget Bill.

Patron - Putney

HB1627 Health insurance credits for retired state employees. Increases the monthly health insurance credits provided to retired state employees from \$4 per year of creditable service to \$6 per year of creditable service, and removes the maximum monthly cap of \$120. The bill is not effective unless there is funding for such in the Budget Bill. This bill incorporates HB 1866.

Patron - Putney

HB1637 Retirement; state police officers and certain local law-enforcement officers. Modifies the retirement benefits of state police officers and certain local law-enforcement officers by (i) increasing from 1.7 percent to 2.7 percent the percentage of average final compensation multiplied by the years of creditable service in such positions, and by deleting the supplemental allowance currently paid to members upon retirement until their Social Security retirement age; (ii) deleting the minimum age requirement for retirement for members with 25 or more years of service; and (iii) providing that deputy sheriffs employed by political subdivisions participating in the Virginia Retirement System shall receive the same retirement benefits as sheriffs. This bill has been incorporated into HB 2660.

Patron - Callahan

HB1645 Virginia Retirement System; purchase of retirement service credit. Allows a member in service to purchase prior service credit for service with Amtrak.

Patron - Orrock

HB1673 Virginia Law Officers' Retirement System; membership. Adds probation and parole officers employed by the Department of Juvenile Justice to membership in the Virginia Law Officers' Retirement System.

Patron - Cosgrove

HB1699 Virginia Law Officers' Retirement System (VALORS). Adds juvenile probation and parole officers as members of VALORS.

Patron - Spruill

HB1704 Virginia Retirement System; legal aid employees. Adds to the membership of the Virginia Retirement System all full-time employees of any legal aid office in the Commonwealth.

Patron - Kilgore

HB1747 Virginia Retirement System; Virginia Local Sickness and Disability Program. Creates a new optional local sickness and disability program for local employees similar to the program that exists for state employ-

ees. The Program is optional at the election of each local employer, with all costs to be borne by the local employer. The bill has a delayed effective date of July 1, 2006, but a pilot program is authorized beginning July 1, 2005.

Patron - Tata

HB1817 Virginia Retirement System; purchase of credit for prior part-time federal service. Permits members of the Virginia Retirement System to purchase credit for prior part-time federal service.

Patron - Suit

HB1866 Health insurance credits for state and local retirees. Increases the monthly health insurance credits provided to local and state employees retiring with 25 or more years of creditable service to \$7 per year of creditable service, not to exceed a maximum of \$210 per month. These amounts, as well as the amount of the monthly credits under current law for employees retiring with less than 25 years of service, are indexed to the average annual increase in the premiums for the state retiree health benefits plans. The bill applies to state employees, local employees, teachers, constitutional officers and their employees, and local social service employees, whether they retired before or retire after the effective date of the bill, July 1, 2005. This bill has been incorporated into HB 1627.

Patron - Morgan

HB1985 Virginia Law Officers' Retirement System; membership. Adds probation and parole officers employed by the Department of Juvenile Justice to membership in the Virginia Law Officers' Retirement System.

Patron - Griffith

HB1991 Virginia Retirement System; health insurance credits for certain employees. Provides that the Commonwealth shall provide health insurance credits for retirees who (i) rendered at least 15 years of total creditable service as a constitutional officer, as an employee of a constitutional officer, or as a local social service employee and (ii) after terminating such service, was employed by a local government that does not elect to provide a health insurance credit. This bill has been incorporated into HB 1925.

Patron - Griffith

HB1996 Virginia Retirement System; benefits. Increases monthly retirement benefits of future retirees by increasing the percentage of average final compensation multiplied by the amount of creditable service according to the years of service as follows:

Years of Creditable Service	Percentage of Average Final Compensation
Less than 25	1.70 percent
25 or more but less than 30	1.80 percent
30 or more but less than 35	1.90 percent
35 or more but less than 40	2.0 percent
40 or more	3.0 percent

Under current law the percentage multiplier is 1.70 percent regardless of years of service. The bill provides a higher percentage multiplier to certain members of the Virginia Law Officers' Retirement System who already have a multiplier of 2.0 percent under current law.

Patron - Griffith

HB2083 Virginia Retirement System. Any teacher who is a member of the Virginia Retirement System and any

such retired teacher may purchase up to four years of prior service credit for service in the public school system of Canada at the rate of five percent (i) of creditable compensation at the time of purchase or (ii) of average final compensation, whichever is greater.

Patron - Watts

HB2183 Virginia Retirement System; participation by members of a city council. Includes members of a city council of a city participating in the Virginia Retirement System. The bill also allows a member of a city council to continue to receive a retirement allowance based on creditable service for a position other than as a member of city council.

Patron - Tata

HB2396 Virginia Retirement System; membership credit. Provides membership service for employment as part-time, contract work at the Division of Motor Vehicles.

Patron - Phillips

HB2481 Virginia Retirement System; pilot defined contribution plan. Establishes a pilot program to allow employees hired on or after July 1, 2005, at the University of Virginia, Virginia Polytechnic Institute and State University, and the College of William and Mary the option to participate in the Virginia Retirement System's defined contribution retirement plan.

Patron - May

HB2594 Virginia Law Officers' Retirement System; deputy sheriffs. Makes deputy sheriffs members of the Virginia Law Officers' Retirement System under certain conditions, including the election of such by the respective sheriff. Funding for such membership shall be provided by the Compensation Board. This bill has been incorporated into HB 2660.

Patron - Weatherholtz

HB2660

Retirement; state police officers and certain local law-enforcement officers. Modifies the retirement benefits of state police officers and certain local law-enforcement officers by (i) increasing from 1.7 percent to 2.7 percent the percentage of average final compensation multiplied by the years of creditable service in such positions, and by deleting the supplemental allowance currently paid to members upon retirement until their Social Security retirement age; (ii) deleting the minimum age requirement for retirement for members with 25 or more years of service; and (iii) providing that deputy sheriffs employed by political subdivisions participating in the Virginia Retirement System shall receive the same retirement benefits as sheriffs. This bill incorporates HB 1637 and HB 2594.

Patron - McDonnell

HB2745 Disability benefits; certain local police departments. Provides that police departments in those localities that elected to establish their own local pension plans (instead of participating through the Virginia Retirement System) shall provide disability benefits to members of their police departments equivalent to the disability benefits provided under the Virginia Retirement System.

Patron - Bell

SB696 Virginia Law Officers' Retirement System. Provides that the supplemental allowance currently paid to certain members upon retirement until age 65 shall instead be paid until Social Security retirement age.

Patron - Ruff

SB703 Health insurance credit for retired teachers. Increases the health insurance credit for retired teachers to \$4

per month for each year of creditable service with no monthly cap. The bill also eliminates the authority for local governments to provide an additional health insurance credit for teachers. Under current law, retired teachers with 15 or more years of service are allowed a health insurance credit of \$2.50 per month for each year of creditable service with a cap of \$75 per month. Retired state employees with 15 or more years of service are allowed a health insurance credit of \$4 per month for each year of creditable service with a cap of \$120 per month.

Patron - Reynolds

SB727 Health insurance credits for retired state employees. Increases the monthly health insurance credits provided to retired state employees from \$4 per year of creditable service to \$6 per year of creditable service, and removes the maximum monthly cap of \$120.

Patron - Potts

SB754 Virginia Retirement System; creditable compensation of teachers. Provides that the creditable compensation of teachers for retirement purposes under the Virginia Retirement System shall include all compensation payable to teachers by their public school boards, including compensation that is not pursuant to a contract for teaching.

Patron - Wampler

SB762 Teacher's retirement allowance. Extends from July 1, 2005, to July 1, 2010, the sunset date for provisions allowing retirees to be hired as teachers or administrative personnel without interruption of their retirement benefits. This bill has been incorporated into SB 817.

Patron - Locke

SB840 Virginia Law Enforcement Officers' Retirement System; definition of employee. Adds probation officers, supervisory probation officers, and directors of court services units to the Virginia Law Enforcement Officers' Retirement System.

Patron - Deeds

SB881 Deputy sheriffs; retirement allowance. Provides that deputy sheriffs employed by political subdivisions participating in the Virginia Retirement System (VRS) shall receive the same retirement benefits as sheriffs. Under current law, any sheriff employed by a political subdivision participating in VRS shall receive retirement benefits equivalent to those provided under the State Police Officers' Retirement System (SPORS) for state police officers. This bill would provide that deputy sheriffs, whose political subdivision participates in VRS, also receive retirement benefits equivalent to those provided under SPORS.

Patron - Obenshain

SB918 Law-Enforcement Officers Retirement System; emergency medical technicians. Adds full-time salaried emergency medical technicians to the list of those who may receive benefits equivalent to those provided under the State Police Officers' Retirement System.

Patron - Blevins

SB1014 Health insurance credits; teachers and other local school board employees. Increases the monthly health insurance credit to retired teachers from \$2.50 to \$4.00 for each full year of the retired member's creditable service. The bill also eliminates an overall cap to the credit, and adds all retired full-time, salaried employees of local school boards as recipients to the credit. Under current law, only teachers and certain administrative personnel are included under the Code provision, while all other retired full-time, salaried employees

of local school boards receive a credit in the amount of \$1.50 for each full year of the retired member's creditable service under a different Code provision for local government employees. The bill is applicable to current and future retirees.

Patron - Hanger

SB1043 Health insurance credit for state employees. Increases the health insurance credit for state employees to \$6 per month for each year of creditable service. The monthly credit, however, shall not exceed \$180 per month. Under current law, retired state employees with 15 or more years of service are allowed a health insurance credit of \$4 per month for each year of creditable service with a cap of \$120 per month.

Patron - Martin

SB1073 Virginia Retirement System; defined contribution plan. Creates a defined contribution plan as an alternative to current defined benefit retirement plans. In general, all employees in any position covered by any retirement plan administered by the Virginia Retirement System are eligible to elect a defined contribution plan in lieu of one of the current defined benefit retirement plans. The employee has 90 days to make an irrevocable election to participate in the defined contribution plan or the defined benefit retirement plan for which he is otherwise eligible. The bill does not amend any of the provisions of deferred compensation plans currently made available to employees.

Patron - Cuccinelli

SB1117 Public institutions of higher education. Provides that certain permanent part-time employees of public institutions of higher education or teaching hospitals affiliated with a public institution of higher education engaged in teaching, administrative, or research duties shall participate in the Virginia Retirement System or in an alternative retirement plan established by the institution. The bill also provides that creditable compensation for employees of a public institution of higher education or a teaching hospital affiliated with the institution shall be the full compensation payable over the term of any contract without regard to whether or not the term of the contract coincides with the normal scholastic year.

Patron - Norment

SB1152 Retirement; deputy sheriffs. Makes deputy sheriffs members of the Virginia Law Officers' Retirement System (VALORS) by election of the county or city for whom the deputy sheriffs serve. The bill also provides that those deputy sheriffs in counties or cities providing Law Enforcement Officers' Retirement System (LEOs) retirement benefits to deputy sheriffs as of June 30, 2005, shall also participate in VALORS; however, any deputy sheriff in service on June 30, 2005, in such county or city may elect to continue retirement coverage under LEOs. Deputy sheriffs participating in VALORS shall receive a 2.0 average final compensation retirement multiplier but shall not receive any annual supplement. For any county or city that provided LEOs benefits to deputy sheriffs as of June 30, 2005, and for any county or city that on or after July 1, 2005, elects for its deputy sheriffs to participate in VALORS, the Compensation Board shall fund or reimburse such county or city one-half of its total retirement costs for state-responsible deputy sheriffs (to include any state-responsible deputy sheriff in service on June 30, 2005, who has elected to continue retirement coverage under LEOs). Total retirement costs are defined as the retirement contributions required for deputy sheriffs whose positions are funded by the Compensation Board. Such costs shall be computed using the salaries of such deputy sheriffs as fixed by the Board. Total retirement costs shall not include the costs of member contributions for

retirement, without regard to whether the member contributions are paid by the county or city or by the deputy sheriff.

Patron - Stolle

SB1221 Virginia Law Officers' Retirement System (VALORS). Adds juvenile probation and parole officers as members of VALORS.

Patron - Colgan

SB1299 Virginia Retirement System; average final compensation retirement multiplier for teachers. Increases from 1.7 to 2.0 the average final compensation retirement multiplier for teachers with 25 or more years of creditable service earned as a teacher. The bill applies to teachers first retiring on or after July 1, 2005.

Patron - Reynolds

SB1340 Virginia Law Officers' Retirement System; hazardous materials response specialist officers. Adds hazardous materials response specialist officers employed by the Virginia Department of Emergency Management to membership in the Virginia Law Officers' Retirement System (VALORS).

Patron - Puckett

Persons with Disabilities

Failed

HB1803 Persons with disabilities; agency reorganization. Consolidates the Department of Rehabilitative Services and the Departments for the Blind and Vision Impaired and the Deaf and Hard-of-Hearing into the Department of Rehabilitative and Disability Services.

Patron - Landes

Police (State)

Passed

HB1966 Department of State Police; terrorism intelligence center. Requires the Governor to establish a multi-agency fusion intelligence center to receive and coordinate terrorist-related intelligence. The center shall be operated by the Department of State Police in cooperation with the Department of Emergency Management.

Patron - Miles

Failed

HB2087 Published list of gangs and criminal organizations. Provides that the State Police shall publish a list of known youth gangs, criminal street gangs, and other criminal organizations identified by location, size, age, and race of membership; unique clothing; unique hand signs; unique practices; and any other identifying characteristics that would enable a court to take judicial notice of the existence thereof for the purposes of prosecution of an individual member.

Patron - Shannon

HB2735 Virginia Racial Profiling and Traffic Statistics Reporting Act. Requires the Department of State Police to develop a statewide database for collecting, correlating, ana-

lyzing, interpreting, and reporting data and information generated related to certain traffic stops. Local police officers and police officers of the Department of State Police would be required to collect certain information pertaining to traffic stops, including the race, ethnicity, color, age, and gender of the alleged traffic offender, and to record the specific reason for the stop, whether the person was interrogated, charged or arrested, and whether a written citation or warning was issued. Police officers also would be required to indicate the specific traffic violation allegedly committed. Police officers participating in the collection of such traffic data and information are granted civil immunity for acts and omissions during the performance of their official duties, absent gross negligence or willful misconduct. The Superintendent must report the findings and make recommendations annually to the Governor, the General Assembly, and the Attorney General and provide copies to each attorney for the Commonwealth. This act expires on July 1, 2008. Previously, this bill was a recommendation of the Joint Subcommittee Studying the Status and Needs of African-American Males in the Commonwealth and the House Committee on Transportation's Special Subcommittee on Racial Profiling and Pretextual Traffic Stops.

Patron - Ward

Prisons and Other Methods of Correction

Passed

P HB1765 Telephone systems within correctional facilities. Requires the Department of Corrections to offer pre-paid or debit telephone systems, in addition to existing collect calling systems. Such telephone systems may be established with the lowest available rates. The bill has a delayed effective date of January 1, 2006.

Patron - Dillard

P HB1943 Property conveyance; former Staunton Correctional Center. Authorizes the Governor to convey the former Staunton Correctional Center to the Staunton Industrial Authority without consideration. This bill is identical to SB 1015.

Patron - Saxman

P HB2369 Court orders permitting prisoners to work on certain property. Removes the requirement that court orders allowing prisoners to work on state, county, city, town, and certain private property or nonprofit organization property be written specifically for individual prisoners.

Patron - Bryant

P HB2436 Continued hospitalization of involuntarily admitted prisoners. Provides that when there is no further need for involuntary hospitalization, a prisoner may be retained in the hospital if the prisoner is capable of and consents to voluntary admission, and is determined to be in need of continued hospitalization by a licensed physician, psychiatrist, or clinical psychologist.

Patron - Carrico

P HB2823 Board of Parole; power and duties; parole. Requires that the Board's rules for parole and eligibility be published and posted for public review and that the monthly statement published by the Board regarding action

taken by the Board on the parole of prisoners shall include the basis for denial of parole.

Patron - Rust

P SB1015 Former Staunton Correctional Center; conveyance. Authorizes the Governor to convey the former Staunton Correctional Center to the Staunton Industrial Authority without consideration. This bill is identical to HB 1943.

Patron - Hanger

Failed

F HB1675 Suspension or modification of sentence for cooperation with prosecution. Provides that when a person has been sentenced for a felony to the Department of Corrections, the court that heard the case may, after a hearing upon motion of the Commonwealth, suspend all or part of the unserved portion of the person's sentence. This intends to accommodate a case where an inmate cooperates and testifies in the prosecution of another person.

Patron - Cosgrove

F HB1713 Residential community programs. Requires the Department of Corrections to give nonviolent prisoners who have not been sentenced upon a conviction of murder in the first degree, rape in violation of § 18.2-61, forcible sodomy, animate or inanimate object sexual penetration, aggravated sexual battery, or sentenced to one or more life terms the opportunity, where available, to participate in a residential community program, work release, or a community-based program. Current law requires that the prisoner not be convicted of any violent crime and be sentenced to at least three years. The bill also restricts the cost of keep to up to 30 percent of gross earnings. This bill is identical to and incorporates HB 1764.

Patron - Shuler

F HB1764 Residential community programs. Requires the Department of Corrections to give nonviolent prisoners who have not been sentenced upon a conviction of murder in the first degree, rape in violation of § 18.2-61, forcible sodomy, animate or inanimate object sexual penetration or aggravated sexual battery or sentenced to life imprisonment the opportunity to participate in a residential community program, work release, or a community-based program. Current law requires that the prisoner not be convicted of any violent crime and be sentenced to at least three years. The bill also restricts the cost of keep to up to 30 percent of gross earnings. This bill is identical to and has been incorporated into HB 1713.

Patron - Dillard

F HB1995 Regional jails. Extends the deadline for consideration of construction, enlargement, or renovation of certain local or regional jail facilities as that deadline applies to Roanoke County-Salem Jail under the appropriations act. This bill contains an emergency clause to make it effective upon passage.

Patron - Griffith

F HB2108 Good conduct credit for home/electronic incarceration. Provides that each prisoner sentenced to 12 months or less for a misdemeanor or any combination of misdemeanors shall earn good conduct credit at the rate of one day for each one day served in confinement or in home/electronic incarceration. Currently, pursuant to a 1997 opinion of the Attorney General, a prisoner may not earn good conduct credit for home/electronic incarceration.

Patron - McQuigg

HB2360 Reading for Good Time. Establishes a Reading for Good Time credits program in which inmates can receive additional good conduct allowance for reading and passing examinations on approved material. Good conduct allowance is applied to reduce the person's maximum term of confinement in any state correctional facility.

Patron - Watts

HB2480 Private operation of local jail facilities. Allows the privatization of local jails using the same procedures as adopted for the privatization of regional jail facilities (e.g., standards for contractors, indemnification, authority and duties of contractors and employees).

Patron - May

HB2500 Required testing of prisoners for viral hepatitis. Requires the Department of Corrections to test each prisoner committed to the Department for hepatitis B and hepatitis C. Prisoners found to be currently infected with hepatitis B or hepatitis C shall be vaccinated for hepatitis A and hepatitis B and shall be provided treatment in accordance with Food and Drug Administration approved therapies.

Patron - Amundson

HB2724 Child-friendly visiting rooms in state and local correctional facilities. Requires each state and local correctional facility to provide child-friendly visiting rooms which include activities for young children, adequate facilities with private areas for nursing, and regulations that do not penalize inmates with sanctions, such as the termination of a visit, for normal child behavior.

Patron - Scott, J.M.

HB2726 Discharge of prisoner; required records to be provided to prisoner upon release. Requires the Director of the Department of Corrections to provide each prisoner with the following documents upon discharge: (i) the prisoner's medical records, including copies of current prescriptions and a physician's summary of continuing or pending medical treatment; (ii) verification of the prisoner's work history while in custody; and (iii) verification of all educational and treatment programs completed by the prisoner while in custody.

Patron - Scott, J.M.

HB2755 Procedures for restoration of right to vote for certain persons. Eliminates the requirement that persons convicted of nonviolent felonies must wait five years after completion of sentence to petition through the courts for restoration of their right to vote.

Patron - Bland

HB2779 Mandatory parole. Defines "technical violation" as any failure to adhere to conditions of parole that is not deliberate defiance or does not constitute further criminal conduct. The bill provides that technical violators will not be required to serve the minimum six months prior to release following parole revocation and that good conduct credits will apply to sentences served as the result of parole violations that were technical.

Patron - Shuler

HB2890 Board of Corrections; membership; powers. Increases the membership of the State Board of Corrections from nine to 12 members and requires the appointees to include three community leaders, three elected officials, three members of the medical profession, and three citizens with an immediate family member incarcerated within the Commonwealth of Virginia. The bill also requires the Board to report to

the Governor on a quarterly basis and to the General Assembly at least once per year during the month of November. Finally, the bill allows the Board to enter and inspect Department of Corrections' facilities at any time.

Patron - Ebbin

HB2915 Board of Corrections; zoning ordinances. Gives the Board of Corrections the authority to license community-based or privately operated residential facilities or group homes for the purpose of housing and providing for the temporary care of probationers and parolees. The bill also restricts zoning ordinances from (i) impeding the integration of formerly incarcerated persons into the community, or (ii) excluding the use of residential transitional housing for formerly incarcerated persons where such multioccupancy dwellings or facilities are already permitted for other purposes.

Patron - Eisenberg

HB2917 Correctional officer; definition. Provides that any person serving in the capacity of warden, assistant warden, or superintendent of a state correctional facility shall be a certified correctional officer.

Patron - Spruill

SB805 Good conduct allowance; mandatory functional literacy requirement. Provides for good conduct allowance for prisoners depending on their performance and conduct in which escalating credits toward good conduct allowance are available in four class levels. The highest level available is 50 percent credit for those prisoners with exemplary behavior and who have earned or are making progress toward earning their general educational development (GED) certificate.

Patron - Marsh

SB870 Mandatory release on parole. Provides that a prisoner whose parole is revoked on a technical violation is not required to serve the minimum six months. Under this bill, the prisoner would receive credit for good time if the parole violation was technical, but not if the violation involved a new and subsequent charge. "Technical violation" means any failure to adhere to conditions of parole that is not deliberate defiance of those conditions or does not constitute further criminal conduct or both.

Patron - Quayle

SB940 Illegal conveyance or possession of cellular telephone by prisoner; penalty. Creates a Class 6 felony for providing or causing to be provided a cellular telephone to an incarcerated prisoner, or for an incarcerated prisoner to possess a cellular telephone during the period of his incarceration.

Patron - Puckett

SB941 State Board of Corrections; powers and duties. Authorizes the Board to designate one or more state correctional facilities as drug rehabilitation facilities for non-violent offenders whose crimes are related to drug abuse or drug addiction.

Patron - Puckett

Professions and Occupations

Passed

HB160 Practice of optometry in commercial or mercantile establishments. Provides that an optometrist shall be deemed to be practicing in a commercial or mercantile establishment if he practices in any location that provides

direct access to or from such an establishment. The bill defines "direct access," and stipulates that certain optometric and ophthalmologic practices are not commercial or mercantile establishments. It remains unlawful under this bill for optometrists to practice in commercial and mercantile establishments. The bill contains a delayed effective date clause (December 31, 2005). This bill is identical to SB 272.

Patron - Reid

HB1606 Expedited licensure or certification of certain nurses. Authorizes the Board of Nursing to expedite application processing, to the extent possible, for an applicant for licensure or certification, upon submission of evidence that the applicant, who is licensed or certified in another state, is relocating to the Commonwealth pursuant to a spouse's official military orders.

Patron - Baskerville

HB1607 Contact information during a health emergency. Requires the Department of Health Professions, as the licensing authority, to provide to the State Veterinarian the e-mail addresses, telephone numbers and facsimile numbers of licensed veterinarians in the event of an animal health emergency. The Department and the State Veterinarian are prohibited from publishing, releasing, or making available the contact information for any other purpose.

Patron - Shuler

HB1683 Civil immunity; disposal of a dead body. Immunizes any funeral service establishment, funeral service licensee, or registered crematory from civil liability for disposing of a dead body unless it acted in bad faith or with malicious intent. This bill incorporates HB 1554.

Patron - Janis

HB1732 Department of Professional and Occupational Regulation; regulation of martial arts competitions. Includes martial arts competitions under the existing regulation of boxing and wrestling competitions. The bill defines martial arts as any of several Asian arts of combat or self-defense, including but not limited to aikido, karate, judo, or tae kwon do, usually practiced as sport and which may involve the use of striking weapons.

Patron - Cosgrove

HB1865 Health professions; executive director of the Board of Pharmacy. Requires the executive director of the Board of Pharmacy to be a pharmacist. The present and past executive directors of the Board of Pharmacy have been pharmacists; however, the law has not previously mandated this qualification.

Patron - Morgan

HB1921 Board for Contractors; water well systems provider licensure and certification. Requires the State Board for Contractors to establish a water well systems provider certification program beginning July 1, 2007. Regulations shall establish three levels of certification: trainee, journeyman, and master driller. From the period of one through five years after the required regulations become effective, no person shall engage in the construction of a water well unless a certified water well contractor (of any level of certification) is onsite at all times during the construction. After five years, the onsite certified water well contractor must be a master driller. The bill exempts certain individuals from any examination requirements of the program if they provide satisfactory proof of continuous experience in water well construction.

Patron - Cox

HB1932 Department of Professional and Occupational Regulation; powers and duties of regulatory boards. Authorizes regulatory boards assigned to the Department of Professional and Occupational Regulation (DPOR) to place regulants on probation for statutory or regulatory violations. Conditions of probation may include, but not be limited to, the successful completion of remedial education or examination. The bill also authorizes the regulatory boards to delegate authority to (i) the Director of DPOR to enter into consent agreements with regulants to resolve regulatory violations and (ii) sworn investigators appointed by the Director to conduct inspections.

Patron - Shannon

HB1939 Health professions; unprofessional conduct. Consolidates and updates various provisions relating to the Board of Medicine's licensure and disciplinary authority and the appointments to the Board. The bill removes the Virginia Academy of Clinical Psychologists from the nomination process for the appointment of members to the Board of Medicine because the clinical psychologist position on the Board was abolished several years ago when the licensure of clinical psychologists was placed solely with the Board of Psychology. The bill amends the Board's provisions on unprofessional conduct to consolidate all elements of unprofessional conduct into one section and now clearly provides that the provisions apply to applicants for licensure, as well as licensees of the Board. Finally, the bill clarifies the actions constituting unprofessional conduct by consolidating the enumerated behavior into one statute. Thus, the Board's authority is clear in regard to denial of a license or certificate or refusal to admit a candidate to an examination or other disciplinary actions for all professions regulated by the Board.

Patron - O'Bannon

HB2038 Health professions; practice of midwifery. Provides for the licensing by the Board of Medicine of those persons who have obtained the Certified Professional Midwife credential to practice midwifery pursuant to regulations adopted by the Board of Medicine. The Board of Medicine shall adopt regulations, with advice from the Advisory Board on Midwifery established in this bill. The regulations shall (i) address the requirements for licensure to practice midwifery, (ii) be consistent with the current job analysis for the profession except that prescriptive authority and the possession and administration of controlled substances shall be prohibited, (iii) ensure independent practice, (iv) provide for an appropriate license fee, and (v) include requirements for licensure renewal and continuing education. The regulations shall not (a) require any agreement, written or otherwise, with another health care professional or (b) require the assessment of a woman who is seeking midwifery services by another health care professional. Licensed midwives must disclose to clients certain background information, including their training and experience, written protocol for medical emergencies, malpractice or liability insurance coverage, and procedures to file complaints with the Board of Medicine. The bill provides immunity to physicians, nurses, prehospital emergency personnel or health care institutions for acts resulting from the administration of services by any licensed midwife. This bill is identical to SB 1259.

Patron - Hamilton

HB2123 Department of Professional and Occupational Regulation; unlicensed activity. Provides that any person convicted of a violation of certain enumerated acts may also be ordered by the court to pay restitution.

Patron - Eisenberg

HB2237 Practitioner Self-Referral Act; exemption. Exempts from prohibited practitioner self-referrals law (i) the health services to be received by a patient referred by a practitioner to that practitioner's immediate family member's office or group practice when the referral is within the scope of practice and the treating practitioner to whom the patient is referred is duly qualified and licensed to provide the health services to be received and (ii) the primary purpose of the referral is to obtain the appropriate professional health services for the patient being referred and the primary purpose of the referral is not for the provision of certain designated health services.

Patron - O'Bannon

HB2242 Pharmacy interns. Permits pharmacy interns to provide medication counseling and perform all other acts a pharmacist may perform under the Drug Control Act, including immunizations, if the supervising pharmacist is directly monitoring these activities.

Patron - O'Bannon

HB2260 Health professions; unlawful advertising signage; exemption. Creates an exemption for certain historic buildings not currently operated as pharmacies, allowing such buildings to post signage indicating the operation of a pharmacy or drugstore provided that the signage relates to the historic character of the building. Currently, such signage is prohibited on any building that does not operate as a pharmacy.

Patron - Bell

HB2368 Health; licensure of dentists by credentials and volunteer licenses for retired dentists and dental hygienists. Clarifies or revises various requirements for licensure to practice dentistry and dental hygiene, including the Board's inspection authority, nominations to the Governor for Board appointments, conditions for inactive licenses, permissible practices of dental assistants, authority to practice under a firm or trade name, and causes for suspension, revocation or other sanctions. The bill authorizes the Board of Dentistry to grant, without an additional examination, a license to practice dentistry or dental hygiene in Virginia to persons holding current, unrestricted licenses to practice in another state who satisfy certain credentialing requirements. For example, out-of-state dentists will be required to have passed Part I and Part II of the examination given by the Joint Commission on National Dental Examinations, be of good moral character, be graduates of accredited dental schools, have not failed a clinical examination in the past five years, and have been in continuous clinical practice for five of the six preceding years. The bill further clarifies the Board's authority and requirements for issuance of volunteer licenses to retired dentists or dental hygienists, licenses to teach dentistry, and temporary permits for clinicians. The Board must promulgate emergency regulations. This bill is identical to SB 1127.

Patron - Bryant

HB2429 Prescription Monitoring Program. Expands the Prescription Monitoring Program to include reporting by out-of-state dispensers (nonresident pharmacies) and to cover the entire Commonwealth. To assist in verifying the validity of a prescription, the bill extends the authority to query the system to prescribers licensed in other states and to pharmacists. The fourth and fifth enactment clauses of Chapter 481 of the 2002 Acts of Assembly are repealed to remove the funding contingencies and the restriction on the application of the program to a pilot project covering the southwestern region of Virginia. The program requires the reporting of "covered substances," that, pursuant to this bill, will include all controlled substances in Schedules II, III, and IV of the Drug Control Act (§ 54.1-3400 et seq.) of Title 54.1. Emergency

regulations must be promulgated by the Director. Although the bill will be effective in due course, i.e., July 1, 2005, its provisions will not be implemented or enforced until the date on which the emergency regulations become effective. The Director is required to notify all out-of-state and Virginia dispensers who will be newly subject to the reporting requirements of the Prescription Monitoring Program prior to the date on which the provisions of this act will be implemented and enforced. This bill is identical to SB1098.

Patron - Hamilton

HB2431 Health professions; certain practitioner information provided to patients. Requires, upon request by a patient, doctors of medicine, osteopathy, and podiatry to inform patients (i) about procedures to access information on the doctor compiled by the Board of Medicine and (ii) that, if the patient is not covered by a health insurance plan that the doctor accepts or a managed care health insurance plan in which the doctor participates, the patient may be subject to the doctor's full charge, which may be greater than the health plan's allowable charge.

Patron - Hamilton

HB2510 Department of Professional and Occupational Regulation; Board for Barbers and Cosmetology; regulation of estheticians. Provides for the licensure of estheticians. The bill defines estheticians and requires the Board for Barbers and Cosmetology to adopt regulations governing the practice of esthetics and schools of esthetics and instructors thereof by July 1, 2007. The bill defines "master esthetician" as a licensed esthetician who, in addition to the practice of esthetics, offers to the public for compensation, lymphatic drainage, chemical exfoliation, and microdermabrasion, and who has met such additional requirements as determined by the Board to practice lymphatic drainage, chemical exfoliation with products other than schedules II through VI controlled substances, and microdermabrasion. The bill also increases from eight to 10 the membership of the Board by adding two members who are licensed as estheticians, at least one of whom is an esthetics salon owner and one of whom may be an owner, operator, or designated representative of a licensed esthetics school. Finally, the bill contains waiver provisions from licensure examinations for those meeting certain requirements. The bill has a delayed enactment (July 1, 2007), except for the provisions relating to Board membership.

Patron - Welch

HB2524 Drug Control Act; compounding. Excludes from the definition of "compounding" the mixing, diluting, or reconstituting of a manufacturer's product for the purpose of administration to a patient when performed by a practitioner of medicine or osteopathy licensed under Chapter 29 of Title 54.1 or a person supervised by such a practitioner. The bill further excludes from the definition of "dispense" the transportation of drugs mixed, diluted, or reconstituted in accordance with Chapter 34 of Title 54.1 to other sites operated by such practitioner or practitioner's medical practice for the purpose of administration of such drugs to patients of the practitioner or that practitioner's medical practice at such other sites. For practitioners of medicine or osteopathy, "dispense" only includes the provision of drugs by a practitioner to patients to take with them away from the practitioner's place of practice. Emergency regulations are required. This bill incorporates HB 2043.

Patron - O'Bannon

HB2526 Health professions; athletic trainers. Allows out-of-state practitioners of one of the professions regulated by the Board of Medicine to travel with a team or athlete and practice in Virginia for the duration of the event. The bill

allows licensed athletic trainers to possess and administer certain Schedule VI topical drugs routinely used in their practice and to possess and administer epinephrine for anaphylactic shock. The bill also contains a technical amendment.

Patron - O'Bannon

HB2538 Health; registration of nonresident pharmacies; summary proceedings. Provides that the Board of Pharmacy will only register nonresident pharmacies that maintain a current unrestricted registration or license as a pharmacy in a jurisdiction that may lawfully deliver prescription drugs directly or indirectly to consumers within the United States. Such registration of nonresident pharmacies shall be immediately suspended, without a hearing, upon receipt of documentation by the licensing agency in the jurisdiction where a nonresident pharmacy registered with the Board is located that it has had its license or registration as a pharmacy revoked or suspended by that agency or that the nonresident pharmacy no longer holds a valid unexpired license or registration as a pharmacy. Further, the Board may summarily suspend the registration of any nonresident pharmacy without a hearing, simultaneously with the institution of proceedings for a hearing, if it finds that there is a substantial danger to the public health or safety that warrants such action. A nonresident pharmacy with a suspended registration shall not ship, mail, or deliver any Schedule II through VI drugs into the Commonwealth unless reinstated by the Board.

Patron - Jones, S.C.

HB2549 Receivers for attorneys. Clarifies and makes more specific provisions regarding receiverships for attorneys who become disabled, impaired, absent, deceased, suspended, or disbarred. The bill also provides that receivers of attorneys' practices will be covered under the State's risk management plan when acting in an authorized governmental or proprietary capacity and in the course and scope of employment or authorization. This bill is identical to SB 831.

Patron - Moran

HB2584 Persons who may witness an advance directive. Authorizes any person over the age of 18, including a spouse or blood relative of the declarant, to serve as a witness for the advance directive. Current law prohibits a spouse or blood relative from serving as a witness.

Patron - Kilgore

HB2598 Department of Health Professions; Board of Funeral Directors and Embalmers; licensing of funeral service providers and approval of resident trainees. Removes the restriction on licensure of convicted felons. The bill also reduces the time in which a resident trainee may apply and take the examination for licensure and clarifies the time period in which a resident trainee may practice. The Board of Funeral Directors and Embalmers is authorized to deny subsequent traineeships if the first traineeship is not completed within a certain time. The bill prohibits the approval of any person as a resident trainee who has been convicted of embezzlement or of defiling a dead human body. In addition, the Board must provide renewal notices by mail to licensees, upon request. The bill contains technical amendments.

Patron - Ware, O.

HB2683 Firearms shows; prior notice. Eliminates the requirement that gun show promoters provide a list of vendors and exhibitors to the State Police and the sheriff or chief of police of the locality in which the show will be held 72 hours prior to the show. Gun show promoters will still be required to provide law enforcement with at least 30 days' notice of any show. The bill also changes from 72 hours to five days the time within which the promoter must send the vendor

and exhibitor list after the show and would allow a promoter to send that list via e-mail.

Patron - Lingamfelter

HB2711 Practice of fitting or dealing in hearing aids. Amends current definition of the practice of fitting and dealing in hearing aids to be the practice of fitting "or" dealing in hearing aids. The bill makes similar changes to the relevant licensing provisions.

Patron - Sickles

HB2716 Health professions; pharmacy and the schedule of drugs. Adds to and deletes certain drugs from Schedule I and adds Dihydroetorphine, Carfentanil, and Sufentanil to Schedule II to conform to recent changes in federal drug schedules. The bill corrects errors in spelling, nomenclature, and formatting and adds other names for chemical entities already listed.

Patron - Morgan

HB2804 Civil immunity; persons making voluntary reports regarding health care practitioners. Immunizes from civil liability any person who makes a voluntary report to the appropriate regulatory board or to the Department of Health Professions regarding the unprofessional conduct or competency of any practitioner licensed, certified, or registered by that health regulatory board, unless he acts maliciously or in bad faith. Current law immunizes those persons making reports required by law or pursuant to an investigation or testimony in a judicial or administrative proceeding.

Patron - Van Yahres

HB2843 Real Estate Board; powers; cease and desist orders; civil penalty. Authorizes the Real Estate Board to issue cease and desist orders for unlicensed activity. The bill provides for a right of appeal of the Real Estate Board's issuance of such an order and specifies the civil penalty.

Patron - McDougle

HB2857 Drug Control Act; compounding. Conforms the compounding provisions in the Drug Control Act to the United States Pharmacopeia-National Formulary standards for pharmacy compounding.

Patron - Jones, S.C.

HB2863 Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects; land surveying. Provides an exemption from licensure as a land surveyor for persons utilizing photogrammetric methods or similar remote sensing technology to determine topography, contours, or depiction of physical improvements provided such determination shall not be used for the design, modification, or construction of improvements to real property, or for flood plain determination. The bill authorizes the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects to adopt regulations establishing different licensure requirements for a limited area of the practice of land surveying for persons who determine topography, contours or depiction of physical improvements utilizing photogrammetric methods or similar remote sensing technology and who are not otherwise exempt. Any such requirements shall include reasonable provisions for licensure without examination of persons deemed by the Board to be qualified to provide photogrammetric and remote sensing surveying services. This bill is identical to SB 1306.

Patron - Bryant

SB272 Practice of optometry in commercial or mercantile establishments. Provides that an optometrist shall

be deemed to be practicing in a commercial or mercantile establishment if he practices in any location that provides direct access to or from such an establishment. The bill defines "direct access," and stipulates that certain optometric and ophthalmologic practices are not commercial or mercantile establishments. It remains unlawful under this bill for optometrists to practice in commercial and mercantile establishments. The bill contains a delayed effective date clause (December 31, 2005). This bill is identical to HB 160.

Patron - Quayle

SB716 Physician assistants practicing in hospital emergency departments. Authorizes physician assistants who are not employed to practice in emergency departments of hospitals to so practice, within the scope of their practice, while under continuous physician supervision, regardless of whether the supervising physician is physically present in the facility. The supervising physician must retain exclusive supervisory control of and responsibility for the assistant and be available at all times for consultation with both the assistant and the emergency department physician. The assistant must communicate the proposed disposition plan prior to the patient's discharge to both his supervising physician and the emergency department physician.

Patron - Edwards

SB831 Receivers for attorneys. Clarifies and makes more specific provisions regarding receiverships for attorneys who become disabled, impaired, absent, deceased, suspended, or disbarred. The bill also provides that receivers of attorneys' practices will be covered under the State's risk management plan when acting in an authorized governmental or proprietary capacity and in the course and scope of employment or authorization. This bill is identical to HB 2549.

Patron - Mims

SB916 Department of Professional and Occupational Regulation; Board for Contractors; Contractor Transaction Recovery Fund. Increases the maximum amount of a single claim against the Contractor Transaction Recovery Fund from \$10,000 to \$20,000.

Patron - Marsh

SB1090 Department of Professional and Occupational Regulation; Board for Contractors; Class B contractor license. Raises the limit for Class B licensed contractors for a single contract from \$70,000 to \$120,000 and for total contracts within a 12-month period from \$500,000 to \$750,000. The threshold requirements for Class A licensed contractors are also made to account for the increased Class B thresholds. The bill also specifies that the designated employee of the contractor may be a member of the contractor's responsible management personnel. The bill also provides an exemption from licensure as a contractor under certain circumstances for an owner-developer, defined in the bill as any person who, for a third party purchaser, orders or supervises the construction, removal, repair, or improvement of any building or structure permanently annexed to real property owned, controlled, or leased by the owner-developer, or any other improvement to such property and who contracts with a person licensed for the work undertaken.

Patron - Puckett

SB1098 Prescription Monitoring Program. Expands the Prescription Monitoring Program to include reporting by out-of-state dispensers (nonresident pharmacies) and to cover the entire Commonwealth. To assist in verifying the validity of a prescription, the bill extends the authority to query the system to prescribers licensed in other states and to pharmacists. The fourth and fifth enactment clauses of Chapter

481 of the 2002 Acts of Assembly are repealed to remove the funding contingencies and the restriction on the application of the program to a pilot project covering the southwestern region of Virginia. The program requires the reporting of "covered substances," that, pursuant to this bill, will include all controlled substances in Schedules II, III, and IV of the Drug Control Act (§ 54.1-3400 et seq.) of Title 54.1. Emergency regulations must be promulgated by the Director. Although the bill will be effective in due course, i.e., July 1, 2005, its provisions will not be implemented or enforced until the date on which the emergency regulations become effective. The Director is required to notify all out-of-state and Virginia dispensers who will be newly subject to the reporting requirements of the Prescription Monitoring Program prior to the date on which the provisions of this act will be implemented and enforced. This bill is identical to HB 2429.

Patron - Wampler

SB1127 Health; licensure of dentists by credentials and volunteer licenses for retired dentists and dental hygienists. Clarifies or revises various requirements for licensure to practice dentistry and dental hygiene, including the Board's inspection authority, nominations to the Governor for Board appointments, conditions for inactive licenses, permissible practices of dental assistants, authority to practice under a firm or trade name, and causes for suspension, revocation or other sanctions. The bill authorizes the Board of Dentistry to grant, without an additional examination, a license to practice dentistry or dental hygiene in Virginia to persons holding current, unrestricted licenses to practice in another state who satisfy certain credentialing requirements. For example, out-of-state dentists will be required to have passed Part I and Part II of the examination given by the Joint Commission on National Dental Examinations, are of good moral character, graduates of accredited dental schools, have not failed a clinical examination in the past five years, and have been in continuous clinical practice for five of the six preceding years. The bill further clarifies the Board's authority and requirements for issuance of volunteer licenses to retired dentists or dental hygienists, licenses to teach dentistry, and temporary permits for clinicians. The Board must promulgate emergency regulations. This bill is identical to HB 2368.

Patron - Houck

SB1166 Cemetery operators, perpetual care trust funds and preneed burial contracts; penalties. Revises the penalty provisions to provide that a violation of the regulatory statutes must have been willful and intentional to constitute a misdemeanor. In order to constitute a felony the action must have been done with the intent to defraud.

Patron - Stolle

SB1259 Health professions; practice of midwifery. Provides for the licensing by the Board of Medicine of those persons who have obtained the Certified Professional Midwife credential to practice midwifery pursuant to regulations adopted by the Board of Medicine. The Board of Medicine shall adopt regulations, with advice from the Advisory Board on Midwifery established in this bill. The regulations shall (i) address the requirements for licensure to practice midwifery, (ii) be consistent with the current job analysis for the profession except that prescriptive authority and the possession and administration of controlled substances shall be prohibited, (iii) ensure independent practice, (iv) provide for an appropriate license fee, and (v) include requirements for licensure renewal and continuing education. The regulations shall not (a) require any agreement, written or otherwise, with another health care professional or (b) require the assessment of a woman who is seeking midwifery services by another health care professional. Licensed midwives must disclose to clients certain

background information, including their training and experience, written protocol for medical emergencies, malpractice or liability insurance coverage, and procedures to file complaints with the Board of Medicine. The bill provides immunity to physicians, nurses, prehospital emergency personnel or health care institutions for acts resulting from the administration of services by any licensed midwife. This bill is identical to HB 2038.

Patron - Quayle

SB1306 Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects; land surveying. Provides an exemption from licensure as a land surveyor for persons utilizing photogrammetric methods or similar remote sensing technology to determine topography, contours, or depiction of physical improvements provided such determination shall not be used for the design, modification, or construction of improvements to real property, or for flood plain determination. The bill authorizes the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects to adopt regulations establishing different licensure requirements for a limited area of the practice of land surveying for persons who determine topography, contours or depiction of physical improvements utilizing photogrammetric methods or similar remote sensing technology and who are not otherwise exempt. Any such requirements shall include reasonable provisions for licensure without examination of persons deemed by the Board to be qualified to provide photogrammetric and remote sensing surveying services. This bill is identical to HB 2863.

Patron - Mims

SB1326 Health; wholesale drug distributors; pedigree system. Directs the Board of Health to promulgate regulations establishing and implementing a pedigree system to record each distribution of a controlled substance from sale by a pharmaceutical manufacturer through acquisition and sale by any wholesale distributor, until final sale to a pharmacy or other person dispensing or administering the controlled substance. The Board must structure the implementation of the pedigree with limited application to certain schedules or certain drugs upon finding that such drugs are more subject to counterfeiting. The bill also includes a definition of "pedigree."

Patron - Ruff

Failed

HB455 Health professions; licensure of dietitians. Requires dietitians to be licensed by the Board of Medicine. The "practice of dietetics" is defined as the integration and application of principles derived from the sciences of nutrition, biochemistry, food, physiology, management and behavioral and social sciences to achieve and maintain health through the provision of nutrition care services that shall include (i) assessing the nutrition needs of individuals and groups based upon appropriate biochemical, anthropomorphic, physical, and dietary data to determine nutrient needs and recommending appropriate intake including enteral and parenteral nutrition; (ii) establishing priorities, goals, and objectives that meet nutrition needs and are consistent with available resources; (iii) providing dietetic nutrition counseling by advising and assisting individuals or groups on appropriate nutrition intake by integrating information from the nutrition assessment with information on food and other sources of nutrients and meal preparation consistent with cultural background and socioeconomic status; (iv) developing, implementing, and managing nutrition care delivery systems; and (v) evaluating, making

changes in, and maintaining standards of quality in food and nutrition care services. The bill provides that the practice of dietetics includes medical nutrition therapy. The Board of Medicine is given the authority to establish criteria for licensure that include (a) at least a bachelors degree in human nutrition, nutrition education, foods and nutrition, food systems management, dietetics, or public health nutrition or a related field from an accredited college that meets the requirements of the Commission on Dietetic Registration; (b) at least 900 hours of supervised experience approved by the Commission on Dietetic Registration; (c) passage of the examination for registration administered by the Commission on Dietetic Registration or current registration with the Commission on Dietetic Registration; and (d) documentation that the applicant for licensure has not had his license or certification as a dietitian suspended or revoked and is not the subject of any disciplinary proceedings in another jurisdiction. Exceptions to the licensure requirement are provided for (1) any student performing activities related to an educational program under the supervision of a licensed dietitian or any person completing the supervised practice required for licensure; (2) a registered dietetic technician working under the supervision and direction of a licensed dietitian; (3) a government employee or a person under contract to the government acting within the scope of such employment or contract; (4) any health professional licensed or certified under this title when engaging in the profession for which he is licensed or any person working under the supervision of such a professional; (5) a certified teacher employed by or under contract to any public or private elementary or secondary school or institution of higher education; (6) any person with management responsibility for food service department policies, procedures, or outcomes in any food service department in any program or facility licensed by the Commonwealth; (7) any person who does not hold himself out to be a dietitian who furnishes general nutrition information on food, food products, or dietary supplements or explains to customers about food, food products, or dietary supplements in connection with marketing and distribution of food or food products; or (8) any person who provides weight control, wellness, or exercise services involving nutrition provided the program has been reviewed by a licensed dietitian, no change is initiated without prior approval of the dietitian, and consultation is available from a licensed dietitian. No dietitian employed as such prior to June 30, 2004, will be required to comply with licensure until July 1, 2006. Finally, the bill creates an Advisory Board on Dietitians that expires July 1, 2007.

Patron - McQuigg

HB1554 Funeral service establishment. Permits a funeral service establishment to accept a dead human body without having first inquired about the desires of the next of kin and the persons liable for the funeral expenses of the decedent from a sheriff with a judicial order for disposition of the body and, when appropriate, the necessary certification of the medical examiner to cremate. This bill has been incorporated into HB 1683.

Patron - Alexander

HB1850 Department of Professional and Occupational Regulation; availability of examinations in languages other than English. In addition to the general powers and duties conferred on regulatory boards, the regulatory boards within the Department that are authorized to conduct examinations of applicants for admission to practice or pursue a profession, vocation, trade, calling, or art regulated by the Department, shall make available, upon the request of any such applicant, an examination that has been translated into Spanish. The bill also provides that these regulatory boards may trans-

late examinations into other languages as the respective board deems appropriate.

Patron - Eisenberg

HB1940 Health professions; competency evaluations of certain practitioners. Requires the Board of Medicine to do an assessment of the competency of certain practitioners on whose behalf three medical malpractice claims are paid in a 10-year period. This bill has been incorporated into HB 2659.

Patron - O'Bannon

HB2005 The practice of healing arts by electronic mediums and by out-of-state practitioners. Amends the exception to Virginia licensing requirements regarding out-of-state practitioners to allow a licensing exception for practitioners who come into Virginia, either in person or by use of any electronic or other mediums, to consult with legally licensed resident practitioners or to consult with personnel at a medical school about educational or medical training, only if this is done on an irregular basis. This exception specifically excludes practitioners residing in a neighboring state who regularly practice in Virginia. The bill also adds the use of electronic or other mediums including prescribing medication by use of the Internet or a toll-free number to the Code section that states what constitutes the practice of healing arts, and subjects any person so practicing to the relevant state statutes and Board regulations. The bill attempts to parallel similar provisions in North Carolina law.

Patron - Armstrong

HB2042 Mandated disclosure of medical treatment options. Requires any physician to disclose all known and available medical treatment options, orally and in written form, to patients. The oral and written information shall be communicated in nontechnical, readily understandable language, using words of common, everyday usage. However, no such disclosure shall be required if (i) the physician treating the patient determines that the information, if given to the patient, would be reasonably likely to endanger the life or physical safety of or cause substantial harm to the patient; (ii) the patient is an incapacitated person; or (iii) the patient states affirmatively that he does not want the information. If the physician does not make such disclosure to a patient, he shall record the fact and the reason in the patient's record. The physician may make such disclosure to a family member of the patient, at the patient's request, or to a legally authorized representative of the patient.

Patron - Hamilton

HB2043 Drug Control Act; compounding. Excludes from the definition of "compounding" acts of those persons authorized by Chapter 29 of Title 54.1 (i) to administer controlled substances and (ii) to administer controlled substances for a patient under the supervision of one so authorized by Chapter 29 of Title 54.1. This bill has been incorporated into HB 2524.

Patron - Hamilton

HB2044 Prescription Monitoring Program. Expands the Prescription Monitoring Program to include reporting by out-of-state dispensers (nonresident pharmacies) and prescribers licensed in other states and to cover the entire Commonwealth. The fourth and fifth enactment clauses of Chapter 481 of the 2002 Acts of Assembly are repealed to remove the funding contingencies and the restriction on the application of the program to a pilot project covering the southwestern region of Virginia. The program requires the reporting of "covered substances," which, pursuant to this bill, will include all controlled substances included on Schedules II, III,

and IV in the Drug Control Act. January 1, 2006 is the effective date of the bill; however, emergency regulations must be promulgated by the Director who must also notify, prior to January 1, 2006, all out-of-state and Virginia dispensers who will be newly subject to the reporting requirements of the Prescription Monitoring Program.

Patron - Hamilton

HB2088 Schedule I controlled substances; additional substance. Adds 1-(3-trifluoromethylphenyl)piperazine (TFMPP) to the list of Schedule I controlled substances.

Patron - Shannon

HB2142 Legal malpractice; Clients' Protection Fund. Requires the Virginia State Bar to assess attorneys who are licensed to practice law in Virginia and engaged in the active practice of law but are not covered by a legal malpractice insurance policy or by the risk management program adopted by the Division of Risk Management \$1,500 annually, to be deposited into the Clients' Protection Fund. The requirement does not apply to government attorneys; attorneys employed solely as in-house counsel for a corporation or other business entity; attorneys registered as lobbyists; and other attorneys who do not normally represent the general public.

Patron - Joannou

HB2205 Disclosure of certain malpractice settlements via the Physician Information Project. Modifies the reporting and disclosure requirements concerning malpractice settlements relating to physicians of medicine, osteopathy, and podiatry. The bill prohibits the disclosure online via the Physician Information Project of malpractice settlements that are required to be reported by insurance companies, and limits reports to the Board of Medicine from individual physicians to malpractice judgments. The settlements will still be reported to the Board of Medicine by the malpractice carriers.

Patron - Marrs

HB2402 Life skills trainers; licensure exemption. Exempts, from the requirements for licensure to practice occupational therapy, those persons employed or contracted to provide living skills training to persons with disabilities in a facility or program designed to promote independent living for such persons.

Patron - Phillips

HB2488 Practice of naturopathy; definition; requirements for licensure; advisory board established. Requires practitioners of naturopathy to be licensed by the Board of Medicine. The Board is required to promulgate regulations governing the qualifications of licensure. Authorized scope of practice of naturopathy shall include manual manipulation, or mechanotherapy; and the prescription, administration, dispensing, and use of, except for the treatment of malignancies or neoplastic disease: (i) nutrition and food science; (ii) physical modalities; (iii) homeopathy; (iv) certain medicines of mineral, animal, and botanical origin; (v) hygiene and immunization; and (vi) common diagnostic procedures. The bill also establishes an advisory board with five members appointed by the Governor to assist the Board of Medicine with regard to the practice of naturopathy.

Patron - Petersen

HB2518 The practice of optometry in commercial establishments; reporting requirements. Removes the current law prohibiting optometrists from practicing as a lessee of or in a commercial or mercantile establishment, including the prohibition on advertising through such establishment. The bill also provides that failure to report (i) suspected instances of optometrists being supervised by agents or employees of com-

mercial establishments, and (ii) instances where an agent or employee of a commercial establishment is controlling or influencing an optometrist's professional judgment could result in the revocation or suspension of provisions of an optometrist's license.

Patron - O'Bannon

HB2550 Advance medical directives. Specifies that advance medical directives can grant the agent the power to authorize the declarant's admission to or discharge (including transfer to another facility) from any hospital, hospice, nursing home, adult home, or other medical care facility, if the declarant is determined incapable of making an informed decision.

Patron - Moran

HB2783 Veterinary assistants. Requires the Board of Veterinary Medicine to adopt regulations authorizing unlicensed veterinary assistants, while in the employ and under the immediate and direct supervision and control of a person licensed to practice veterinary medicine, to perform certain duties that are normally performed by licensed veterinary technicians. Such authorized duties shall include, but not be limited to, placing and securing intravenous catheters.

Patron - Ward

HB2896 Assisted living facilities; administrators to be licensed. Requires administrators of assisted living facilities to be licensed by the Board of Long-Term Care Administrators within the Department of Health Professions. The bill renames the Board of Nursing Home Administrators as the Board of Long-Term Care Administrators. The licensing provisions shall not take effect until July 1, 2007. The Board of Long-Term Care Administrators shall submit the proposed criteria for licensing assisted living administrators to the chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health on or before January 1, 2006. This bill is identical to SB 1185 and has been incorporated into HB 2512.

Patron - BaCote

SB829 Health; treatment of narrow angle glaucoma. Provides that treatment of narrow angle glaucoma by optometrists must include timely referral to an ophthalmologist for consideration of preventive invasive procedures. The bill also includes definitions of "narrow angle glaucoma" and "adnexa" and prohibits treatment by optometrists of the paranasal sinuses, eyebrows, the brain, the oropharyngeal cavity, and certain systemic disease processes including hypertension, diabetes, and collagen vascular diseases.

Patron - Mims

SB877 Department of Professional and Occupational Regulation; Board for Contractors; court-ordered restitution in cases of unlicensed activity. Clarifies the authority of courts to order restitution in cases where a person is convicted of performing contracting without the required contractor's license, class of license, or certificate.

Patron - Wampler

SB1036 Prescription drugs; pedigree of normal distribution chain required. Requires any person engaged in the wholesale distribution of a controlled substance to provide a paper or electronic pedigree identifying each sale, trade, or transfer of a controlled substance when it leaves the normal distribution channel and is sold, traded, or transferred to any other person. Such pedigree shall include all necessary identifying information concerning each sale in the chain of distribution of the product from the manufacturer through acquisition and sale by any wholesale distributor or repackager until final

sale to a pharmacy or other person dispensing or administering the drug. The bill also includes the following restrictions on transactions of controlled substances: (i) in any calendar month a wholesale distributor must sell, distribute, or transfer at least 95 percent of its total amount of controlled substances to a pharmacy or other person dispensing or administering the controlled substance; (ii) prior to selling a controlled substance to any person, a manufacturer or wholesale distributor must verify that the person is legally authorized to receive such substances; and (iii) a wholesale distributor may not purchase a controlled substance from a pharmacy unless it was originally purchased by the pharmacy from the wholesale distributor. Under no circumstances may a wholesale distributor receive a greater quantity of a controlled substance from a pharmacy than was originally sold by the distributor to the pharmacy or pay a pharmacy more for any controlled substance than the pharmacy originally paid the distributor.

Patron - Ruff

SB1178 Counterfeiting of prescription drugs; increased penalty. Increases the penalty for knowingly and willfully counterfeiting a prescription drug, including manufacturing, selling, distributing, or dispensing or facilitating any of those activities regarding such drug from a Class 2 misdemeanor to a Class 5 felony. The bill defines "counterfeit drug" for the purposes of the Drug Control Act.

Patron - Stolle

SB1185 Assisted living facilities; administrators to be licensed. Requires administrators of assisted living facilities to be licensed by the Board of Long-Term Care Administrators within the Department of Health Professions. The bill renames the Board of Nursing Home Administrators as the Board of Long-Term Care Administrators. The licensing provisions shall not take effect until July 1, 2007. The Board of Long-Term Care Administrators shall submit the proposed criteria for licensing assisted living administrators to the chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health on or before January 1, 2006. This bill is identical to HB 2896 and has been incorporated into SB 1183.

Patron - Puller

SB1330 Court reporters. Creates the Virginia Board of Court Reporting to prescribe qualifications for court reporters and to issue licenses in order to establish and maintain a standard of competency for the protection of the public. The bill includes a provision requiring the Board to enact emergency regulations.

Patron - Quayle

SJ322 Survey of nonemployed dental hygienists. Requests the Virginia Dental Association to update the survey of nonemployed dental hygienists in order to determine whether these persons are planning to reenter the profession, thereby providing a corps of skilled dental hygienists and easing the demand for these professionals in the Commonwealth. The Virginia Dental Association is requested to submit an executive summary and report of its progress in meeting the request of this resolution to the 2006 Regular Session of the General Assembly. This resolution was considered by the Joint Subcommittee Studying Access to and Costs of Oral Health Care.

Patron - Marsh

Property and Conveyances

Passed

HB1522 Virginia Self-Service Storage Act; liens. Increases the lien that an owner of a storage facility has on property stored within each leased space for rent, labor, or other charges from \$250 to \$500 if the leased space is climate-controlled.

Patron - Pollard

HB1648 Division fences; requirements for construction. Modifies Virginia's fence laws governing the construction of division fences by permitting all adjoining landowners to choose to let their land lie open and thereby avoid having to contribute to the fence construction cost. Under current law, owners of subdivided, commercial, or industrial property do not have the option of choosing to let their land lie open.

Patron - Orrock

HB1711 Virginia Residential Landlord and Tenant Act; insurance. Clarifies that where a landlord obtains for tenant either damage insurance or renter's insurance, the landlord shall name the tenant as a "co-insured," so that the tenant will have privity of contract with the insurance company. Currently, the landlord's authority to obtain such insurance is limited to the purchase of a rider on the landlord's property and casualty insurance contract.

Patron - Albo

HB2120 Unrecorded escheat grants; original lost or destroyed; certified copy of grant. Requires the clerk to accept for recordation a copy of a grant from the Commonwealth that is certified as a true copy by the Librarian of Virginia.

Patron - Ware, O.

HB2162 Virginia Residential Landlord and Tenant Act; holdover tenancies with landlord's consent. Provides that in the event of termination of a rental agreement and the tenant remains in possession with the agreement of the landlord either as a hold-over tenant or a month-to-month tenant and no new rental agreement is entered into, the terms of the terminated agreement shall remain in effect and govern the hold-over or month-to-month tenancy, except that the amount of rent shall be either as provided in the rental agreement or as set by the landlord in a separate written notice to the tenant to take effect on the next rent due date coming 30 days after notice to the tenant.

Patron - Reese

HB2164 Virginia Residential Landlord and Tenant Act; fire or casualty damage; termination of rental agreement. Provides for the termination of the rental agreement by either the landlord or the tenant in cases where the dwelling unit is damaged by fire or casualty, or required repairs can only be accomplished if the tenant vacates the dwelling unit. The bill provides for required notice of an intent to terminate the rental agreement and specifies the date of termination. The bill also requires, upon termination, that the landlord return all security and prepaid rent, plus accrued interest, recoverable by law unless the landlord reasonably believes that the tenant, tenant's guests, or those occupying the dwelling unit with the tenant's permission were the cause of the damage or casualty, in which case the landlord must account to the ten-

ant for the security and prepaid rent, plus accrued interest, based upon the damage or casualty.

Patron - Reese

HB2165 Virginia Residential Landlord and Tenant Act; noncompliance with rental agreement. Provides that if the rental agreement requires the payment of reasonable attorneys' fees in the event of a breach of the agreement or noncompliance by the tenant, the landlord shall be awarded reasonable attorneys' fees in any action based upon the tenancy in which the landlord prevails, including but not limited to actions for damages to the dwelling unit or premises, or additional rent, regardless of any previous action to obtain possession or rent unless the tenant proves by a preponderance of the evidence that his failure to pay rent or vacate was reasonable. Currently, where the rental agreement provides for the payment of attorneys' fees, they can be awarded to the landlord only where the tenant fails to prove by a preponderance of the evidence that the failure to pay rent or vacate the premises was due to (i) the breach of the lease by the landlord or (ii) unlawful actions on the part of the landlord.

Patron - Reese

HB2446 Condominium and Property Owners' Associations Acts; charges for disclosure packets. Provides that no unit owners' association or property owners' association shall require reimbursement of any costs or charge any other fee in the preparation or issuance of disclosure packets or making such information available by electronic means except as expressly provided in law. The bill contains technical amendments.

Patron - Suit

HB2447 Virginia Residential Landlord and Tenant Act; drug activities by tenants; forfeiture. Clarifies that any illegal drug activity involving a controlled substance, as used or defined by the Drug Control Act (§ 54-3400 et seq.), by the tenant, his authorized occupants, guests or invitees, shall constitute an immediate irremediable violation for which the landlord may proceed to terminate the tenancy without the necessity of waiting for a conviction of any criminal offense that may arise out of the same actions. The bill provides that, to obtain an order of possession from a court of competent jurisdiction terminating the tenancy for illegal drug activity or for any other action that involves or constitutes a criminal or willful act, the landlord shall prove any such violations by a preponderance of the evidence. The bill also provides that the landlord's property is not forfeited in cases where the conduct giving rise to forfeiture was committed by a tenant of a residential or commercial property owned by the landlord, and the landlord did not know or have reason to know of the tenant's conduct. However, where the illegal drug activity is engaged in by a tenant's authorized occupants, or guests or invitees, the tenant shall be presumed to have knowledge of such illegal drug activity unless the presumption is rebutted by a preponderance of the evidence.

Patron - Suit

HB2448 Landlord and tenant law; access after entry of certain court orders. Provides that a tenant who has obtained an order from a court of competent jurisdiction pursuant to § 16.1-279.1 or subsection B of § 20-103 granting such tenant possession of the premises to the exclusion of one or more co-tenants or authorized occupants may provide the landlord with a copy of that court order and request that the landlord either (i) install a new lock or other security devices on the exterior doors of the dwelling unit at the landlord's actual cost or (ii) permit the tenant to do so, provided: installation of the new lock or security devices does no permanent damage to any part of the dwelling unit and a duplicate copy of all keys and

instructions of how to operate all devices are given to the landlord. The bill further provides that upon termination of the tenancy, the tenant shall be responsible for payment to the landlord of the reasonable costs incurred for the removal of all such devices installed and repairs to all damaged areas. A landlord who has received a copy of a court order in accordance with subsection A is prohibited from providing copies of any keys to the dwelling unit to any person excluded from the premises by such order. The bill provides that it shall not apply when the court order excluding a person was issued *ex parte*. The bill amends the general law governing landlords and tenants as well as the Virginia Residential Landlord and Tenant Act. The goal of the bill is to protect victims of domestic abuse. This bill is identical to SB 858.

Patron - Suit

HB2449 Termination of tenancy; manufactured home park. Changes the required notice of termination of tenancy in a manufactured home park for certain rental agreements from 120 days to 180 days.

Patron - Suit

HB2642 State Treasurer; unclaimed property; recovery of costs. Authorizes the State Treasurer, where a payment for a claim for property held by the Treasurer is allowed, to deduct from that payment the costs for notices, sales, and other related incurred expenses.

Patron - Hurt

HB2803 Status of property loaned to or deposited with museum prior to July 1, 2002. Provides that, except as otherwise provided in a written agreement between a lender and a museum, property loaned to or deposited with a museum prior to July 1, 2002, may be discarded or transferred to another museum located in Virginia provided that (i) the notice provisions of §§ 55-210.35 and 55-210.36 have been complied with and (ii) such property is held by the museum receiving the transfer for at least three years before it sells or disposes of such property.

Patron - Athey

HB2820 Virginia Real Estate Cooperative Act; reserves for capital components. Requires the board in a real estate cooperative to conduct a reserve study and make provision for a reserve account for capital components. The bill requires that disclosure of the reserve fund be made in the public offering and statement as well as the resale certificate. The bill defines capital components. Requirements for reserves are currently only found in the Condominium and Property Owners' Associations Acts. The bill also contains technical amendments.

Patron - Alexander

SB858 Landlord and tenant law; access after entry of certain court orders. Provides that a tenant who has obtained an order from a court of competent jurisdiction pursuant to § 16.1-279.1 or subsection B of § 20-103 granting such tenant possession of the premises to the exclusion of one or more co-tenants or authorized occupants may provide the landlord with a copy of that court order and request that the landlord either (i) install a new lock or other security devices on the exterior doors of the dwelling unit at the landlord's actual cost or (ii) permit the tenant to do so, provided: installation of the new lock or security devices does no permanent damage to any part of the dwelling unit and a duplicate copy of all keys and instructions of how to operate all devices are given to the landlord. The bill further provides that upon termination of the tenancy, the tenant shall be responsible for payment to the landlord of the reasonable costs incurred for the removal of all such devices installed and repairs to all damaged areas. A land-

lord who has received a copy of a court order in accordance with subsection A is prohibited from providing copies of any keys to the dwelling unit to any person excluded from the premises by such order. The bill provides that it shall not apply when the court order excluding a person was issued *ex parte*. The bill amends the general law governing landlords and tenants as well as the Virginia Residential Landlord and Tenant Act. The goal of the bill is to protect victims of domestic abuse. This bill is identical to HB 2448.

Patron - Howell

SB891 Uniform Trust Code. Sets out the Uniform Trust Code, which was finalized by the National Conference of Commissioners on Uniform State Laws in 2000 and is the first national codification of the law of trusts. Much of the Code is a codification of the common law of trusts and consists of default rules that govern where the trust instrument is silent. Special rules on revocable trusts and features encourage non-judicial resolution of administrative matters. Existing Virginia statutes are modified to accommodate the Trust Code, and some uniform provisions are modified to retain current Virginia statutory treatment. The bill is effective July 1, 2006.

Patron - Mims

SB906 Property Owners' Association Act; application to development established under the Subdivided Land Sales Act. Clarifies that developments established prior to the enactment of the Subdivided Land Sales Act may specifically provide for the applicability of the provisions of the Property Owners' Association Act.

Patron - Norment

SB968 Virginia Residential Landlord and Tenant Act; early termination of rental agreement by military personnel. Prohibits a landlord from charging any liquidated damages for early termination of a rental agreement if the tenant is a member of the armed forces of the United States or the National Guard. This bill makes technical corrections and has an emergency clause.

Patron - O'Brien

SB992 Real Property Electronic Recording Act. Establishes the Real Property Recording Act, which authorizes circuit court clerks to accept and record land records electronically. All provisions associated with the Act must be reenacted by the General Assembly except for a requirement that the Virginia Information Technology Agency develop standards for electronic recording of land records. A new article in Title 17 restores authority, which had expired July 1, 2004, for court clerks to electronically file other court documents, including instruments and judgments.

Patron - Devolites Davis

SB1005 Mortgage satisfaction. Imports into the Virginia Code provisions of the Uniform Residential Mortgage Satisfaction Act relating to definitions, notifications, rescinding erroneously recorded certificates of satisfaction, requirements on secured creditors, and the form and effect of satisfaction. Current Code provisions relating to payoff statements, mortgage satisfaction via settlement agents and court proceedings, and penalties for errors or omissions in satisfaction procedures are retained. The bill will not become effective unless reenacted by the General Assembly, except for one section which is scheduled to be become effective July 1, 2005, which requires the Virginia Information Technology Agency to develop standards to implement electronic recording of real property documents.

Patron - Devolites Davis

SB1161 Virginia Residential Property Disclosure Act; required disclosures for property adjacent to a military air station. Requires the owner of residential real property in a locality in which a military air station is located to disclose to a purchaser that the property is located in a noise zone or an accident potential zone, or both. Under the bill, the purchaser's remedies for nondisclosure or inaccurate disclosure include termination of the contract of sale or actual damages.

Patron - Stolle

SB1162 Virginia Residential Landlord and Tenant Act; required disclosures for properties located adjacent to a military air station. Requires the landlord of property in a locality in which a military air station is located to provide prospective tenants a written disclosure that the property is located in a noise zone or accident potential zone as designated by the locality's official zoning map. Under the bill, termination of the lease agreement is the exclusive remedy for the failure to comply with the disclosure provisions.

Patron - Stolle

SB1200 Virginia Condominium Act and the Virginia Property Owners' Association Act; meetings. Provides that notice of the time, date, and place shall be sent to any unit owner requesting notice (i) by first-class mail or e-mail in the case of meetings of the executive organ or (ii) by e-mail in the case of meetings of any subcommittee or other committee of the executive organ, or of a subcommittee or other committee of the unit owners' association. The bill also authorizes an executive organ or board of directors to require notice to be provided when a meeting is being recorded.

Patron - Whipple

Failed

HB2180 Solar energy devices; covenants prohibited. Prohibits imposition of covenants that unreasonably limit the installation of solar energy devices on single-family residences. Properties designated as historic by state, local, or federal government are exempted from the prohibition.

Patron - Tata

HB2263 Condominium and Property Owners' Association Act; increase in regular assessments; notice. Requires a condominium or property owners' association to give notice to the owners in the association of an increase in a regular assessment and provides a mechanism for the owners to reduce or rescind the increase. Currently, notice and the opportunity to reduce or rescind is required only for special assessments.

Patron - Bell

HB2370 Deed of trust; utility easement. Provides that, with regard to single-family residential property, the signing of a deed of easement by the grantor to a local governing body for purposes of public utilities shall not be deemed a breach.

Patron - Bryant

HB2458 Condominium and Property Owners' Associations Acts; access to association records. Provides that members of a condominium or property owners' association have the right to inspect records of official salary or rate of pay of association employees. Currently, only aggregate salary information is open to inspection.

Patron - Ware, R.L.

HB2604 Limitations on possibilities of reverter and rights of re-entry. Provides that a possibility of reverter or a right of re-entry is extinguished if the specified contingency does not occur within 30 years after such possibility or right was created. Any person owning such possibility or right may record an initial or renewal notice of intention to preserve such interest for a subsequent 30-year period.

Patron - Landes

HB2682 Property Owners' Association Act; erection of radio antennas. Provides that no declaration or association's rules and regulations or architectural guidelines shall restrict or prohibit the erection by a lot owner on his lot of a radio antenna where the lot owner is a volunteer amateur radio operator participating in the Citizens Corps coordinated by the federal Department of Homeland Security. The bill provides, however, that an association may restrict the erection of such antenna (i) in the common areas or (ii) in accordance with federal or state law, and may establish reasonable restrictions as to the size, place, and manner of placement of the antenna. The bill also requires the association disclosure packet to contain a statement of any restrictions on the size, place, and manner of placement of such antenna. The bill contains technical amendments.

Patron - Lingamfelter

Public Service Companies

Passed

HB1590 Submetering of water and sewer equipment in rented buildings. Clarifies that submetering equipment for water and sewer service may be used in commercial and residential buildings if clearly stated in the rental agreement or lease for the leased premises or dwelling unit. Water and sewer submetering equipment measures the actual water or sewer usage in a dwelling unit or nonresidential unit when the equipment is not owned by the utility that provides service to the building. With respect to water and sewer usage, landlords are currently authorized to use ratio billing systems, which do not measure actual usage. Water and sewer submetering equipment will not be subject to regulation by the State Corporation Commission.

Patron - Reese

HB1945 Public-Private Education Facilities and Infrastructure Act of 2002; definition of qualifying project. Expands the definition of "qualifying project" to include any improvements necessary or desirable to any unimproved state or locally owned real estate.

Patron - Saxman

HB2053 Underground utility damage prevention; abandoned lines. Requires an operator to respond to the excavator-operator information exchange system when the operator has knowledge that its abandoned utility lines may be present within the area of a proposed excavation. Such information shall be for informational purposes only, and shall not make the operator liable to any person, or subject to civil penalties, if the information is incorrect.

Patron - Nixon

HB2666 Public-Private Transportation Act. Makes several revisions to the Public Private Transportation Act (PPTA). The bill authorizes the establishment of an interim agreement to provide for partial planning and develop-

ment activities while other aspects of a qualifying transportation project are being negotiated and analyzed. The bill also (i) authorizes a private entity to request approval of multiple responsible public entities (RPEs) in proposed projects involving multimodal transportation facilities, (ii) authorizes RPEs to enter into comprehensive agreements with multiple private entities, (iii) requires the RPE to protect confidential information submitted by a private entity, and (iv) adds factors that an RPE may consider when selecting proposals. The bill requires the Secretary of Transportation to revise existing state guidelines pertaining to the PPTA by October 1, 2005, and includes a provision allowing application of the revisions made by the legislation to certain existing qualifying transportation facilities. This bill is identical to SB 1108 and incorporates HB 2442 and HB 2443.

Patron - McDonnell

SB783 Electrical transmission lines; analysis of implications of condition requiring location underground. Requires the State Corporation Commission to analyze the implications of a requirement that, when considering a request for approval of the construction of an electrical transmission line in a city or county with a population of over 225,000, the Commission consider imposing a condition that the line be located underground, if requested by the governing board of the locality.

Patron - Mims

SB798 Public utilities; landfill gas. Increases, from one to three, the number of commercial or industrial customers to which a company may sell or deliver landfill gas, or electricity generated from landfill gas, without being subject to regulation as a public utility.

Patron - Watkins

SB959 Telecommunication and cable television service by localities; release of information. Exempts from the mandatory disclosure requirements of the Freedom of Information Act any public record of a local government that contains confidential proprietary information or trade secrets pertaining to its provision of telecommunication services and cable television service. Public bodies may discuss such records in closed meetings.

Patron - Wampler

SB987 Gas pipeline safety. Authorizes the State Corporation Commission to act for the U.S. Secretary of Transportation to conduct safety inspections pursuant to federal pipeline safety laws with respect to municipal gas systems. Such authority shall be exercised in a manner that is not inconsistent with federal law. An exit interview will be conducted after each inspection. The Commission is not authorized to impose civil penalties or fines on any locality, or to regulate the rates, charges, services, facilities, or service territory of any locality providing gas service, except as otherwise provided. As the Commission's pipeline safety program currently covers investor-owned and master-metered systems and intrastate hazardous liquid pipelines, this measure gives the Commission safety jurisdiction over all intrastate gas and hazardous liquid pipeline facilities. The measure also relocates provisions currently located in other Code sections, that address violations of pipeline safety codes and pipelines that transport landfill gas, into one Code section.

Patron - Watkins

SB1107 Public Private Education Facilities and Infrastructure Act of 2002. Makes several revisions to the Public Private Education Facilities and Infrastructure Act of 2002 (PPEA). The bill authorizes the establishment of an interim agreement to provide for partial planning and develop-

ment activities while other aspects of a qualifying project are being negotiated and analyzed. The bill also (i) requires the adoption of formal timelines for the review of proposals and outlining the process for review, (ii) provides for accelerated review for priority projects, and (iii) adds factors that a responsible public entity may consider when selecting proposals. In addition, the bill provides for the Chairs of the Senate and House General Laws Committees to convene a work group to revise the current model guidelines by September 30, 2005.

Patron - Stosch

SB1108 Public-Private Transportation Act. Makes several revisions to the Public Private Transportation Act (PPTA). The bill authorizes the establishment of an interim agreement to provide for partial planning and development activities while other aspects of a qualifying transportation project are being negotiated and analyzed. The bill also (i) authorizes a private entity to request approval of multiple responsible public entities (RPEs) in proposed projects involving multimodal transportation facilities, (ii) authorizes RPEs to enter into comprehensive agreements with multiple private entities, (iii) requires the RPE to protect confidential information submitted by a private entity, and (iv) adds factors that an RPE may consider when selecting proposals. The bill requires the Secretary of Transportation to revise existing state guidelines pertaining to the PPTA by October 1, 2005, and includes a provision allowing application of the revisions made by the legislation to certain existing qualifying transportation facilities. The bill is identical to HB 2666.

Patron - Stosch

SB1159 Wireless E-911 Services Board. Clarifies that the Wireless E-911 Services Board's obligation to make payments to PSAP operators and CMRS providers is subject to the extent of appropriated funds. The bill also removes the exemptions to E-911 deployment, excludes governments from the surcharge collection, and establishes July 1 as the deadline for late funding requests. In addition, the bill clarifies the appeals process and expands the Board's responsibilities to include development of a single, statewide electronic addressing database.

Patron - Stolle

Failed

HB1804 Voice-over-Internet protocol service. Eliminates any jurisdiction of the State Corporation Commission to regulate voice-over-Internet protocol service. Voice-over-Internet protocol service is excluded from the scope of the definitions of telephone service, telecommunications service, local exchange telephone service, and interexchange telephone service. Voice-over-Internet protocol service includes any Internet protocol enabled service utilizing a broadband connection.

Patron - Marshall, R.G.

HB2442 Transportation District Act of 1964; powers of district commissions. Allows a district commission established under the Transportation District Act of 1964 to act as a "responsible public entity" as provided in the Public-Private Transportation Act of 1995; exercise the power of eminent domain; issue revenue bonds for the purpose of constructing, maintaining, and/or operating transportation projects; establish and collect tolls; lease all or any portion of any transportation facility under its control for construction and/or operation of lodging facilities, vehicle fueling stations, vehicle storage and repair facilities, railroad tracks, restaurants, and other businesses. Such a commission is also allowed to acquire, construct, operate, maintain, expand, or extend a transportation

facility or project in a local jurisdiction that is not embraced within the district if the facility or project in the affected locality is a continuation of the commission's facility or project extended from a locality embraced within the district. The commission may additionally lease, sell, or convey a transportation facility or project within its control to another governmental entity. The commission may also promote the use of any facility or project within its control through advertising or marketing campaigns and shall establish and meet goals for participation by disadvantaged businesses. This bill has been incorporated into HB 2666.

Patron - Saxman

HB2443 Public-Private Transportation Act (PPTA). Explicitly allows local governments to act as "responsible public entities" under the PPTA and to accept unsolicited proposals involving the construction, reconstruction, and/or maintenance of locally controlled highways. This bill has been incorporated into HB 2666.

Patron - Saxman

HB2713 Telecommunications relay service. Allows money in the state Telecommunications Relay Service fund to be used to purchase specific end-user equipment, limited to text telephones, captioned telephones, hearing carryover telephones, and voice carryover telephones, for use by hearing-impaired persons using the relay service. The Department for the Deaf and Hard-of-Hearing, with the assistance of the State Corporation Commission, administers the telecommunications relay service for text telephones.

Patron - Morgan

HB2812 PPTA. Establishes a schedule of deadlines for consideration of solicited or unsolicited proposals made to the Department of Transportation under the Public-Private Transportation Act (PPTA).

Patron - McDonnell

HB2913 Virginia Hydrogen Energy Plan. Directs the Secretary of Technology to develop the Virginia Hydrogen Energy Plan, which is to identify clear and specific actions, to be implemented over a period not to exceed five years, by state and local governmental agencies, individuals, and business entities, that are necessary or appropriate to make the Commonwealth a leading state in the production and use of hydrogen as an energy resource.

Patron - Welch

SB960 Telecommunications services provided by localities; cost allocations. Removes State Corporation Commission jurisdiction to reconsider, amend or disapprove a locality's manual or methodology for allocating costs in connection with its provision of telecommunications services, if within the preceding 10 years the Commission approved the locality's cost allocation manual or methodology, and the manual or methodology and its application by the locality have not substantively changed. The measure also provides that if a for-profit competitor of a locality providing telecommunications services unsuccessfully asserts in a proceeding that the locality is improperly subsidizing its telecommunications services, then the Commission may require the provider to pay the locality's expenses, including attorney's fees, incurred in defending the assertion.

Patron - Wampler

SB975 Pay-Per-Call Services Act. Prohibits the provider of a pay-per-call service, through which material harmful to juveniles is provided or is accessible, from accepting telephone calls from a telephone number, assessing pay-per-call charges to a telephone number, or initiating calls to a telephone

number, if the individual with that telephone number requests the provider not to accept telephone calls from that telephone number.

Patron - O'Brien

Religious and Charitable Matters; Cemeteries

Passed

HB2491 Solicitation of contributions; exemptions from registration. Provides an exemption from registration with the Department of Agriculture and Consumer Services for nonprofit organizations that have been granted tax-exempt status under § 501 (c) (3) of the Internal Revenue Code and that solicit contributions only through (i) grant proposals submitted to for-profit corporations, (ii) grant proposals submitted to other nonprofit organizations that have been granted tax-exempt status under § 501 (c) (3) of the Internal Revenue Code, or (iii) grant proposals submitted to organizations determined to be private foundations under § 509 (a) of the Internal Revenue Code.

Patron - Petersen

HB2697 Church law substantive changes. Recognizes the existence of incorporated churches, and changes some nomenclature. This bill is identical to SB 1267.

Patron - Scott, J.M.

HB2871 Solicitation of contributions; filing online registrations. Authorizes charitable organizations, professional fund-raising counsel and professional solicitors to file their registration statements online via a website approved by the Commissioner of the Department of Agriculture and Consumer Services. The bill also authorizes the Commissioner to enter into a memorandum of understanding or other similar agreement with the appropriate authority of any other state or federal agency for the purpose of providing charitable organizations, professional fund-raising counsel or professional solicitors with the option of filing their annual registration statements online via a website approved by all states that are parties to the memorandum of understanding.

Patron - Saxman

SB1267 Provisions for incorporating churches. Makes the necessary changes in the Code to provide for the incorporation of previously unincorporated churches. This bill is identical to HB 2697.

Patron - Mims

Failed

HB1881 Cemeteries; restrictions. Provides that no local governing body may deny an application for a subdivision plan based solely on the fact that the property to be subdivided contains or is adjacent to a family graveyard in which future interments of dead family members may be made.

Patron - Hargrove

HB2673 Church and religion nomenclature. Amends and updates nomenclature throughout the code, with minimal substantive change, regarding churches and religion. The bill also defines "minister" and "church" to encompass all religions.

Patron - Scott, J.M.

F HB2709 Virginia's Veterans. Corrects the full name of the property conveyed to the Commonwealth as a perpetual memorial park and war memorial to remember fallen Veterans, who were conscripted or volunteered and ordered into battle by the Virginia General Assembly.

Patron - Nutter

F SB1289 R. E. Lee Camp Confederate Memorial Park. Corrects the full name of the property conveyed to the Commonwealth as a perpetual park and war memorial to fallen veterans who were conscripted or volunteered and ordered into battle by the General Assembly. The bill provides that the statutory authority of the trustees of the Virginia Museum of Fine Arts is not affected nor is the ability of the trustees to designate portions of the property in recognition or honor of individuals who have made outstanding contributions to the Commonwealth, the Virginia Museum of Fine Arts, or the property.

Patron - Hanger

F SB1305 Property held for religious purposes; determination of property rights upon division of church, diocese, or society. Provides that upon division of a church or society, the congregation may vote on whether to belong to a different church, diocese, or society, or be independent of any church, diocese, or society. Currently the vote is limited to which branch of the church or society the congregation will belong. The bill also provides that a division of the church, diocese, or society is conclusively presumed when the lesser of 10 congregations or 10 percent of all congregations in the state vote within any 12-month period to separate from the church, diocese, or society, and allows the congregation to report its determination to the appropriate circuit court. In addition, the bill provides that in certain church, diocese, or society property transfers where the property is held for the benefit of the congregation, evidence of the determination of the congregation shall be sufficient proof for granting the transfer.

Patron - Mims

State Corporation Commission

Passed

P HB2367 Waiver of filing fees; erroneous financing statements. Authorizes the State Corporation Commission to waive the fee for filing a termination statement or correction statement with respect to a financing statement that falsely identified a person as a debtor.

Patron - Bryant

Taxation

Passed

P HB1508 Motor vehicle sales and use tax; exemption for limited liability companies. Adds limited liability companies to the existing motor vehicle sales and use tax exemption for certain transfers from individuals or partnerships to corporations or from corporations to individuals or partnerships. Based on advice from the Attorney General's office, the DMV would not apply the exemption to limited liability companies without this change.

Patron - Landes

P HB1638 Sales and use tax; food for human consumption. Reduces the rate of the state sales and use tax on food for human consumption to 1.5 percent beginning July 1, 2005. Under current law the rate of the state sales and use tax on food is 3 percent, and is scheduled gradually to be reduced to 1.5 percent by July 1, 2007. This bill is identical to SB 708 and incorporates HB 1634, HB 1635, HB 1875, HB 2017, HB 2339, and HB 2421.

Patron - Callahan

P HB1641 Motor fuels tax; refund. Provides a 55 percent refund of the motor fuels tax paid by any person purchasing fuel for consumption in a vehicle designed or permanently adapted solely and exclusively for bulk spreading or spraying of agricultural liming materials, chemicals, or fertilizer, where the vehicle's equipment is mechanically or hydraulically driven by an internal combustion engine that propels the vehicle. This bill is identical to SB 794.

Patron - Orrock

P HB1655 Income tax credit for purchase of conservation tillage equipment. Increases the cap on the individual and corporate income tax credits for purchase of conservation tillage equipment from \$2,500 to \$4,000, and clarifies the definition of "conservation tillage equipment."

Patron - Lingamfelter

P HB1667 Unpaid taxes, levies, or other charges; distraint for the same. Makes a technical correction to clarify which highway vehicles in general may not be disgruntled for unpaid taxes, levies, or other charges. Sections 58.1-3941 and 58.1-3942 currently cross-reference a repealed section of the Code of Virginia that defined a "highway vehicle." Section 58.1-2101 defined a highway vehicle, but the section was repealed by the 2000 Session of the General Assembly, effective January 1, 2001. The bill corrects §§ 58.1-3941 and 58.1-3942 by including in these sections the definition of a highway vehicle as it appeared in repealed § 58.1-2101.

Patron - Landes

P HB1745 Motor vehicle daily rental fee. Provides that the daily rental vehicle fee will be implemented, enforced, and collected like rental taxes.

Patron - Sherwood

P HB1833 Income tax; effective date for personal exemption increase. Changes the effective date from January 1, 2006, to January 1, 2005, for the increase in the personal exemption from \$800 to \$900.

Patron - Parrish

P HB1857 Transient occupancy tax; Arlington County. Extends the time during which Arlington County may collect an additional transient occupancy tax of one-fourth of one percent to January 1, 2009. Current law would end the collection of the additional tax on January 1, 2006.

Patron - Eisenberg

P HB1885 Tobacco products tax. Makes several changes to the tobacco products tax including requiring licensure of distributors who (i) sell tobacco products in Virginia; (ii) bring or cause to bring tobacco products into Virginia; (iii) manufacture or store tobacco products in Virginia; or (iv) possess in Virginia for retail sale untaxed tobacco products and changing the basis upon which the tax is computed. The changes are effective January 1, 2006.

Patron - Ware, R.L.

HB1965 Transient occupancy tax; Craig County and Prince George County. Adds Craig County and Prince George County to the list of counties that may levy the transient occupancy tax at a rate of five percent, with the revenues collected from that portion of the tax over two percent designated and spent solely for tourism, marketing of tourism or initiatives that, as determined in consultation with the local tourism industry organizations, attract travelers to the locality and generate tourism revenues in the locality.

Patron - Ingram

HB2003 Income tax; checkoff for Spay and Neuter Fund. Creates a special fund in the state treasury known as the Spay and Neuter Fund into which designated income tax refund contributions shall be deposited. Such moneys are to be administered by the Virginia Federation of Humane Societies for spay and neuter surgeries throughout Virginia. This is not a new checkoff.

Patron - Dudley

HB2007 Transient occupancy tax; Carroll County. Adds Carroll County to the list of counties that may levy the transient occupancy tax at a rate of five percent, with the revenues collected from that portion of the tax over two percent designated and spent solely for tourism, marketing of tourism or initiatives that, as determined in consultation with the local tourism industry organizations, attract travelers to the locality and generate tourism revenues in the locality. This bill incorporates HB 1964.

Patron - Armstrong

HB2100 Sales and use tax exemption; nonprofit entities. Clarifies that nonprofit entities that were exempt from paying sales and use tax on the purchase of services as of June 30, 2003, shall continue to be exempt from such taxes if they comport with certain procedures and meet certain criteria.

Patron - Hugo

HB2177 Recordation tax; exemption for limited liability companies. Restricts the real estate recordation tax exemption for limited liability companies (LLCs) to those transfers to or from an LLC that is not (i) a precursor to a transfer of control of the assets of the LLC to avoid recordation taxes, nor (ii) subsequent to a transfer of control of the assets of the company to avoid recordation taxes. This bill incorporates HB 1845.

Patron - Louderback

HB2303 Income tax; voluntary refund contributions entities process changes. Explains the procedure for how voluntary refund contributions entities will be added to and removed from the income tax return beginning in 2005. Also adds Brown v. Board of Education Scholarship Program Fund, Dr. Martin Luther King, Jr. Commission Fund, and Virginia Caregivers Grant Fund to the list of entities entitled to voluntary contributions that appear on the individual income tax return form. This bill incorporates HB 2506.

Patron - Purkey

HB2325 Tax administration; extension for filing tax returns. Allows taxpayers to request an extension of six months after the original due date for filing income tax returns. The penalty for failing to pay at least 90 percent of the tax by the extension date would be increased from one-half percent to two percent.

Patron - Hull

HB2372 Local business license tax; population basis and fee increase. Provides that the population estimates

of the Weldon Cooper Center for Public Service of the University of Virginia shall be used for determining population for purposes of imposing the business license fee in localities.

Patron - Ware, R.L.

HB2411 Conformity of the Commonwealth's system of taxation with the Internal Revenue Code; emergency. Provides that any reference to federal income tax laws in Chapter 3 (§ 58.1-300 et seq.) of Title 58.1 refers to the federal law as it exists on January 7, 2005. Current law specifies that such references refer to federal law as it existed on December 31, 2003. This bill contains an emergency clause and is identical to SB 856.

Patron - Bryant

HB2444 Income tax; rent reductions tax credit. Extends the sunset date from December 31, 2005, to December 31, 2010, and limits the credit between January 1, 2006, and January 1, 2011, to those individuals or corporations that reduced rents and validly claimed a credit for the dwelling unit for all or part of December, 1999, and the tenant occupied the dwelling unit on December 31, 2005.

Patron - Suit

HB2477 Personal property tax; notice for machinery and tools valuation change. Requires that proposed changes in the valuation method used for machinery and tools be published by a notice appearing in a newspaper of general circulation at least 30 days prior to such change and citizens be allowed to submit comments to the local commissioner of the revenue regarding the proposal during the 30 days.

Patron - Scott, E.T.

HB2599 Sales and use tax exemption; public transportation. Restores a sales and use tax exemption for tangible personal property sold or leased to Alexandria Transit Company, Greater Lynchburg Transit Company, GRTC Transit System, or Greater Roanoke Transit Company that is owned, operated, or controlled by any county, city, or town, or any combination thereof, that provides public transportation services. The bill declares that an emergency exists and is effective beginning September 1, 2004. This bill is identical to SB 1195.

Patron - Ware, O.

HB2625 Cigarette and other tobacco products taxes; discount allowed. Changes the discount allowed on the purchase of cigarette tax stamps from two and one-half cents per carton to two percent of the total charged by the Department of Taxation for the purchase of the tax stamps. The bill also provides a discount to dealers of other tobacco products equal to two percent of the total tax due from the dealer.

Patron - Byron

HB2635 Deferred real estate tax; interest rate. Allows a local governing body to establish the interest rate applicable to deferred real estate tax payments, not to exceed the rate established by the Internal Revenue Code. Currently, interest for the deferred payment is set as the rate established by the Internal Revenue Code. This bill is identical to SB 1087.

Patron - Ebbin

HB2679 Local license and local business taxes; appeals. Makes numerous changes to the appeals process regarding local license and local business taxes. This bill incorporates HB 2373 and HB 2374.

Patron - Lingamfelter

HB2686 Tangible personal property tax; boats. Designates boats weighing less than five tons and used for

business purposes as a separate class of tangible personal property for taxation purposes. This bill is identical to SB 1273.

Patron - Pollard

HB2762 Sales and use tax; automobile refinishing. Provides that paint and other refinish materials separately stated that are applied to or affixed to a motor vehicle during its repair shall be taxed to the person for whom the repair is made.

Patron - Lingamfelter

HB2774 Sales and use tax; manufactured signs. Specifies that manufactured signs are tangible personal property for purposes of sales and use tax.

Patron - Hargrove

HB2788 Land preservation tax credit. Allows the Tax Commissioner to determine if a taxpayer may transfer certain unused credits if he acted in good faith based on erroneous information.

Patron - Johnson

HB2827 Sales and use tax; truck trailers and cargo containers. Prohibits the Department of Taxation from taking any action to collect any sales and use tax from the sale or use prior to February 1, 2005, of certain truck trailers, cargo containers that are designed to be affixed to such truck trailers, and on-site storage containers that are similar to cargo containers but not necessarily designed to be affixed to truck trailers.

Patron - Orrock

HB2852 Sales and use tax exemptions reports. Requires the Tax Commissioner to investigate and analyze the sales and use tax exemptions on a periodic basis and report his findings to the Chairmen of the House and Senate Finance Committees beginning in December 2006.

Patron - Hull

HB2880 Communications tax reform. Directs the APA to review and collect information in 2005 regarding certain local communications taxes and report to the Chairmen of the House and Senate Finance Committees and the Department of Taxation no later than December 1, 2005.

Patron - Nixon

HB2899 State cigarette tax; exclusive distributors. Exempts exclusive distributors and manufacturers from affixing tax revenue stamps to cigarettes if they are being shipped, sold, or delivered to wholesale dealer stamping agents in the Commonwealth.

Patron - Janis

SB708 Sales and use taxes, food purchased for human consumption. Provides that the retail sales and use tax on food purchased for human consumption shall be imposed at a rate of 2.5 percent on and after July 1, 2005 (1.5 percent state and 1 percent local). Current law provides that the sales and use tax on food shall be imposed at a rate of 3.5 percent beginning July 1, 2005; 3 percent beginning July 1, 2006; and 2.5 percent beginning July 1, 2007. The bill accelerates the tax relief. This bill is identical to HB 1638 and incorporates SB 751 and SB 1193.

Patron - Chichester

SB793 Transient occupancy tax; overnight accommodations. Clarifies that the transient occupancy tax applies to charges for any room or space suitable or intended for dwelling, lodging, or sleeping purposes.

Patron - Watkins

SB794 Fuels taxes; refunds. Provides a refund equal to 55 percent of the state fuels tax paid for vehicles designed or permanently adapted exclusively for bulk spreading or spraying of agricultural liming materials, chemicals, or fertilizer. The bill will be effective January 1, 2006. This bill is identical to HB 1641.

Patron - Watkins

SB796 Assessment of certain property by State Corporation Commission; statute of limitations. Clarifies that any taxpayer, the Commonwealth, or any county, city or town may only apply to the SCC for a review and correction of an assessment of value or tax within three months after receiving a certified copy of such assessment or tax.

Patron - Watkins

SB801 Local consumer utility tax; Town of Dumfries. Allows the Town of Dumfries to impose by ordinance the local consumer utility tax on or after July 1, 2005. If the tax is imposed, Prince William County will no longer impose the tax in the town limits of Dumfries.

Patron - Colgan

SB803 Voluntary contribution to the Dr. Martin Luther King, Jr. and the Virginia Caregivers Grant Funds. Allows individuals entitled to an income tax refund to contribute a portion, at least \$1, or all of the refund to the Dr. Martin Luther King, Jr. Commission Fund for taxable years beginning on and after January 1, 2005. The Fund provides support for the work of the Dr. Martin Luther King, Jr. Living History and Public Center and generates nonstate funds to maintain the center. The bill also allows individuals to contribute a portion, at least \$1, of their income tax refund to the Virginia Caregivers Grant Fund.

Patron - Marsh

SB836 Motor vehicle sales and use taxes; exemptions. Provides that a gift of a motor vehicle to a spouse, son, or daughter shall be exempt from motor vehicle sale and use taxes, unless the person, other than a spouse, receiving the motor vehicle assumes an unpaid obligation relating to the vehicle.

Patron - Quayle

SB844 Restrictions and exemptions on deferral of taxes for certain elderly and handicapped persons; disability benefits. Allows a locality to exclude up to \$5,000 of permanent or temporary disability benefits of an owner when determining eligibility for its tax deferral programs. This bill is identical to SB 851.

Patron - Deeds

SB851 Restrictions and exemptions on deferral of taxes for certain elderly and handicapped persons; disability benefits. Allows a locality to exclude up to \$5,000 of permanent or temporary disability benefits of an owner when determining eligibility for its tax deferral programs. This bill is identical to SB 844.

Patron - Cuccinelli

SB856 Conformity of the Commonwealth's system of taxation with the Internal Revenue Code; emergency. Provides that any reference to federal income tax laws in Chapter 3 (§ 58.1-300 et seq.) of Title 58.1 refers to the federal law as it exists on January 7, 2005. Current law specifies that such references refer to federal law as it existed on December 31, 2003. This bill contains an emergency clause and is identical to HB 2411.

Patron - Chichester

SB866 Individual income tax; salary subtraction for federal and state employees. Amends the individual income tax subtraction allowed to federal and state employees by clarifying that it is available only to employees with a total annual salary from all employment of \$15,000 or less.

Patron - Chichester

SB867 Powers and duties of the Tax Commissioner; annual report on corporate tax relief. Requires the Tax Commissioner to issue an annual report to the members of the House Appropriations Committee, the House Finance Committee, and the Senate Finance Committee providing a comprehensive view of corporate tax relief in the Commonwealth during the preceding tax year. A preliminary report shall be submitted by December 1 of each year and a final report submitted by April 15 of the following year.

Patron - Chichester

SB874 City of Chesapeake; annual debt limitation. Provides that any obligations issued by the City of Chesapeake under a local tax increment financing program shall not be included for purposes of any annual debt limitation set forth in the city's charter. The bill also makes a technical change of deleting a population bracket and replacing it with the City of Virginia Beach.

Patron - Quayle

SB876 Cigarette tax enforcement; penalties. Changes the cigarette tax laws to provide consistency with the non-participating manufacturer reporting requirements and to enhance compliance and administration.

Patron - Hawkins

SB896 Real property tax; common spaces. Amends the definition of an "open or common space" to include common areas that are part of a planned residential development initially recorded before January 1, 1985, that did not include automatic membership in a membership corporation or association in its declaration. This change will prohibit a locality from assessing real estate taxes against these membership corporations or associations for the common area. Instead, the value of the common area will be taxed through the increased value of the residential property that has an interest in the common area. This is the approach that currently applies to residential and commercial property with automatic membership in a membership corporation or association. Today, residential developments with common areas must include mandatory or automatic membership in the corporation or association charged with its upkeep; however, older developments did not necessarily have mandatory membership.

Patron - Norment

SB897 Income taxes; charitable contributions for the relief of tsunami victims. Provides that cash contributions for the relief of tsunami victims made in January 2005 may be allowed as a charitable deduction when computing Virginia income taxes for the taxable year 2004.

Patron - Norment

SB1051 Local real estate tax relief programs. Changes authorized local real estate tax relief programs by (i) authorizing counties, cities, and towns to use the locality's median adjusted gross income of its married residents (as published by the Weldon Cooper Center for Public Service of the University of Virginia) as a total income limit for eligibility, and (ii) authorizing counties, cities, and towns to adjust the current net financial worth limit for inflation.

Patron - Wagner

SB1052 Delinquent payment of certain local excise taxes. Allows the governing body of any county, city, or town to impose a penalty for the delinquent remittance of excise taxes on meals, lodging, or admissions collected from consumers, not to exceed 10 percent for the first month the taxes are past due and five percent for each month thereafter, not to exceed 25 percent of the amount of the taxes not remitted. Currently, the penalty for such delinquent remittance is limited to 10 percent.

Patron - Wagner

SB1087 Deferred real estate tax; interest rate. Allows a local governing body to establish the interest rate applicable to deferred real estate tax payments, not to exceed the rate established by the Internal Revenue Code. Currently, interest for the deferred payment is set as the rate established by the Internal Revenue Code. This bill is identical to HB 2635.

Patron - Whipple

SB1105 Sales and use tax exemption for certain nonprofit educational institutions; purchase of services. Provides that any nonprofit educational institution doing business in the Commonwealth which provides a face-to-face educational experience in American government that was exempt from paying sales and use tax for the purchase of services as of June 30, 2003, will continue to be exempt from that payment, so long as the entity follows specified procedures and meets certain criteria set forth in the section.

Patron - Saslaw

SB1139 Land preservation tax credit. Requires the fair market value of qualified donations under the Virginia Land Conservation Incentives Act of 1999 to be substantiated by a qualified appraisal, which must be signed by a qualified appraiser, and a copy of the appraisal must be submitted to the Department of Taxation. A false or fraudulent appraisal may lead to revocation of the appraiser's license or other disciplinary action, and the future appraisals by the same appraiser may be disallowed.

Patron - Hanger

SB1195 Sales and use tax exemption; public transportation. Restores a sales and use tax exemption for tangible personal property sold or leased to Alexandria Transit Company, Greater Lynchburg Transit Company, GRTC Transit System, or Greater Roanoke Transit Company that is owned, operated, or controlled by any county, city, or town, or any combination thereof, that provides public transportation services. The bill declares that an emergency exists and is effective beginning September 1, 2004. This bill is identical to HB 2599.

Patron - Lambert

SB1219 Retail sales and use taxes; sales to nonresidents and bad debts. Provides that, for sales of tangible personal property to consumers making a gift to a person located in another state, a dealer registered to collect the tax in the recipient's state may elect, with the approval of the tax commissioner, to collect the tax of the recipient's state or that imposed by the Commonwealth. However, if the dealer is not registered to collect tax in the state in which the property is delivered, but is a registered dealer in the Commonwealth, the dealer shall collect the tax at the sales tax rate imposed by the Commonwealth. The bill also provides that an alternative means for determining the sales tax credit allowed for bad debts may be used by dealers meeting certain conditions.

Patron - Stosch

SB1225 Income tax; preparers of fraudulent returns; penalty. Makes it a Class 6 felony for income tax return preparers to willfully and knowingly participate in the preparation of a fraudulent tax return and authorizes the Tax Department to seek an injunction against a tax return preparer for various types of conduct.

Patron - Stosch

SB1273 Tangible personal property tax; separate classification for boats used in business. Establishes as a separate classification of tangible personal property for tax rate purposes boats weighing less than five tons used for business purposes only. This bill is identical to HB 2686.

Patron - Rerras

SB1279 Local taxation of certain machinery and tools. Allows a locality to classify certain heavy machinery used by businesses not otherwise set out in Article 2 (§ 58.1-3507 et seq.) of Chapter 35 of Title 58.1, "Machinery and Tools Tax," as a separate classification of property. The tax rate may not exceed the rate imposed upon the general class of tangible personal property.

Patron - Reynolds

SJ308 Virginia Code Commission; tax preferences outside of Title 58.1. Directs the Virginia Code Commission to identify tax preferences located outside of Title 58.1 in the Code of Virginia, and to report biennially to the General Assembly with recommendations for legislation to cross-reference these preferences in Title 58.1 or to generally make the tax preferences in the Code easier to identify.

Patron - Chichester

Failed

HB1490 Estate tax. Conforms the amount of Virginia estate tax due from an estate to the maximum amount of the federal estate tax credit for state estate taxes, as permitted under federal estate tax law, as such law shall be amended from time to time. Under current law, the amount of Virginia estate tax cannot be less than the federal credit under federal law as such law existed on January 1, 1978. This bill incorporates HB 1506, HB 1874, HB 2008, and HB 2750.

Patron - Tata

HB1504 Business, Professional and Occupational Licensing Tax (BPOL); license fees, rates and requirements. Requires localities that impose the BPOL tax to (i) eliminate license fees by January 1, 2007, (ii) exempt the first \$100,000 of gross receipts from taxation by January 1, 2007, and (iii) reduce the several different rates currently in the Code to a flat rate of \$.20 cents per \$100 of gross receipts for license years beginning on and after January 1, 2006.

Patron - Shuler

HB1506 Estate tax. Exempts from the estate tax (i) all estates where the majority of assets are an interest in a closely held business, including working farms, and (ii) all estates where the gross estate is worth \$10 million or less. This bill has been incorporated into HB 1490.

Patron - Shuler

HB1512 Income tax; tax credit for certain health care practitioners. Provides an income tax credit to health care practitioners who provide free medical services to indigent persons who cannot pay for the services themselves. The amount of the credit is equal to 25 percent of the fee the practitioner would charge for the service, not to exceed \$500 annu-

ally for any practitioner. The credit would be available for taxable years beginning on or after January 1, 2006.

Patron - Cosgrove

HB1515 Transient occupancy tax; Craig County. Adds Craig County to the list of counties that may impose an additional three percent transient occupancy tax (for a total of five percent) with the additional tax revenue to be designated and spent for promoting tourism, travel, or business that generates tourism or travel in the locality.

Patron - Shuler

HB1525 Insurance premiums license tax; disposition of motor vehicle insurance license tax. Requires the revenues generated by the license tax on motor vehicle insurance companies to be credited to the Transportation Trust Fund when deposited in the state treasury. This bill has been incorporated into HB 2099.

Patron - Frederick

HB1529 Income tax; teacher expenses tax credit. Provides an income tax credit of up to \$500 for costs incurred by teachers for materials they use teaching children in grades kindergarten through 12, for taxable years beginning on or after January 1, 2006. This bill incorporates HB 1898.

Patron - Frederick

HB1530 Income tax; commuter parking lot deduction. Provides a deduction for taxable years beginning on and after January 1, 2006, to owners of shopping centers and strip malls who contribute to the locality the right to use certain parking spaces as commuter parking. The amount of the annual deduction will not exceed \$50 per parking space. The governing body of the county, city, or town in which the commuter parking spaces are located must develop a plan based on guidelines established by the Department of Taxation.

Patron - Frederick

HB1533 Income tax; age deduction. Reinstates the \$6,000 and \$12,000 deduction for taxpayers aged 62 through 64, and 65 and older, respectively, for taxable years beginning on and after January 1, 2005. However, individuals with taxable income exceeding \$150,000 and married couples with taxable income exceeding \$250,000 are not eligible for the deduction.

Patron - Frederick

HB1534 Sales and use tax exemption; school supplies, clothing and footwear, and computers. Provides a sales and use tax exemption for certain school supplies, clothing and footwear, and computers purchased during a four-day period each year beginning on the Friday before the first Monday in September. The exempt items are: each article of school supplies with a selling price of \$20 or less, each article of clothing or footwear with a selling price of \$100 or less, and each article of computers or related peripheral equipment with a selling price of \$1,500 or less. The bill also authorizes dealers to absorb the sales and use tax on all other items sold during the same time period and thereby relieve the purchasers of the obligation to pay such tax. Dealers who absorb such taxes are liable for payment of the same to the Tax Commissioner. This bill has been incorporated into HB 1878.

Patron - Frederick

HB1535 Sales and use tax exemption; certain flags. Provides a sales and use tax exemption for the purchase of the official flags of the United States, the Commonwealth of Virginia, or of any county, city, or town, or of any flag that supports or commemorates members of the United States Armed Forces who are or were prisoners of war or missing in

action. Under current law, the official flags of the United States, the Commonwealth of Virginia, or of any county, city, or town are exempt when purchased from a government agency.

Patron - Frederick

HB1536 Car tax relief. Removes the cap on the overall amount of car tax relief that was created by Chapter 1 of the Acts of Assembly of 2004 Special Session I and restores the car tax relief program as it was originally enacted. This bill has been incorporated into HB 1654.

Patron - Frederick

HB1551 Sale price of motor vehicles subject to the motor vehicle sales and use tax. Reduces the taxable price of a motor vehicle purchased for business purposes in determining motor vehicle sales and use tax liability, by the value of any motor vehicle taken in trade. The amount of credit for a vehicle taken in trade is the lesser of the allowance given by the seller or the wholesale value of the vehicle as specified in a recognized pricing guide.

Patron - Alexander

HB1552 Sale price of motor vehicles subject to the motor vehicle sales and use tax; reduction for trade-in. Reduces the taxable price of a motor vehicle for purposes of determining motor vehicle sales and use tax liability by the value of any motor vehicle taken in trade. The amount of credit for a vehicle taken in trade is the lesser of the allowance given by the seller or the wholesale value of the vehicle as specified in a recognized pricing guide.

Patron - Alexander

HB1566 Local recordation fee. Allows cities and counties to impose a fee not to exceed \$250 on certain recorded instruments that are subject to the state recordation tax. The fee will be paid by the grantor and will only be allowed in localities having a growth rate in K through 12 school-age population of one-half percent over the previous three years combined growth rate. Also, affordable housing is exempt from the fee. The revenues generated by the fee are to be used by the locality for public school capital projects.

Patron - Cosgrove

HB1571 Corporate income tax; Virginia Entrepreneurial Encouragement Program. Creates the Virginia Entrepreneurial Encouragement Program, which provides tax incentives to start-up businesses during the first three years of their existence. The incentives are the exemption from income tax for the first two years and a reduced income tax rate (one-half of the corporate income tax rate) for the third year. The program applies to businesses created on or after January 1, 2005, but no later than December 31, 2007.

Patron - Purkey

HB1591 Income tax; deduction for long-term care insurance premiums. Clarifies that the current deduction for long-term care insurance premiums paid by a taxpayer for himself or others is allowed to the taxpayer provided no deduction is taken for federal income tax purposes. The benefits will not be treated as taxable income to the beneficiaries of such benefits. The deduction is effective for taxable years beginning on and after January 1, 2005.

Patron - Reese

HB1593 Sales and use tax exemption; school-related items. Provides a sales and use tax exemption for certain school-related items purchased during a specific one-week period during the end of August each year. The exempt items are: school supplies, footwear, and clothing where the selling

price of each item is \$100 or less. The bill also authorizes dealers to absorb the sales and use tax on all other items sold during the same time period and thereby relieve the purchaser of the obligation to pay such tax. Dealers who absorb such taxes are liable for payment of the same to the Tax Commissioner. This bill has been incorporated into HB1878.

Patron - Ware, O.

HB1610 Sales and use tax; allocation of revenue. Increases the sales and use tax revenue dedicated to the transportation trust fund from an amount equivalent to the amount raised by a one-half percent tax to a three-quarters percent tax.

Patron - Cole

HB1634 Sales and use taxes, reduction of rate on food purchased for human consumption. Provides that the retail sales and use tax on food purchased for human consumption shall be imposed at a rate of 2.5 percent on and after July 1, 2005 (1.5 percent state and one percent local). Current law provides that the sales and use tax on food shall be imposed at a rate of 3.5 percent beginning July 1, 2005; 3 percent beginning July 1, 2006; and 2.5 percent beginning July 1, 2007. The bill accelerates the tax relief. This bill has been incorporated into HB 1638.

Patron - Bryant

HB1635 Sales and use tax exemption; food for human consumption. Exempts food for human consumption from the state sales and use tax. This bill has been incorporated into HB 1638.

Patron - Welch

HB1636 Motor vehicle rental taxes. Requires that all revenue from the state motor vehicle rental taxes be deposited into the Transportation Trust Fund and used solely for transportation purposes.

Patron - Cole

HB1654 Car tax relief. Removes the cap on the overall amount of car tax relief and gradually increases the amount of car tax relief to 100 percent of the reimbursable amount for qualifying vehicles over a six-year period. This bill incorporates HB 1536 and HB 2257.

Patron - Lingamfelter

HB1684 State recordation tax; additional distribution to localities. Provides that 50 percent of the amount of state recordation taxes collected that are attributable to deeds and other instruments recorded shall be apportioned and distributed annually to or for each such county or city, beginning June 30, 2006. This provision applies to any county or city that has a Purchase of Development Rights program in effect, or has filed a statement of intent with the Virginia Department of Agriculture and Consumer Services that it will create such a program within three years or less from the date of such filing.

Patron - Lewis

HB1717 Individual income tax; personal exemption. Increases the personal exemption amount from \$900 to \$1,000 for tax years beginning on and after January 1, 2006. This bill incorporates HB 2769.

Patron - Fralin

HB1744 Income tax credit; purchase of machinery and equipment for processing recyclable materials. Extends from 10 years to 20 years the carryover period for individual and corporate income tax credits allowed for the purchase of machinery and equipment for processing recyclable materials. The bill also revives the individual income tax credit for such purposes that expired on January 1, 2004, retroactively to that

date. The credit is equal to 10 percent of the purchase price paid for the equipment.

Patron - Putney

HB1811 Prince William County; overcrowding in public schools; real estate tax credit. Authorizes Prince William County to provide a credit against real estate taxes paid by the owner of a home in the attendance zone of a school that the school board has declared to be overcrowded. The credit is for qualifying educational expenses paid during the taxable year on behalf of each child of the taxpayer who (i) was eligible to be enrolled in a public school free of charge pursuant to § 22.1-3 that the school board determines to be overcrowded, (ii) qualifies as the taxpayer's dependent for federal income tax purposes, (iii) was a student at a qualified school in grades kindergarten through 12 during the taxable year, and (iv) does not attend a free public school during the semester or other portion of the school year for which such qualifying educational expenses were paid. The bill defines "qualified school" and "qualifying educational expenses". In order for a public school to be considered "overcrowded" the school board shall have determined that enrollment exceeded 110 percent of the capacity during the taxable year for which the taxpayer is applying for the credit.

Patron - Marshall, R.G.

HB1815 Commonwealth Transportation Expedition Fund. Dedicates one-half of all insurance license tax revenues to expedite transportation projects throughout the Commonwealth that are within two years of completion. The Commonwealth Transportation Board shall use the funds to expedite the completion of those transportation projects that it determines will have the greatest impact on (i) reducing poor air quality, (ii) reducing traffic congestion, and (iii) aiding the safety of motorists or pedestrians.

Patron - Marshall, R.G.

HB1818 Income tax; bicyclists' tax credits for businesses and individuals. Creates two separate tax credits; one for employers and one for individuals. The tax credit for employers allows them to take a credit of up to \$5,000 for providing bicycle racks and showers in their place of business for use by employees who ride bikes to work. The tax credit for individuals provides a credit of \$15 per month for each month the individual rides his bike to and from work for at least 10 days of the month.

Patron - Suit

HB1836 Virginia Coal Employment and Production Incentive Tax Credit. Extends the sunset of the Virginia Coal Employment and Production Incentive Tax Credit to tax years beginning on and after January 1, 2009. The credit is currently set to expire for all tax years on and after January 1, 2005.

Patron - Parrish

HB1838 County food and beverage tax; referendum. Limits the frequency of referendums on imposing a county food and beverage tax to once every three years.

Patron - Parrish

HB1839 Sales and use tax exemption; transfer of property to a contractor. Exempts from sales and use tax personal property acquired after January 1, 2005, but before September 1, 2006, by any nonprofit entity exempt from the sales and use tax, and transferred to any contractor, or purchased by any contractor pursuant to a contract with such nonprofit entity, if the purpose of the transfer or purchase is to construct a memorial for any branch of the United States Armed Forces.

Patron - Parrish

HB1845 Recordation tax; exemption for limited liability companies. Removes the exemption from the recordation tax for LLCs, corporations, and partnerships. This bill has been incorporated into HB 2177.

Patron - Van Yahres

HB1874 Estate tax. Conforms the amount of Virginia estate tax due from an estate to the maximum amount of the federal estate tax credit for state estate taxes, as permitted under federal estate tax law, as such law shall be amended from time to time. Under current law, the amount of Virginia estate tax cannot be less than the federal credit under federal law as such law existed on January 1, 1978. Because under current federal law there is no state estate tax credit, the bill eliminates the current Virginia estate tax. This bill has been incorporated into HB 1490.

Patron - McDougale

HB1875 Sales and use tax exemption; food for human consumption. Exempts food for human consumption from the state sales and use tax. This bill has been incorporated into HB 1638.

Patron - McDougale

HB1876 Retail sales and use tax; eliminates accelerated collection and remittance by vendors. Eliminates the additional June payment for sales and use taxes required of dealers with taxable sales and purchases of \$1.3 million or greater. The bill is effective August 1, 2005.

Patron - McDougale

HB1878 Sales and use tax exemption; school-related items. Beginning in 2005, provides a sales and use tax exemption for certain school-related items purchased during a specific one-week period during the end of August each year. The exempt items are: (i) school supplies, footwear, and clothing where the selling price of each item is \$100 or less; (ii) computer systems where the selling price for each system is \$1,500 or less; and (iii) computers, computer hardware, computer software, and portable calculators where the selling price for each item is \$500 or less. The bill also authorizes dealers to absorb the sales and use tax on all other items sold during the same time period and thereby relieve the purchaser of the obligation to pay such tax. Dealers who absorb such taxes are liable for payment of the same to the Tax Commissioner. This bill incorporates HB 1534, HB 1593, HB 2269, and HB 2559.

Patron - McDougale

HB1887 Tobacco products tax; definitions. Defines the terms "distributor," "manufacturer," and "manufacturer's representative."

Patron - Ware, R.L.

HB1888 Historic rehabilitation tax credit. Provides that certain material restoration work (i) that restores a historic home of a President of the United States 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 the historic rehabilitation tax credit. The bill is effective for any material restoration completed on or after January 1, 2005, including any eligible restoration expenses for such restoration that were incurred prior to such date.

Patron - Ware, R.L.

HB1898 Income tax; teacher expenses tax credit. Provides an income tax credit of up to \$500 for unreimbursed costs incurred by teachers for supplies they use in their class-

rooms teaching children in grades kindergarten through 12, for taxable years beginning on or after January 1, 2006. This bill has been incorporated into HB 1529.

Patron - Carrico

HB1901 Income tax; day-care facility investment tax credit. Adds expenditures for contracting out on-site child day-care services to the list of items and activities for which the day-care facility investment tax credit is allowed. There is language that removes certain restrictions regarding the approval of credit applications, including the one limiting the credit to \$100,000 per year per taxpayer. The new provisions are effective for taxable years beginning on and after January 1, 2006.

Patron - Baskerville

HB1910 Estate tax. Removes the estate tax from those estates (i) valued at \$10 million or less, or (ii) of which a majority of the assets are an interest in a closely held business, including a working farm.

Patron - Baskerville

HB1913 Individual income tax; personal exemption. Increases the personal exemption amount from \$900 to \$1,600 for tax years beginning on and after January 1, 2006. This bill has been incorporated into HB 1717.

Patron - Cole

HB1935 Individual income tax; senior citizen tax relief. Provides for indexing the \$12,000 and \$6,000 age deduction amounts based on the Consumer Price Index for All Urban Consumers, for taxable years beginning on or after January 1, 2006.

Patron - Shannon

HB1942 Children At Risk in Education Tax Credit. Creates a tax credit to promote educational opportunities for children who are at risk of educational failure. Tax credits will be awarded to business entities for eligible contributions made to eligible nonprofit tuition assistance grant funding organizations. The amount of the credit is 25 percent of the eligible contribution, but may not exceed 75 percent of the tax liability of the business entity. The contributions may be awarded as grants for students' tuition in public and non-public schools. There is a \$6 million cap on total tax credits awarded annually. The credit would be effective for taxable years beginning on and after January 1, 2006.

Patron - Saxman

HB2000 BPOL tax; gross receipts. Changes name from license tax to gross receipts tax and repeals newspapers' exemption from the tax. It allows localities to exempt newspapers from the BPOL tax provided they are exempt from state sales tax. However, if the locality imposes the tax on newspapers, 50 percent of the revenues generated from the tax on newspapers must be used for the locality's arts, cultural or tourist attractions. This bill incorporates HB 2190.

Patron - Griffith

HB2008 Estate tax. Exempts from the estate tax (i) all estates where the majority of assets are an interest in a closely held business, including working farms, and (ii) all estates where the gross estate is worth \$10 million or less. This bill has been incorporated into HB 1490.

Patron - Armstrong

HB2017 Sales and use taxes; food purchased for human consumption. Provides that the retail sales and use tax on food purchased for human consumption shall be imposed at a rate of two and one-half percent on and after July 1, 2005

(one and one-half percent state and one percent local). Current law provides that the sales and use tax on food shall be imposed at a rate of three and one-half percent beginning July 1, 2005; three percent beginning July 1, 2006; and two and one-half percent beginning July 1, 2007. The bill accelerates the tax relief. This bill is identical to HB 2339 and HB 2421 and has been incorporated into HB 1638.

Patron - Hall

HB2023 Meals tax; cities and towns. Restricts the imposition in any city or town having a population of 100,000 or more of any new meals tax or tax rate increase without approval by referendum.

Patron - Welch

HB2030 Individual income tax; stay-at-home parents' tax credit. Allows a \$300 credit against income tax, for taxable years beginning on and after January 1, 2006, for taxpayers who stay at home to take care of their children who are 10 years of age or younger.

Patron - Amundson

HB2035 Cigarette excise tax. Imposes an excise tax on cigarette manufacturers at a rate of 2 cents for each of the manufacturer's cigarettes sold in the Commonwealth. A cigarette manufacturer may claim as credit against any excise tax due (i) the Commonwealth's share of the manufacturer's contributions under the Master Settlement Agreement or (ii) for nonparticipating manufacturers, the net escrow deposits made each year for the manufacturer's cigarettes sold in the Commonwealth. This bill has been incorporated into HB 2919.

Patron - Hamilton

HB2057 Sales and use tax exemption; telecommunications companies. Effective July 1, 2006, restores the sales and use tax exemption for telecommunication companies that was eliminated in the 2004 Special Session I.

Patron - Byron

HB2065 Taxation; nonresident contractor withholding. Establishes a procedure for withholding taxes from nonresident contractors based on the contract price.

Patron - Parrish

HB2066 Car tax; dedication of income taxes to localities. Repeals the car tax reimbursement program and replaces it by dedicating 17.5 percent of the state individual income tax collections to localities. The bill is effective January 1, 2007, and only if a Constitutional amendment is ratified in November, 2006, exempting from taxation all motor vehicles used for nonbusiness purposes. This bill incorporates HB 2498.

Patron - Rust

HB2092 Sales and use tax; exemption for certain contractors. Exempts from paying the sales and use tax any person who contracts on or after July 1, 2006, to perform services for and provide tangible personal property for consumption or use by the Commonwealth, any political subdivision of the Commonwealth, or the United States, if the Commonwealth, political subdivision, or the United States certifies that title to such tangible personal property will pass to such governmental entity. The bill has a delayed effective date of July 1, 2006.

Patron - Hugo

HB2160 Income tax and sales and use tax revenue; allocation of certain growth for transportation. Allocates 20 percent of the annual growth in income tax and sales tax revenue coming from Northern Virginia and Hampton

Roads back to those regions for transportation purposes. The Northern Virginia Transportation Authority administers the funds for transportation projects in Northern Virginia. The bill creates the Hampton Roads Transportation Authority to administer the funds for transportation projects in the Hampton Roads area.

Patron - Reese

HB2190 Business, professional and occupational license (BPOL) tax; newspapers' exemption. Repeals the BPOL tax exemption for newspapers, magazines, newsletters or other publications issued daily or regularly at average intervals not exceeding three months, provided they also have a sales tax exemption. This bill has been incorporated into HB 2000.

Patron - Wardrup

HB2191 Newspaper tax; Environmental Newspapers Fund. Creates a tax to be imposed on newspaper publishers at the rate of \$0.01 on every newspaper published and delivered daily in the Commonwealth. The revenue generated shall be deposited into a special fund, the Environmental Newspapers Fund, to be used for environmental activities throughout the Commonwealth, after the administrative expenses are retained by the Tax Department.

Patron - Wardrup

HB2231 Local meals taxes and food and beverage taxes; gratuities and service charges. Prohibits imposition of local meals taxes and local food and beverage taxes on that portion of the sales price constituting a gratuity or service charge. This bill has been incorporated into HB 2232.

Patron - Gear

HB2232 State and local sales and use tax and local taxes on meals; gratuities or service charges on meals. Excludes from the sales price of meals all gratuities or service charges for purposes of calculating the sales and use tax and the local tax on meals. This bill incorporates HB 2231.

Patron - Gear

HB2241 Business, professional and occupational license tax; real estate appraisal entities. Exempts from the BPOL tax the gross receipts that are received by an appraisal entity for real estate appraisal transactions when such amounts are paid to an appraiser affiliated with the appraisal entity as a fee and the appraiser pays the BPOL tax on such receipts.

Patron - O'Bannon

HB2257 Tangible personal property tax relief. Amends the personal property tax relief program effective January 1, 2006, by establishing a reimbursement ratio to determine each locality's share of the \$950 million of total car tax relief. The reimbursement ratio is a fraction (i) the numerator of which is the value of all qualifying vehicles in a locality, up to the first \$20,000 of value, multiplied by the effective tax rate in effect in the locality on July 1, 1997, or August 1, 1997, whichever is greater; and (ii) the denominator of which is the aggregate amount of the calculation in (i) for all localities. The bill also provides that reimbursements to localities will be paid in 12 equal monthly installments beginning with the month of May each year, and requires localities to provide, in an equitable manner, personal property tax relief on qualifying vehicles. This bill has been incorporated into HB 1654.

Patron - Bell

HB2269 Sales and use tax exemption; school-related items. Beginning in 2005, provides a sales and use tax exemption for certain school-related items purchased during a specific one-week period during the end of August each year.

The exempt items are: (i) school supplies, footwear, and clothing where the selling price of each item is \$100 or less; (ii) computer systems where the selling price for each system is \$1,500 or less; and (iii) computers, computer hardware, computer software, and portable calculators where the selling price for each item is \$500 or less. This bill has been incorporated into HB 1878.

Patron - Bell

HB2289 Individual and corporate income tax credit; agricultural best management practices. Increases the current maximum individual and corporate income tax credit from 25 percent to 30 percent of the first \$70,000 of the cost of implementing agricultural best management practices (i.e. from \$17,500 to \$21,000). The bill also creates new individual and corporate income tax credits equivalent to 50 percent of the first \$70,000 (or \$35,000) of the cost of implementing an agricultural best management practice that directly establishes actively growing vegetative cover on crop fields throughout the entire calendar year. Both credits cannot be taken for the same costs. The bill is effective for taxable years on and after January 1, 2006.

Patron - Lingamfelter

HB2292 Transportation Trust Fund; dedication of certain recordation tax revenue. Dedicates to the Transportation Trust Fund the additional recordation tax revenue generated by the recordation tax increase enacted during the 2004 Special Session I.

Patron - Lingamfelter

HB2300 Income tax; voluntary contribution of tax refunds for western Virginia region cultural organizations. Allows taxpayers entitled to an income tax refund to designate part or all of their refund to 17 western Virginia region cultural organizations.

Patron - Fralin

HB2302 Income tax; toll payments tax credit. Provides a tax credit against income tax, for taxpayers owning and operating commercial vehicles, in an amount equal to 25 percent of the total for tolls paid on Virginia highways, for taxable years beginning on and after January 1, 2006.

Patron - Fralin

HB2339 Sales and use taxes, reduction of rate on food purchased for human consumption. Provides that the retail sales and use tax on food purchased for human consumption shall be imposed at a rate of 2.5 percent on and after July 1, 2005 (1.5 percent state and 1 percent local). Current law provides that the sales and use tax on food shall be imposed at a rate of 3.5 percent beginning July 1, 2005; 3 percent beginning July 1, 2006; and 2.5 percent beginning July 1, 2007. The bill accelerates the tax relief. This bill is identical to HB 2017 and HB 2421 and has been incorporated into HB 1638.

Patron - Athey

HB2340 Local license fees and taxes; exemption. Provides an exemption from local license fees and taxes at the locality's option to an entity that manufactures and sells the manufactured goods at the place they were manufactured. Under current law such exemption is restricted to the sale of such goods at wholesale.

Patron - Putney

HB2356 Motor fuel tax; rate increase. Increases the tax on gasoline, diesel fuel, and alternative fuel by \$0.075 per gallon, increases the motor carrier road tax by an equivalent of \$0.075 per gallon of fuel used in the Commonwealth, and increases the alternative use fee for certain motor carriers

from \$100 to \$150 (the fee is an alternative to paying the motor carrier road tax). All motor fuels taxes will be indexed every two years beginning July 1, 2006, by an amount equal to the percentage change in the U.S. Department of Labor's Producer Price Index for Highway and Street Construction. The revenue generated is used for transportation purposes as required by existing law.

Patron - Watts

HB2359 Local piggyback income tax and personal property tax. Allows localities to impose a local income tax at a rate of either one-half or one percent upon the Virginia taxable income of individuals, trusts, estates, and corporations; provided the personal property tax rate does not exceed \$0.01 per \$100 of value on personally owned motor vehicles. The Tax Commissioner collects the tax and returns it to localities based on taxpayers' residences. A new classification for personal property tax purposes is created for motor vehicles used for nonbusiness purposes. The provisions of the act will take effect January 1, 2006.

Patron - Watts

HB2373 Local tax appeals process. Permits the local appeals process to apply to additional local taxes assessed on a business, including consumer utility, food and beverage, recordation, admissions, video programming, transient occupancy, and cigarette taxes. This bill has been incorporated into HB 2679.

Patron - Ware, R.L.

HB2374 Local taxes; appeals and rulings process. Requires the commissioner of the revenue or other assessing official to include the facts and arguments supporting his decision in a written determination when a correction is sought for a business tax assessment. The taxpayer is also required to submit a copy of the written determination with any appeal to the Tax Commissioner. Finally, the bill shortens the time from two years to 180 days for determining when the taxpayer may appeal to the Tax Commissioner absent a final determination from the commissioner of the revenue. This bill has been incorporated into HB 2679.

Patron - Ware, R.L.

HB2392 Local cigarette tax. Authorizes all counties to impose a cigarette tax not to exceed \$0.50 per pack.

Patron - Barlow

HB2401 Dickenson County's use of Coal and Gas Road Improvement Fund. Allows Dickenson County to use up to \$500,000 in 2005 and again in 2006 from its coal and gas road improvement fund for the purpose of debt reduction. Any of the authorized amounts not used for such purpose are to be used for public road improvements and water and sewer systems in Dickenson County.

Patron - Phillips

HB2421 Sales and use taxes, reduction of rate on food purchased for human consumption. Provides that the retail sales and use tax on food purchased for human consumption shall be imposed at a rate of 2.5 percent on and after July 1, 2005 (1.5 percent state and 1 percent local). Current law provides that the sales and use tax on food shall be imposed at a rate of 3.5 percent beginning July 1, 2005; 3 percent beginning July 1, 2006; and 2.5 percent beginning July 1, 2007. The bill accelerates the tax relief. This bill is identical to HB 2339 and HB 2017 and has been incorporated into HB 1638.

Patron - Parrish

HB2426 Disposition of certain tax revenues to transportation districts. Provides that the localities within the

Potomac and Rappahannock Transportation Commission may request that motor vehicle fuel sales tax funds collected be disbursed to the locality in which the revenue was generated to be used in accordance with all other procedures of the Commission. Also, a transportation commission may meet at two or more locations simultaneously, linked by telephonic or video conferencing as long as each location is public and has met all advertising requirements.

Patron - Cole

HB2432 Virginia Fuels Tax Act. Indexes the rate of tax on each gallon of motor fuel on July 1 of each even-numbered year by the percent change in the Consumer Price Index for All Urban Consumers (CPI-U), U.S. City Average for All Items, as reported by the U.S. Department of Labor Bureau of Labor Statistics for the immediately preceding two years.

Patron - Hamilton

HB2453 Real property assessments. Provides that (i) certain federal or state restrictions on real property be considered in determining the fair market value and the capitalization rate for the real property, and (ii) federal and state income tax credits with respect to real property shall not be considered real property or income attributable to real property.

Patron - Suit

HB2466 Sales and use tax exemption; school textbooks. Provides a sales and use tax exemption on the purchase of required textbooks to students attending any institution of learning. Under current law, the exemption is provided only to those students attending nonprofit institutions of learning.

Patron - May

HB2494 Tax reform; income tax, sales and use tax, estate tax, and local license taxes. Makes numerous changes to the income tax and sales and use tax, increases the motor vehicle sales and use tax from three percent to four percent and reduces the sales price by the value of any trade-in, repeals local license taxes, eliminates the estate tax, eliminates the accelerated sales tax payments by certain vendors, and repeals the Personal Property Tax Relief Act of 1998. Regarding sales and use taxes, the bill repeals most exemptions, exempts food from the tax, and extends imposition of the tax to most services, excluding health care services and business to business services. The bill creates a new set of individual income tax rates and eliminates almost all exemptions, deductions, subtractions and credits for calculating taxable income. The only remaining deductions are for social security income and income earned on obligations of the federal government included in federal adjusted gross income. In addition, revenues collected from one and one-half percent of the taxable income reported by the Department of Taxation annually will be distributed to localities that have a property tax rate on motor vehicles no greater than \$0.01 per \$100 of assessed value, based on their share of such taxable income. The new income tax rates are as follows:

Virginia Taxable Income Level	Single Taxpayer	Married Taxpayer
\$0 - \$12,000	0%	0%
\$12,001 - \$24,000	3.5%	0%
\$24,001 - \$30,000	4%	0%
\$30,001 - \$45,000	5.5%	5.5%
\$45,001 and above	6.25%	6.25%

Patron - Louderback

HB2496 Individual income tax; tax credit for certain teachers in certain schools. Provides a \$500 income tax credit to individuals who are employed as licensed instructors in schools that have not attained full accreditation either for a specific subject area or for the entire school, for taxable years beginning on and after January 1, 2006. The school must attain full accreditation within three years of the teacher's employment in the school or the credit ends for that teacher.

Patron - Keister

HB2506 Voluntary contributions to Brown v. Board of Education Scholarship Program Fund. Allows individuals entitled to a state income tax refund to contribute a portion, at least \$1, or all of the refund to the Brown v. Board of Education Scholarship Program Fund for taxable years beginning on and after January 1, 2005. The Fund provides financial aid to eligible students who were enrolled in the public schools between 1954 and 1964 in school divisions in which schools were closed to avoid desegregation, to assist them in obtaining either a General Education Development (GED) certificate, a high school diploma, or a two-year or four-year undergraduate degree from an accredited public institution of higher education in Virginia. This bill is a recommendation of the Brown v. Board of Education Scholarship Awards Committee. This bill has been incorporated into HB 2303.

Patron - Abbitt

HB2513 Income tax; employer provided long-term care insurance tax credit. Grants an income tax credit to business taxpayers that provide long-term care insurance for employees. The annual credit allowed is 10 percent of the costs of the long-term care insurance premiums but no more than (i) a total of \$5,000 or (ii) \$100 per employee, whichever is less.

Patron - Landes

HB2548 Individual income tax; credit for ignition interlock. Provides a credit, not to exceed \$250, to individuals who purchase and install or have installed an ignition interlock, for taxable years beginning on and after January 1, 2006.

Patron - Moran

HB2553 Income tax; railroad company tax credit. Grants a tax credit to a rail company that improves its intermodal rail lines located in western Virginia. The credit will be for direct costs incurred in undertaking the rail improvements, for taxable years beginning on or after January 1, 2006, and before January 1, 2011. The credit is limited to \$2.5 million dollars.

Patron - Cline

HB2559 Sales and use tax exemption; school-related items. Beginning in 2005, provides a sales and use tax exemption for certain school-related items purchased during a specific one-week period during the end of August each year. The exempt items are: (i) school supplies, footwear, and clothing where the selling price of each item is \$100 or less; (ii) computer systems where the selling price for each system is \$1,500 or less; and (iii) computers, computer hardware, computer software, and portable calculators where the selling price for each item is \$500 or less. This bill has been incorporated into HB 1878.

Patron - Cline

HB2600 Individual income taxes; credit for purchase of long-term care insurance. Provides a credit against individual income taxes for certain long-term care insurance premiums paid by individuals during the taxable year. An individual at least 70 years old, or an individual purchasing long-

term care insurance for a Virginia resident at least 70 years old, is eligible for an individual income tax credit for insurance premiums paid by the individual for long-term care insurance coverage of Virginia residents at least 70 years old. The tax credit is the lesser of the individual's income tax liability or the actual premiums paid in the taxable year. The credit would be available beginning with the 2005 taxable year. Individuals itemizing on their federal income tax return long-term care insurance premiums for insurance coverage on a resident individual of the Commonwealth at least 70 years old are not eligible for the tax credit. This bill incorporates HB 2864.

Patron - Landes

HB2675 Admissions taxes; classification. Designates motion pictures played in theatres as a separate class of events for purposes of imposing the local admissions tax.

Patron - Ebbin

HB2702 Income tax; distribution of revenues to localities. Requires the transfer of one percent of individual income tax revenues to localities in 2005, and the amount increases one percent each year until it reaches a maximum of five percent for 2009 and thereafter. The revenues are distributed to counties and cities as follows: (i) 50 percent based on the relative share of the total state income tax paid by taxpayers filing returns in each locality, (ii) 40 percent based on where wages are earned, and (iii) 10 percent divided equally among all counties and cities.

Patron - Sickles

HB2705 Motor fuels tax. Increases the motor fuels tax by \$0.07 per gallon. The bill is effective January 1 of the year immediately following the year in which a constitutional amendment is adopted at a statewide referendum that prohibits the use of funds in the Transportation Trust Fund for any purpose other than transportation.

Patron - Sickles

HB2706 Individual income tax; age deduction. Provides a \$6,000 individual income tax deduction in 2005 and 2006 for any person who turned 62 during calendar year 2004. Under current law, a person would have had to turn 62 by January 1, 2004, to be eligible for the \$6,000 age deduction.

Patron - Sickles

HB2719 Secrecy of tax information; sharing information with the Department of Medical Assistance Services. Allows the Tax Commissioner to share otherwise confidential information from a state tax return with the Director of the Department of Medical Assistance Services, to the extent that the person filing the return has requested to receive information concerning children's health insurance programs. The Tax Commissioner may only share the information necessary to contact those individuals. The Director of the Department of Medical Assistance Services will be subject to the general confidentiality provisions for tax information set forth in this section once he is in receipt of the contact information.

Patron - Miller

HB2743 Sales and use taxes from watercraft; City of Hampton. Dedicates for recreational and environmental projects in the City of Hampton 2 percent of the 3.5 percent state general sales tax revenues and all of the watercraft sales tax revenues from the sales of boats taking place in the City and from sales made by boating businesses located in the City, which revenues are in excess of such revenues actually collected during the Commonwealth's fiscal year ending June 30, 2003.

Patron - Ward

HB2750 Virginia Estate Tax. Exempts from tax certain estates if a majority of the assets of the total estate are represented by an interest in a closely held business or a working farm as defined in the act. Also, the bill exempts estates of less than \$10 million. Estates in excess of \$10 million would pay a tax of only 75 percent of the amount of the federal estate tax credit. This bill has been incorporated into HB 1490.

Patron - Hall

HB2759 Commercial and industrial sales and use tax exemption; emergency medical service providers. Provides a sales and use tax exemption for parts, tires, and dispatch radios purchased for emergency medical service providers.

Patron - Nutter

HB2769 Individual income tax; personal exemption. Increases the personal exemption amount from \$900 to \$1,000 for taxable years beginning on and after January 1, 2006. This bill has been incorporated into HB 1717.

Patron - Nutter

HB2789 Local meals tax; Washington County. Adds Washington County to those counties that are authorized to impose a meals tax up to four percent upon a public hearing and unanimous approval by the local governing body of the locality. In general, counties may impose a local meals tax upon approval by referendum. However, several counties have been authorized to impose a meals tax upon a public hearing and unanimous approval by the local governing body.

Patron - Johnson

HB2811 Individual income tax; distribution to localities. Requires the distribution of 25 percent of income tax revenues collected from employees of new business enterprises back to the localities in which the enterprises are located. Distributions will continue for 10 years or as long as the business remains in the locality, whichever is less.

Patron - Cosgrove

HB2817 State transient occupancy tax; Coalfield region. Imposes a three percent state transient occupancy tax in the region comprised of Buchanan County, Dickenson County, Lee County, Russell County, Scott County, Tazewell County, Wise County, and the City of Norton. All revenues generated by the tax shall be paid to the Virginia Coalfield Regional Tourism Development Authority and used solely for the purpose of promoting tourism and travel in the region.

Patron - Phillips

HB2819 Virginia Coal Employment and Production Incentive Tax Credit. Extends the sunset of the Virginia Coal Employment and Production Incentive Tax Credit to tax years beginning on and after January 1, 2009. The credit is currently set to expire for all tax years on and after January 1, 2005.

Patron - Phillips

HB2861 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. This bill has been incorporated into HB 2662.

Patron - Black

HB2864 Individual income taxes; credit for health insurance and health savings accounts. Provides a credit against individual income taxes for health insurance premiums

and health savings account contributions paid by an individual for himself or his dependents during the taxable year. The amount of the annual credit is the least of (i) the actual premiums and contributions paid in the taxable year, (ii) \$1,000, or (iii) the individual's income tax liability for the taxable year. This bill has been incorporated into HB 2600.

Patron - Byron

HB2873 Individual income tax; tax credit for contributions to candidates running for office. Increases from \$25 to \$50 for single filers and from \$50 to \$100 for joint filers the maximum annual amount that may be claimed as tax credit for contributions to candidates running for office.

Patron - Dillard

HB2886 Master Settlement Agreement; deductibility of escrow funds. Provides that the funds nonparticipating manufacturers are required to deposit into escrow pursuant to the Master Settlement Agreement are tax deductible if the manufacturer agrees to (i) release all escrowed funds to the state permanently; or (ii) accept in refund the escrow deposited less an amount commensurate to the tax deductions taken.

Patron - Albo

HB2889 Sales and use tax; commercial and industrial exemptions. Restores the exemption, eliminated by the General Assembly in the 2004 Special Session I, for certain public service corporations, telecommunications companies, and telephone companies.

Patron - Hull

HB2893 Promoting telecommuting; Commonwealth Telework Council; income tax. Establishes the Commonwealth Telework Council to advise Governor on guidelines for telecommuting and participation in alternative work schedules. The Council expires on July 1, 2007.

Patron - Scott, J.M.

HB2914 Income tax; Public/Private Education Investment tax credit. Provides tax credits to businesses and individuals who make contributions to public school foundations and scholarship foundations. The tax credit for a business entity is an amount equal to 25 percent of the contribution to a nonprofit education foundation (public school foundations and scholarship foundations). For individual taxpayers the tax credit is an amount equal to 25 percent of the contribution to a nonprofit education foundation, or the total education expenses paid by the taxpayer for a student who is claimed as a dependent by the individual taxpayer. The amount for the individual taxpayer shall not exceed \$800 annually or \$1,200 for those filing a joint return. The credit would be applicable to taxable years beginning on and after January 1, 2006.

Patron - Saxman

HB2933 Cigarette tax; deduction of bad debts from taxes owed. Permits stamping agents to receive a credit for the cost of the tax stamps on cigarettes they have sold but for which payment is uncollectible.

Patron - O'Bannon

SB694 Sales and use tax exemption; school-related items. Authorizes certain counties and cities by a majority vote of the local governing body to provide an exemption from their local sales and use tax for certain school-related items purchased during a specific one-week period during the end of August each year. The state sales and use tax also would not apply to such school-related items in participating counties and cities. The exempt items are: school supplies, footwear, and clothing where the selling price of each item is \$100 or less. To be eligible a county or city must have a high unemployment

rate and be contiguous to a state, including the District of Columbia, that has a sales tax holiday in effect. In addition, any county or city with a high unemployment rate that is contiguous to such counties and cities would also be eligible for the sales tax holiday. A high unemployment rate is defined as a 10-year average annual unemployment rate greater than five percent. The bill also authorizes dealers in participating counties and cities to absorb the sales and use tax on all other items sold during the same time period and thereby relieve the purchaser of the obligation to pay such tax. Dealers who absorb such taxes are liable for payment of the same to the Tax Commissioner.

Patron - Reynolds

SB698 Income tax deduction; materials used for teaching. Provides an income tax deduction for teachers in the Commonwealth for the costs of teaching materials and supplies that are purchased by a teacher and for which the teacher is not reimbursed. The deduction shall not exceed \$500, and shall not apply if the teacher claimed a deduction for the costs on his federal income tax return. The Department of Taxation is directed to develop guidelines for materials that would qualify for the deduction.

Patron - Potts

SB709 Sales and use tax payments. Eliminates the additional June payment for sales and use taxes required of dealers with taxable sales and purchases of \$1.3 million or greater. This bill contains an emergency clause and incorporates SB 872 and SB 1010.

Patron - Chichester

SB720 Food and beverage tax levy without referendum; Giles County. Permits Giles County to levy a food and beverage tax by adoption of local ordinance, instead of by referendum.

Patron - Edwards

SB734 Income taxes; payments to producers of quota tobacco and tobacco quota holders. Provides a subtraction from income in computing individual and corporate income taxes for payments to producers of quota tobacco and tobacco quota holders pursuant to the American Jobs Creation Act of 2004.

Patron - Reynolds

SB736 Estate tax. Exempts from the estate tax (i) all estates where the majority of assets are an interest in a closely held business, including working farms, and (ii) all estates where the gross estate is worth \$10 million or less.

Patron - Reynolds

SB737 Tangible personal property tax relief. Amends the personal property tax relief program effective January 1, 2006, by (i) providing that reimbursements to localities will be paid in 12 equal monthly installments beginning with the month of May each year, (ii) requiring localities to provide personal property tax relief on qualifying vehicles in an equitable manner, and (iii) providing that the Comptroller shall determine reimbursement payments to localities no later than April 30, 2006. Under current law, (i) reimbursement payments to localities shall be made over the 12-month period beginning with the month of July, (ii) localities are required to provide personal property tax relief through one or more tax rates that are lower than the tax rate applicable to the general class of tangible personal property, and (iii) the Comptroller shall determine reimbursement payments to localities no later than March 1, 2006.

Patron - Reynolds

SB751 Sales and use taxes, food purchased for human consumption. Provides that the retail sales and use tax on food purchased for human consumption shall be imposed at a rate of 2.5 percent on and after July 1, 2005 (1.5 percent state and 1 percent local). Current law provides that the sales and use tax on food shall be imposed at a rate of 3.5 percent beginning July 1, 2005; 3 percent beginning July 1, 2006; and 2.5 percent beginning July 1, 2007. The bill accelerates the tax relief. This bill has been incorporated into SB 708.

Patron - Edwards

SB755 Local meals tax; Washington County. Adds Washington County to those counties that are authorized to impose a meals tax up to four percent upon a public hearing and unanimous approval by the local governing body of the locality. In general, counties may impose a local meals tax upon approval by referendum. However, several counties have been authorized to impose a meals tax upon a public hearing and unanimous approval by the local governing body. The bill also makes corrections to the technical changes made in the 2004 Session that replaced indirect references to counties (e.g. population brackets) with the names of the counties for the transient occupancy taxes and the food and beverage taxes. Specifically, the bill adds counties that had grown into population brackets before the technical changes became effective, and are imposing the tax.

Patron - Wampler

SB759 Sales and use taxes from watercraft; City of Hampton. Dedicates for recreational and environmental projects in the City of Hampton 2 percent of the 3.5 percent state general sales tax revenues and all of the watercraft sales tax revenues from the sales of boats taking place in the City and from sales made by boating businesses located in the City, which revenues are in excess of such revenues actually collected during the Commonwealth's fiscal year ending June 30, 2003.

Patron - Locke

SB769 Individual income tax deductions; Internal Revenue Code § 529 qualified tuition programs. Provides the same income tax deductions that are currently available for contributions to the Virginia College Savings Plans to contributions to any other tuition program that qualifies under § 529 of the Internal Revenue Code.

Patron - Bell

SB781 Reimbursement of tangible personal property taxes. Provides that a locality's share of the reimbursement from the Commonwealth for personal property tax relief will be determined based on the total billings of the locality for the calendar year 2005 as compared to the total billings of all localities for the same calendar year.

Patron - Mims

SB872 Sales and use tax payments. Eliminates the additional June payment for sales and use taxes required of dealers with taxable sales and purchases of \$1.3 million or greater. This bill has been incorporated into SB 709.

Patron - Cuccinelli

SB907 Estate tax. Conforms the amount of Virginia estate tax due from an estate to the maximum amount of the federal estate tax credit for state estate taxes. Under current state law the amount of Virginia estate tax cannot be less than the federal credit under federal law as federal law existed on January 1, 1978. Because under current federal law there is no

federal estate tax credit for state estate taxes, the bill effectively eliminates the Virginia estate tax.

Patron - Norment

SB917 Sales and use tax exemption; commercial and industrial exemptions. Provides a sales and use tax exemption for personal property purchased by a contractor and used solely in any construction project for a local school division.

Patron - Blevins

SB920 Local recordation fee. Allows cities and counties to impose a fee not to exceed \$250 on certain recorded instruments that are subject to the state recordation tax. The fee will be paid by the grantor and will only be allowed in localities having a growth rate in K through 12 school-age population of one-half percent over the previous three years combined growth rate. Also, affordable housing is exempt from the fee. The revenues generated by the fee are to be used by the locality for public school capital projects.

Patron - Blevins

SB946 Sales and use tax exemption; school supplies, clothing and footwear, and computers. Provides a sales and use tax exemption for certain school supplies, clothing and footwear, and computers purchased during a four-day period each year beginning on the Friday before the first Monday in September. The exempt items are: each article of school supplies with a selling price of \$20 or less, each article of clothing or footwear with a selling price of \$100 or less, and each article of computers or related peripheral equipment with a selling price of \$1,500 or less. The bill also authorizes dealers to absorb the sales and use tax on all other items sold during the same time period and thereby relieve the purchasers of the obligation to pay such tax. Dealers who absorb such taxes are liable for payment of the same to the Tax Commissioner.

Patron - Puckett

SB1010 Sales and use tax payments. Eliminates the additional June payment for sales and use taxes required of dealers with taxable sales and purchases of \$1.3 million or greater. This bill has been incorporated into SB 709.

Patron - Hanger

SB1011 Property taxes; generating equipment of electric suppliers. Provides that generating equipment of electric suppliers utilizing wind turbines shall be taxed at a rate or rates that when applied to assessed value would generate an amount of revenue approximately equal to \$3,000 per megawatt of the nameplate production capacity. The bill has an effective date of January 1, 2006.

Patron - Hanger

SB1028 Sales and use tax exemption; school-related items and clothing. Beginning in 2005, provides a sales and use tax exemption for certain school-related items purchased during a specific three-day period toward the end of August each year. The exempt items are school supplies, footwear, and clothing where the selling price of each item is \$100 or less.

Patron - Newman

SB1038 State cigarette tax; distribution of revenues. Provides that one cent of the 30 cents per pack cigarette tax effective July 1, 2005, shall be deposited into the Uninsured Medical Catastrophe Fund. Currently, all of the revenue from the state cigarette tax is deposited into the Virginia Health Care Fund.

Patron - Ruff

SB1041 Income tax; employer provided long-term care insurance tax credit. Grants an income tax credit to business taxpayers that provide long-term care insurance for employees. The annual credit allowed is 10 percent of the costs of the long-term care insurance premiums but no more than (i) a total of \$5,000 or (ii) \$100 per employee, whichever is less.

Patron - Lambert

SB1042 Local real estate tax exemption and deferral programs. Authorizes localities to establish a sliding scale for the total combined income and net combined financial worth limitations based upon the number of years the qualifying owner resided in the locality and paid real estate taxes.

Patron - Quayle

SB1046 Local business license fees and taxes. Requires localities to impose the flat license fees now authorized by current law on all businesses or no businesses. If such fees are imposed, then in calculating any license tax that is imposed on gross receipts, the locality must deduct from such gross receipts the threshold amount of gross receipts on which it imposes the tax.

Patron - Wagner

SB1099 Sales tax on motor fuels. Increases from two to four percent the sales tax on fuels in every county or city situated in the Northern Virginia Transportation District.

Patron - Whipple

SB1102 Transient occupancy tax; Arlington County. Extends to January 1, 2009, the time during which Arlington County may collect an additional transient occupancy tax of one-fourth of one percent. Current law would end the collection of the additional tax on January 1, 2006.

Patron - Whipple

SB1116 Sales and use tax exemption; telecommunications companies. Effective July 1, 2006, restores the sales and use tax exemption for telecommunication companies that was eliminated in the 2004 Special Session I.

Patron - Norment

SB1126 Individual income taxes; tax credits for tuition expenses. Establishes a pilot program for refundable income tax credits for tuition and textbook expenses charged by a private school or a public school to parents of certain children. The credit is the lesser of \$1,000 or actual tuition expenses for taxable years beginning January 1, 2005, and is limited to low income taxpayers in counties with a population less than 10,000. For purposes of public school funding, a child for whom credit is taken will be included in the average daily membership of the school division in which the child resides, but the amount of the credit taken will be deducted from the state funds available to that school division. The tax credit will expire on January 1, 2009.

Patron - Obenshain

SB1135 Streamlined Sales and Use Tax Agreement. Conforms the Commonwealth's sales and use tax laws to the provisions of the Streamlined Sales and Use Tax Agreement.

Patron - Hanger

SB1137 Local cigarette taxes. Allows counties to impose a local cigarette tax at the state cigarette tax per pack, which is \$0.30 per pack on and after July 1, 2005. The cigarette tax imposed by a city or town shall not exceed \$0.30 per pack, unless the city or town had a higher rate in effect on December

1, 2004, in which case the city or town may impose a cigarette tax at that rate but not higher.

Patron - Hanger

SB1138 Estate tax. Conforms the amount of Virginia estate tax due from an estate to the maximum amount of the federal estate tax credit for state estate taxes. Under current state law the amount of Virginia estate tax cannot be less than the federal credit under federal law as federal law existed on January 1, 1978. Because under current federal law there is no federal estate tax credit for state estate taxes, the bill effectively eliminates the Virginia estate tax.

Patron - Hanger

SB1142 Recordation taxes; transfer to Virginia Water Quality Improvement Fund. Provides that \$20 million of recordation taxes collected each year shall be transferred to the Virginia Water Quality Improvement Fund. The Comptroller shall credit the \$20 million to the Fund after allocations have been made for the \$40 million deposit to the U.S. Route 58 Corridor Development Fund and the \$40 million distribution to counties and cities, as currently required under law.

Patron - Hanger

SB1186 Individual income tax; age deduction. Provides a \$6,000 individual income tax deduction in 2005 and 2006 for any person who turned 62 during calendar year 2004. Under current law, a person would have had to turn 62 by January 1, 2004, to be eligible for the \$6,000 age deduction.

Patron - Puller

SB1193 Sales and use taxes, reduction of rate on food purchased for human consumption. Provides that the retail sales and use tax on food purchased for human consumption shall be imposed at a rate of 2.5 percent on and after July 1, 2005 (1.5 percent state and 1 percent local). Current law provides that the sales and use tax on food shall be imposed at a rate of 3.5 percent beginning July 1, 2005; 3 percent beginning July 1, 2006; and 2.5 percent beginning July 1, 2007. The bill accelerates the tax relief. This bill has been incorporated into SB 708.

Patron - Potts

SB1204 Cigarette excise tax. Imposes an excise tax on cigarette manufacturers at a rate of \$0.02 for each of the manufacturer's cigarettes sold in the Commonwealth. A cigarette manufacturer may claim as credit against any excise tax due (i) the Commonwealth's share of the manufacturer's contributions under the Master Settlement Agreement or (ii) for nonparticipating manufacturers, the net escrow deposits made each year for the manufacturer's cigarettes sold in the Commonwealth. The tax shall be effective beginning with the 2005 calendar year.

Patron - Mims

SB1224 Personal property tax relief. Eliminates reimbursement payments from the Commonwealth to local governments for providing tangible personal property tax relief on personal-use motor vehicles, and provides for tangible personal property tax relief on such motor vehicles by reducing the state retail sales and use taxes and permitting counties and cities that provide tangible personal property tax relief as authorized to increase their local sales and use tax rate. Subject to the passage of a Constitutional amendment, the bill permits local governments to exempt from tangible personal property tax up to the first \$20,000 of market value of personal-use vehicles. A county or city that exempts between \$7,000 and \$14,000 of value may increase its local sales and use tax rate from one percent to one and one-half percent, and a county or city that exempts the first \$14,000 of value may increase its

local sales and use tax rate from one percent to two percent. The additional sales and use tax shall not apply to food purchased for human consumption. Any town providing personal property tax relief that is located in a county that provides personal property tax relief shall share in any additional sales and use tax revenues. The state retail sales and use tax is reduced from four percent to three percent to account for the potential one percent increase in the local retail sales and use tax. The bill is effective January 1, 2008.

Patron - Bell

SB1239 Income tax deduction; materials used for teaching. Provides an income tax deduction for teachers for the costs of teaching materials, computer equipment, and supplies that are purchased by the teacher and for which the teacher is not reimbursed. The deduction shall not exceed \$250 per year and shall not apply if the teacher claimed a deduction for the costs on his federal income tax return. The Department of Taxation is directed to develop guidelines for materials that would qualify for the deduction.

Patron - Potts

SB1244 Individual income tax; tax credit for contributions to candidates running for office. Increases from \$25 to \$50 for single filers and from \$50 to \$100 for joint filers the maximum annual amount that may be claimed as tax credit for contributions to candidates running for office.

Patron - Devolites Davis

SB1255 Income tax; tax credit for health insurance premiums and health saving accounts contributions paid by employers. Provides a tax credit to employers who pay at least one-half of the annual health insurance premium per employee or make contributions equal to one-half of an employee's health savings accounts. The amount of the credit is the lesser of \$500 or the amount paid per employee. In addition, a credit equal to the lesser of \$100 or the amount paid for the health insurance premium for one dependent of each employee shall be allowed to employers. The credits are available to employers with 50 or fewer full-time employees.

Patron - Lambert

SB1263 Income tax; tax credit for certain health care practitioners. Provides an income tax credit to health care practitioners who provide free medical services to indigent persons. The amount of the credit is equal to 25 percent of the fee the practitioner would charge for the service, not to exceed \$3,000 annually for any practitioner. The credit would be available for taxable years beginning on or after January 1, 2006.

Patron - Potts

SB1303 Tax information; confidentiality exception. Provides an exemption to the general prohibition on the disclosure of tax information for General Assembly members who seek tax information regarding a constituent at the request of the constituent.

Patron - Bolling

SB1325 Transportation. Beginning with the 2006-2007 fiscal year dedicates all revenues from the insurance license tax on automobile premiums to the Priority Transportation Fund. The bill repeals the dedication of one-third of the revenues from the license tax on insurance companies to the Priority Transportation Fund effective July 1, 2005. The bill also provides that all moneys in the Commonwealth Transportation Fund, Transportation Trust Fund, and the Highway Maintenance and Operating Fund shall be used for transportation-related purposes and that moneys designated for deposit into the general fund shall not be used for transportation with

limited exceptions. This bill has been incorporated into SB 1324.

Patron - Chichester

SB1335 Communications tax reform. Completely revises the taxation of communications services as follows: Applies a statewide communications sales and use tax to retail communication and video services on a competitively neutral basis. The communications sales and use tax rate will be 5% on the following: Local ExchangePaging Inter-ExchangeCable Television (Both Interstate and Intrastate) Satellite Television WirelessVoice over the Internet (VoIP) A \$0.75 "911 Tax" will be applied to each local exchange line (landline) and the current \$0.75 "911 Fee" will continue to be applied to each wireless number. The state communications sales and use tax and state 911 fees and taxes replace the following currently billed taxes: Local Consumer Utility Tax (LCUT) Local Gross Receipts Tax (BPOL) - (Only the portion above 0.5% currently billed to customers, where applicable) Local E-911 Virginia Relay Fee Cable Franchise Fee A statewide Rights-of-Way Use Fee will be applied to all cable TV service lines as is currently applied on all local exchange telephone lines. The rate of the fee will be the same as determined annually by the Virginia Department of Transportation in accordance with § 56-468.1 of the Virginia Code. The sales and use tax, 911 tax and the cable rights-of-way fee assessed on consumers of video services from a single provider will be remitted to the Virginia Department of Taxation who will administer the distribution of the Communications Sales and Use Tax Trust Fund within 30 days of receipt of the collections for a given month. The rights-of-way use fee assessed on consumers of both cable video services and voice services from a single provider will be remitted in accordance with § 56-468.1 (I). 911 Fees will be remitted directly to the Wireless 911 Board for administration. The redistribution of taxes and fees is intended to be revenue neutral to localities and the Wireless 911 Board and shall cover the current cost of the Virginia Relay Center.

Patron - O'Brien

Trade and Commerce

Passed

HB2033 Semiconductor manufacturing performance grants. Updates the Semiconductor Memory or Logic Wafer Manufacturing Performance Grant Program to make a qualified manufacturer eligible for total grant payments of up to \$27 million if certain investment and job creation criteria are met. The measure also updates the Semiconductor Memory or Logic Wafer Manufacturing Performance Grant Program II to make a qualified manufacturer eligible for grant payments of (i) \$15 million if \$1.1 billion of new capital investment is made by January 1, 2007, that results in the creation of a new manufacturing module in Henrico County; (ii) \$35 million if an additional 1,000 new full-time jobs are created by January 1, 2008; and (iii) \$5 million if 200 new full-time jobs are created by January 1, 2009.

Patron - Miles

HB2055 Virginia Telephone Privacy Protection Act; telephone solicitation. Provides that telephone solicitors using a version of the National Do Not Call Registry obtained from their administrator no more than 31 days prior to the date of a telephone solicitation call constitutes a reasonable practice and procedure to effectively prevent telephone solicitation calls that would violate the Virginia Telephone Privacy Protection Act. The establishment and implementation of reasonable

practices and procedures to effectively prevent such telephone solicitation calls is an affirmative defense to an action claiming a violation of the Act. Currently, such defense is available to telephone solicitors that use a version of the National Do Not Call Registry obtained within three months preceding the date of the call. Reducing the period from three months to 31 days makes the Act consistent with federal regulations.

Patron - Nixon

HB2130 Purchase of handguns by certain law-enforcement officers. Allows certain law-enforcement agencies to sell service handguns to its current law-enforcement officers when the agency has purchased new service handguns and the handguns subject to sale are no longer used in the course of duty.

Patron - Gear

HB2218 Gift certificates; disclosures; penalty. Requires a gift certificate issued by a merchant in Virginia to have permanently affixed to it either an expiration date for the certificate or electronic card or a telephone number or Internet address at which information about the certificate's expiration and any diminution in value over time may be obtained. A violation of the disclosure requirement is a prohibited practice under the Virginia Consumer Protection Act. This bill is identical to SB 1241.

Patron - Albo

HB2286 Extended Service Contract Act. Increases the fee for registering or renewing a registration under the Extended Service Contract Act from \$100 to \$300. The measure also imposes late fees of \$100 per 30-day period or portion thereof that an obligor is late in registering and \$50 per 30-day period or portion thereof that an obligor is late in renewing its registration. A registration or renewal is not to be considered filed until all required information and fees are submitted. Finally, the measure specifies that registrations be renewed annually on July 1.

Patron - Brink

HB2470 Uniform Electronic Transactions Act; local constitutional officers. Includes locally elected constitutional officers in the definition of public body for purposes of the Uniform Electronic Transactions Act.

Patron - May

HB2482 Personal Information Privacy Act; restricting the use of social security numbers. Prohibits any person from (i) intentionally communicating an individual's social security number to the general public; (ii) printing an individual's social security number on any card required for the individual to access or receive products or services; (iii) requiring an individual to use his social security number to access an Internet website, unless an authentication device is also required; or (iv) mailing a package with the social security number visible from the outside. The bill exempts public bodies and public records. A violation is a prohibited practice under the Virginia Consumer Protection Act. The measure also requires the state employee's health insurance plan to use identification numbers that are not the employee's social security number.

Patron - May

HB2570 Enterprise zones. Establishes new processes and procedures relative to enterprise zones. The bill's effective date is July 1, 2005. This bill is identical to SB 983.

Patron - Dudley

SB707 Influenza vaccine price gouging; penalties. Prohibits any person from selling or administering influenza

vaccine at unconscionable prices during periods when the Governor has declared that an influenza vaccine shortage exists. To determine whether the price of vaccine is unconscionable, the court must consider, among other factors, whether the price charged during the time of the declared shortage grossly exceeded the price at which the vaccine was readily obtainable during the 10 days prior to the declared shortage period. A violation constitutes a prohibited practice under the Virginia Consumer Protection Act, though aggrieved persons will not be able to assert a private cause of action.

Patron - Puller

SB912 Virginia Consumer Protection Act; fees and costs upon settlement. Provides that if the parties wish to settle a case brought under the Virginia Consumer Protection Act, the court may determine the amount of any award of attorneys' fees or court costs to the plaintiff.

Patron - Norment

SB983 Enterprise zones. Establishes new processes and procedures relative to enterprise zones. The current enterprise zone act expires on July 1, 2005. This bill is identical to HB 2570.

Patron - Watkins

SB1241 Gift certificates; disclosures; penalty. Requires a gift certificate issued by a merchant in Virginia to have permanently affixed to it either an expiration date for the certificate or electronic card or a telephone number or Internet address at which information about the certificate's expiration and any diminution in value over time may be obtained. A violation of the disclosure requirement is a prohibited practice under the Virginia Consumer Protection Act. This bill is identical to HB 2218.

Patron - Devolites Davis

SB1270 Virginia Racing Commission. Clarifies the authority of stewards appointed by the Virginia Racing Commission to enforce and interpret the Commission's regulations. The bill also adds a definition of "participant" and provides that certain individuals associated with a horse that is entered to run in Virginia shall be considered as participants and come under the jurisdiction of the Commission. In addition, the bill (i) provides the authority of the Commission to take disciplinary actions through stewards or at a meeting at which a quorum is present, (ii) clarifies that such disciplinary actions must be determined by a preponderance of the evidence, (iii) requires the Commission's annual report to be filed on or before March 1.

Patron - Norment

Failed

HB1809 Sale of or other traffic in fetal body parts; civil penalty. Makes the sale of or other traffic in fetal body parts a prohibited business practice. Violators of the statute may be assessed a \$1,000 civil penalty per fetal body part sold or otherwise trafficked but are not subject to criminal prosecution.

Patron - Marshall, R.G.

HB1835 Horse racing; local referenda for race-tracks and satellite facilities. Increases from three to 10 the number of years between local referenda that may be held for approval of a racetrack or satellite facility.

Patron - Parrish

HB1952 Enterprise zones; extension of authority. Extends the expiration date for the statutes governing enter-

prise zones and extends the 20-year time limitation for selected enterprise zones by two years. The provisions extending the 20-year time limitation are made retroactive to January 1, 2005. This bill has been incorporated into HB 2207.

Patron - Kilgore

HB1964 Enterprise zones; extension of authority. Extends the expiration date for the statutes governing enterprise zones and extends the 20-year time limitation for selected enterprise zones by two years. The provisions extending the 20-year time limitation are made retroactive to January 1, 2005. This bill has been incorporated into HB 2207.

Patron - Ingram

HB2001 Enterprise zones. Extends the expiration deadline for enterprise zones by one year, from July 1, 2005, to July 1, 2006. This bill has been incorporated into HB 2207.

Patron - Dudley

HB2181 Virginia Consumer Protection Act; return of goods. Makes it a prohibited practice under the Virginia Consumer Protection Act for a supplier of goods to fail to disclose, on a sign attached to the goods or placed in a conspicuous area, that it limits the number or frequency of returns, exchanges, or credits for return of goods. The details of the supplier's return policy must be made available to the customer upon request.

Patron - Tata

HB2207 Trade and commerce; enterprise zones. Extends the sunset provision of the Enterprise Zone Act to expire July 1, 2007, and changes the "qualified zone resident" definition to eliminate the requirement that the owner or tenant of the property actually conduct the business. This bill incorporates HB 1952, HB 1964, HB 2001, and HB 2279.

Patron - Marrs

HB2279 Enterprise zones; extension of authority. Extends the expiration date for the statutes governing enterprise zones and extends the 20-year time limitation for selected enterprise zones by two years. The provisions extending the 20-year time limitation are made retroactive to January 1, 2005. This bill has been incorporated into HB 2207.

Patron - Spruill

HB2285 Unsolicited transmission of advertising materials by facsimile machine; identification of sender. Requires senders of advertising material by facsimile to include on the transmission the date and time of the transmission, the name of the person or entity sending the message and the telephone number of the sending machine of such person or entity.

Patron - Brink

HB2350 Virginia Consumer Protection Act; prohibited practices; performing abortion services. Provides that abortion services are consumer transactions subject to the provisions of the Virginia Consumer Protection Act, and declares that the performance of an abortion under specified circumstances is unlawful. Prohibited acts or practices include performing abortions at facilities that do not comply with requirements relating to facility cleanliness, sterilization, fire protection, evacuation, staff credentials, equipment, maintenance of facilities and equipment, and allowable procedures, and facility procedures and policies.

Patron - Marshall, R.G.

HB2351 Public procurement; SWAM businesses. Requires that each public body's program to facilitate the participation of small, women- and minority-owned (SWAM)

businesses in procurement transactions include a goal that 40 percent of the public body's procurement expenditures be for transactions with SWAM businesses. To count toward meeting this goal, the SWAM business must be certified by the Department of Minority Business Enterprise. Public bodies are required to file annual reports detailing efforts to meet the goal of 40 percent SWAM business procurement.

Patron - Marshall, R.G.

FHB2352 Virginia Consumer Protection Act; prohibited practices; abortions. Declares that performing an abortion, or allowing an abortion to be performed, by a physician who does not have admitting privileges at a nearby hospital, is an unlawful practice committed in connection with a consumer transaction. The measure also declares that it is an unlawful practice committed in connection with a consumer transaction if a physician fails to screen the patient for risk factors that would indicate whether the patient is susceptible to physical or psychological complications.

Patron - Marshall, R.G.

FHB2467 Online dating safety; penalty. Requires online dating services to conduct criminal background checks on its members and make specific disclosures and warnings. Aggrieved parties and the Attorney General can bring actions for damages. In addition, this bill makes violations Class 4 misdemeanors. Services that conduct criminal background checks are immune from liability under the provisions of this bill.

Patron - May

FHB2593 Horse racing; local referenda for race-tracks and satellite facilities. Increases from three to 10 the number of years between local referenda that may be held for approval of a racetrack or satellite facility.

Patron - Weatherholtz

FHB2721 Government Data Collection and Dissemination Practices Act; Personal Information Privacy Act; notice of database breaches. Requires agencies and businesses that maintain computerized data that includes personal information to notify the subject of that information when a breach of the database containing that information is discovered. No notice is required if an investigation determines that there is no reasonable belief that the information has been or will be used in an unlawful manner. The bill provides for various means of notifying the owner or licensee of that information and requires the agency or business to coordinate notification with consumer reporting agencies if they indicated that the affected individual can obtain a credit report. Damages for an agency violating this requirement are provided in the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.). Damages for a business violating this requirement are provided in the Personal Information Privacy Act or PIPA (§ 59.1-442 et seq.). The bill expands the damages available for violations of PIPA to include actual damages, if greater than \$100 per violation, and injunctive relief.

Patron - Scott, J.M.

F SB733 Enterprise zones; extension of authority. Extends the expiration date for the statutes governing enterprise zones and extends the 20-year time limitation for selected enterprise zones by two years. The provisions extending the 20-year time limitation are made retroactive to January 1, 2005.

Patron - Reynolds

F SB735 Enterprise zone designations. Allows one enterprise zone in any county, city, or town to consist of three noncontiguous zone areas. Currently, one enterprise zone may

consist of two noncontiguous zone areas. The bill also extends the expiration of the Enterprise Zone Act from July 1, 2005, to July 1, 2010.

Patron - Reynolds

F SB848 Enterprise zones; extension of authority. Extends the expiration date for the statutes governing enterprise zones and extends the 20-year time limitation for selected enterprise zones by two years. The provisions extending the 20-year time limitation are made retroactive to January 1, 2005.

Patron - Quayle

F SB1182 Enterprise zones; extension of authority. Extends the expiration deadline for enterprise zones by two years, from July 1, 2005, to July 1, 2007.

Patron - Rerras

F SB1336 Health; price gouging of vaccines; penalties. Adds vaccine to the definition of "necessary goods and services" and thereby prohibits fraudulent consumer transactions in which a supplier engages in price gouging of any vaccine when such vaccines are in high demand. The bill further prohibits any person from selling or administering vaccine at unconscionable prices during periods when the Governor has declared that a vaccine shortage exists. To determine whether the price of vaccine is unconscionable, the court must consider, among other factors, whether the price charged during the time of the declared shortage grossly exceeded the price at which the vaccine was readily obtainable during the 10 days prior to the declared shortage period. A violation constitutes a prohibited practice under the Virginia Consumer Protection Act, though aggrieved persons will not be able to assert a private cause of action.

Patron - Rerras

Unemployment Compensation

Passed

P HB2050 Unemployment compensation; minimum earnings; maximum weekly benefit. Increases from \$2,500 to \$2,700 the wages an employee must have earned in the two highest earnings quarters of his base period (the first four of the five calendar quarters preceding application for benefits) in order to be eligible for unemployment compensation benefits, and increases the maximum weekly benefit from \$326 to \$330.

Patron - Nixon

P HB2137 Unemployment compensation; state unemployment tax dumping; penalties. Establishes the civil and criminal penalties that shall be assessed against, and the unemployment compensation tax rates that shall apply to, persons who transfer any trade or business to another where at the time of transfer there is substantially common ownership, management, or control of the trade or business and the sole or primary purpose of the transfer is to obtain a lower unemployment tax rate. Provisions prohibiting such transfers of a trade or business and imposing penalties will become effective in the first rate year as set forth in federal law. This bill is identical to SB 1201.

Patron - Purkey

P HB2371 Unemployment compensation; misconduct; chronic absenteeism. Provides that chronic absenteeism

is one form of misconduct that may result in disqualification for unemployment compensation benefits.

Patron - Bryant

HB2416 Unemployment compensation; obsolete references. Replaces obsolete references to Operation Desert Shield and Operation Desert Storm with a broad reference to “international conflict,” and removes a reference to a repealed Code section.

Patron - Armstrong

HB2840 Unemployment compensation; wage offsets. Increases the cap on allowable weekly wages for eligible individuals prior to benefit offset from \$25 to \$50.

Patron - Keister

SB128 Unemployment compensation; offset for retirement benefits. Eliminates the offset for Social Security or Railroad Retirement Act benefits during periods when the unemployment trust fund has a solvency level of 50 percent or more. When the trust fund’s solvency level is below 50 percent, weekly unemployment benefits will continue to be reduced by 50 percent of the amount of such retirement benefits.

Patron - Watkins

SB799 Unemployment compensation; obsolete benefit tables. Removes from the Code obsolete benefit tables.

Patron - Watkins

SB1047 Unemployment compensation; independent contractor. Requires the Commission to use the 20-factor test set forth in an Internal Revenue Service Revenue Ruling in determining whether an individual is an employee for purposes of the Virginia Unemployment Compensation Act.

Patron - Wagner

SB1112 Unemployment compensation; benefits charging; disasters. Strikes the requirement, for the purposes of assigning to the pool the charges associated with a claimant who qualifies for unemployment compensation due to a disaster-related business closure, that the claimant returned to his job once the business reopened.

Patron - Blevins

SB1201 Unemployment compensation; state unemployment tax dumping; penalties. Establishes the civil and criminal penalties that shall be assessed against, and the unemployment compensation tax rates that shall apply to, persons who transfer any trade or business to another where at the time of transfer there is substantially common ownership, management, or control of the trade or business and the sole or primary purpose of the transfer is to obtain a lower unemployment tax rate. Provisions prohibiting such transfers of a trade or business and imposing penalties will become effective in the first rate year as set forth in federal law. This bill is identical to HB 2137.

Patron - Miller

SB1276 Disclosure of wage information to consumer reporting agencies. Authorizes the Virginia Employment Commission to release individual wage information, provided in employers’ quarterly wage reports, to consumer reporting agencies if the individual consents in writing. The released information is to be used only to verify the accuracy of wage or employment information provided by the individual in connection with a specific transaction. Fees received by the Commission from a credit reporting agency will be deposited

in the Special Unemployment Compensation Administration Fund.

Patron - Watkins

Failed

HB1491 Unemployment compensation; quit to follow military spouse. Provides that good cause for leaving employment exists if an employee voluntarily leaves a job to accompany his spouse, who is an enlisted person on active duty in the military or naval services of the United States in pay grades E-1 through E-8, to a new military assignment from which the employee’s place of employment is not reasonably accessible. Benefits paid to qualifying claimants shall be charged against the pool rather than against the claimant’s employer. The provisions of this bill shall expire on July 1, 2007.

Patron - Tata

HB1495 Unemployment compensation; quit to follow military spouse. Provides that good cause for leaving employment exists if an employee voluntarily leaves a job to accompany his spouse, who is an enlisted person on active duty in the military or naval services of the United States in pay grades E-1 through E-8, to a new military assignment from which the employee’s place of employment is not reasonably accessible. Benefits paid to qualifying claimants shall be charged against the pool rather than against the claimant’s employer. The provisions of this bill shall expire on July 1, 2007.

Patron - Tata

HB1700 Unemployment compensation; quit to follow military spouse. Provides that good cause for leaving employment exists if an employee voluntarily leaves a job to accompany his spouse, who is an enlisted person on active duty in the military or naval services of the United States, to a new military assignment (i) from which the employee’s place of employment is not reasonably accessible, and (ii) which is located in a state that, pursuant to statute, does not deem a person accompanying a military spouse as a person leaving work voluntarily without good cause. Benefits paid to qualifying claimants shall be charged against the pool rather than against the claimant’s employer. The provisions of this bill shall expire on July 1, 2007.

Patron - Tata

HB1908 Employment training and unemployment compensation benefits; military personnel, spouses and dependents. Modifies Virginia’s job training and unemployment compensation programs and resources to make them more accessible to military personnel and their families. The Virginia Workforce Council shall establish an employment advocacy and assistance program to assist spouses and dependents of active duty military personnel, Virginia National Guard members, and military reservists. Assistance shall be delivered through military family employment advocates located at selected one-stop centers. Local workforce investment boards (WIBs) shall include one representative from any military base having more than 100 military personnel that is located within the WIB’s service area. For purposes of unemployment compensation, good cause for leaving employment exists if an employee voluntarily leaves a job to accompany a spouse who is (i) on active duty in the military services of the United States, (ii) in the Virginia National Guard, or (iii) a military reservist to a new military assignment resulting from a permanent change of station orders, activation orders, or unit deployment orders, if the employee’s place of employment is not reasonably accessible from the new residence. Benefits

paid to qualifying claimants shall be charged against the pool rather than against the claimant's employer.

Patron - Baskerville

FHB2693 Unemployment compensation; termination by reimbursable employer for misconduct. Provides that benefits based on service with a reimbursable employer shall not be paid to a claimant where the claimant was terminated for misconduct in relation to his work and allows a reimbursable employer to contest the claim for benefits even though the reimbursable employer does not qualify as the last 30-day employer. These provisions are not applicable to reimbursable employers who also are the last 30-day employer given the ability of such employers under current law to contest claims for unemployment compensation on the basis of claimant misconduct.

Patron - Pollard

F SB772 Unemployment compensation; base period; minimum earnings. Provides that an individual earning at least \$2,500 but less than \$3,500.01 in his base period shall be eligible to qualify for unemployment compensation benefits only if he had earnings of at least \$1,250 in each of two quarters in his base period.

Patron - Bell

F SB1055 Unemployment compensation; minimum earnings. Increases from \$2,500 to \$3,500 the wages an employee must have earned in the two highest earnings quarters of his base period (the first four of the five calendar quarters preceding application for benefits) in order to be eligible for unemployment compensation benefits.

Patron - Wagner

F SB1283 Unemployment compensation reports. Clarifies that the VEC may furnish information to the Commonwealth or its political subdivisions to allow collection of any monetary obligations owed them.

Patron - Saslaw

Waters of the State, Ports and Harbors

Passed

P HB1971 Phosphorous application rates for poultry waste. Changes the standard for the amount of phosphorous from poultry waste that can be applied on farmland. Currently nutrient management plans for poultry waste are to include phosphorous application rates that are equal to the capacity of a crop to remove phosphorous from the soil. This bill requires that phosphorous application rates for nutrient management plans will have to conform to regulatory criteria and standards adopted by the Department of Conservation and Recreation (DCR). The application rates contemplated by DCR would take into account such factors as the soil's phosphorous level, the slope of the land, farming practices, and the proximity of the land to streams.

Patron - Cox

P HB2145 Service charge payments to localities. Provides that local service charge payments imposed on property of the Virginia Port Authority are to be paid by the Authority.

Patron - Joannou

P HB2645 Mapping of wetlands. Directs the State Water Control Board to (i) ensure that beginning on or after January 1, 2007, wetland inventory maps identifying the location of nontidal wetlands maintained by the board be made readily available to the public, (ii) notify the circuit court clerk's office and other appropriate officials in each locality of the availability of the wetland inventory maps, and (iii) request that the locality provide information on the availability of those maps in the location where the land records of the locality are maintained.

Patron - Hurt

P HB2862 Nutrient trading. Establishes a nutrient exchange or trading program that would allow point source dischargers to achieve and maintain compliance with the waste load cap allocations for nitrogen and phosphorous delivered to the Chesapeake Bay and its tidal tributaries. The State Water Control Board would be required to issue a general permit under the Virginia Pollutant Discharge Elimination System to eligible point source dischargers of nitrogen and phosphorous. The facilities that obtain such a permit, and which are interested in participating in the trading program, would be identified together with their individual load cap allocations and trading ratios. The trading association authorized by the bill would provide the mechanism by which those permittees under the general permit would be matched with nutrient trading partners. Within nine months of the issuance of the general permit, the permittees either individually or through the trading association would be required to submit compliance plans to DEQ. The compliance plans would have to include any capital projects and the implementation schedules needed to achieve the nitrogen and phosphorous reductions needed to comply with the waste load allocations for all the permittees in a particular tributary. This bill is identical to SB 1275.

Patron - Bryant

P SB746 Virginia Resources Authority. Expands projects that can be financed through the Authority to include the design and construction of roads, public parking garages and other public transportation facilities, and facilities for public transportation by commuter rail.

Patron - Colgan

P SB1233 Membership of the Ohio River Valley Sanitation Commission. Changes membership of the Ohio River Valley Sanitation Commission. Currently, all three Virginia members of the Commission are members of the State Water Control Board. Under the bill, two of the commissioners will be members of the State Water Control Board and the third will be the Director of the Department of Environmental Quality. The bill also specifies under what circumstances the commissioners can designate someone to represent them and cast a vote on their behalf at a meeting.

Patron - Puckett

P SB1256 Virginia Resources Authority. Authorizes the Virginia Resources Authority to assist in making financing available at federal government facilities in order to support the location and retention of federal facilities in Virginia and the transition of former federal facilities from use by the federal government to other uses.

Patron - Locke

P SB1275 Nutrient trading. Establishes a nutrient exchange or trading program that would allow point source dischargers to achieve and maintain compliance with the waste load cap allocations for nitrogen and phosphorous delivered to the Chesapeake Bay and its tidal tributaries. The State Water Control Board would be required to issue a general permit

under the Virginia Pollutant Discharge Elimination System to eligible point source dischargers of nitrogen and phosphorous. The facilities that obtain such a permit, and which are interested in participating in the trading program, would be identified together with their individual load cap allocations and trading ratios. The trading association authorized by the bill would provide the mechanism by which those permittees under the general permit would be matched with nutrient trading partners. Within nine months of the issuance of the general permit, the permittees either individually or through the trading association would be required to submit compliance plans to DEQ. The compliance plans would have to include any capital projects and the implementation schedules needed to achieve the nitrogen and phosphorous reductions needed to comply with the waste load allocations for all the permittees in a particular tributary. This bill is identical to HB 2862.

Patron - Watkins

Failed

HB2074 Testing of sewage sludge. Requires localities in which sewage sludge has been applied to the land to test two permitted sites each year. The results of the tests are to be (i) submitted to the agency that issued the permit for the particular site and (ii) made available for public inspection.

Patron - Hogan

HB2828 Annual wastewater permit maintenance fee. Exempts certain facilities that paid an application fee for a Virginia Pollutant Discharge Elimination System permit between July 1, 2002, and July 1, 2004, from having to pay the annual maintenance fee that was imposed beginning July 1, 2004. In addition, those facilities that are exempted under this bill and that paid the maintenance fee in 2004 would receive one year's credit that would be applied to the renewed permit.

Patron - Orrock

SB787 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 - Obenshain

SB809 Water quality standards. Requires the State Water Control Board, when adopting or revising a water standard or policy, to determine whether the adoption or revision is likely to require significant modifications to a large number of permitted facilities. If the Board finds that there will be impacts from the adoption or revision of a standard or policy, the Board is directed to develop an implementation schedule requiring compliance to the standard or policy as soon as possible. The implementation schedule is to be based on an analysis of certain cost and labor factors affecting the construction of treatment facilities that will be needed to meet the new standards or policies.

Patron - Williams

SB811 Adopting a chlorophyll standard. Requires the State Water Control Board, when it considers the adoption of a chlorophyll standard or policy, to provide to the committees with jurisdiction over water quality matters a range of alternatives and an analysis of the benefits, detriments, and the economic and social costs associated with each alternative. Currently, in the instance of any proposed water quality standard or policy adopted by regulation that is more restrictive than the federal requirements, the Board has to provide the oversight committees with a reason why the more restrictive provisions are needed.

Patron - Williams

Welfare (Social Services)

Passed

HB1550 Child Day-Care Council regulations; parental notification when a child is injured. Requires the Board of Social Services and the Child Day-Care Council to review all regulations under their purview regarding child day programs to determine whether they adequately provide for the notification of parents, legal guardians, or other persons duly authorized to pick up a child, in the event a child sustains a significant physical injury while under the program's care. If the regulations are deemed inadequate, then the Board and Council shall adopt regulations that require each program to notify a child's parent, legal guardian, or other person duly authorized to pick up the child from the center whenever any owner, operator, manager, or employee thereof has actual knowledge of a significant physical injury sustained by the child while in attendance. The regulations shall establish notification procedures including the time and manner in which notification shall be made, and the nature and scope of physical injuries that shall require notification.

Patron - Alexander

HB1761 Food stamp benefits; drug-related felonies. Provides that a person who is otherwise eligible to receive food stamp benefits shall not be denied such assistance because the person has been convicted of a felony offense of possession of a controlled substance in violation of § 18.2-250, provided such person is complying with, or has already complied with, all obligations imposed by the criminal court, is actively engaged in or has completed a substance abuse treatment program, participates in periodic drug screenings, and any other obligations as determined by the Department. While the Temporary Assistance for Needy Families federal legislation bars food stamps to such persons, the federal law does permit states to opt out of this provision.

Patron - Dillard

HB1854 Returns, exchanges, or re-dispensing of drugs; exceptions. Authorizes hospitals to enter into voluntary agreements with pharmacies to transfer drugs, upon compliance with various conditions, that have been originally dispensed to hospital patients, but have been returned, and that the drugs may be re-dispensed by the pharmacy to patients of clinics organized in whole or in part for the delivery of health care services without charge or to indigent patients, free of charge.

Patron - Eisenberg

HB1963 Department and Board of Social Services; current social benefits structure; incentives for the break-up of families. Requires the Department and Board of Social Services to ensure, unless otherwise prohibited by federal law, that Virginia's current social benefits structure does not provide economic or other incentives for the break-up of families, and to eliminate such incentives to the extent possible.

Patron - Jones, D.C.

HB1969 Child protective services; anonymous complaints. Provides that, upon request, the local department of social services shall advise the person who was the subject of an unfounded child protective services investigation if the complaint or report was made anonymously. However, the identity of a complainant or reporter shall not be disclosed.

Patron - Cox

HB2002 Background checks for foster parents. Authorizes a child-placing agency to approve as a foster parent an applicant with not more than one assault and battery conviction as set out in § 18.2-57 as long as the conviction did not involve abuse, neglect, moral turpitude, or a minor, and provided 10 years have elapsed since the conviction. A nearly identical provision is already in state law for adoptive parents.

Patron - Dudley

HB2036 Long-term care services for older adults. Provides generally that the Commonwealth shall seek to ensure coordinated, effective, and efficient long-term care services to older adults. The bill sets out the policy of the Commonwealth in providing such services.

Patron - Hamilton

HB2041 Neighborhood Assistance Act; tax credits. Increases the maximum tax credit that individuals may receive from \$750 to \$50,000. This bill incorporates HB 1788.

Patron - Hamilton

HB2098 Child day centers; criminal background checks. Provides that a child day center may hire for compensated employment persons who have been convicted of not more than one misdemeanor offense under § 18.2-57 if 10 years have elapsed following the conviction, unless the person committed the offense while employed in a child day center or the object of the offense was a minor.

Patron - Joannou

HB2163 Child protective services; school employees. Provides that if, after an investigation of a child protective services complaint, the local department of social services determines that the actions or omissions of a teacher, principal, or other person employed by a local school board or employed in a school operated by the Commonwealth were within such employee's scope of employment and were taken in good faith in the course of supervision, care, or discipline of students, then the standard in determining if a report of abuse or neglect is founded is whether such acts or omissions constituted gross negligence or willful misconduct. The bill contains technical amendments. This bill is identical to SB 1243.

Patron - Reese

HB2268 Transitional food stamp benefits. Requires the Department of Social Services, to the extent permitted by federal law, to provide transitional food stamp benefits for a period of not more than five months after the date on which Temporary Assistance for Needy Families (TANF) cash assistance is terminated. However, no household shall be eligible for transitional food stamp benefits if TANF cash assistance was terminated because all children in the assistance unit were removed from the home as a result of a child protective services investigation.

Patron - Bell

HB2433 Domestic violence and prevention services. Requires the Department of Social Services to (i) support, strengthen, evaluate, and monitor community-based domestic violence programs funded by the Department and act as the administrator for state grant funds and the disbursement of federal funds, (ii) collaborate with the Statewide Domestic Violence Coalition in developing and implementing community-based programs to respond to and prevent domestic violence, (iii) establish minimum standards of training and provide educational programs to train workers in the fields of child and adult protective services in local departments and community-based domestic violence programs funded by the Department to identify domestic violence and provide effective

referrals for appropriate services, (iv) work with the Statewide Domestic Violence Coalition to implement methods to preserve the confidentiality of all domestic violence services records, (v) work collaboratively with the Statewide Domestic Violence Coalition to operate the Virginia Family Violence and Sexual Assault 24-hour toll-free hotline and the Statewide Domestic Violence Database (Vadata), and (vi) promote inter-agency collaboration and cooperation to facilitate the appropriate response to victims of domestic violence. This bill is identical to SB 1144.

Patron - Hamilton

HB2461 Core licensure of residential facilities for children. Requires the Boards of Education; Mental Health, Mental Retardation and Substance Abuse Services; Social Services; and Juvenile Justice to promulgate regulations that address the services required to be provided in groups homes and other residential facilities for children as they may deem appropriate to ensure the education, health, welfare, and safety of the juveniles (as relevant to the Department). In addition, each board's regulations must include, but need not be limited to (i) specifications for the structure and accommodations of such facilities according to the needs of the juveniles to be placed in the home or facility; (ii) rules concerning allowable activities, local government- and group home- or residential care facility-imposed curfews, and study, recreational, and bedtime hours; and (iii) a requirement that each home or facility have a community liaison who shall be responsible for facilitating cooperative relationships with the neighbors, the school system, local law enforcement, local government officials, and the community at large. This bill is identical to SB 1304.

Patron - Nixon

HB2512 Assisted living facilities; civil penalty. Requires administrators of assisted living facilities, except for those providing residential living care only, to be licensed by the Board of Long-Term Care Administrators within the Department of Health Professions. The bill renames the Board of Nursing Home Administrators as the Board of Long-Term Care Administrators. The Board of Long-Term Care Administrators shall adopt regulations on or before July 1, 2007, and the administrator licensing provisions shall not be implemented or enforced until 12 months after the regulations become effective. The bill permits the Commissioner of the Department of Social Services to issue an order of summary suspension of a license to operate an assisted living facility in cases of immediate and substantial threat to the health, safety, and welfare of residents and increases from \$500 to \$10,000 the maximum civil penalty for an assisted living facility out of compliance with licensure requirements. The bill requires medication aides in assisted living facilities to be registered by the Board of Nursing. The Board of Nursing shall adopt regulations on or before July 1, 2007, and the registration provisions shall not be implemented or enforced until 12 months after the regulations become effective. Regulations for a Medication Management Plan in assisted living facilities are to be developed by the State Board of Social Services, in consultation with the Board of Nursing and the Board of Pharmacy. The bill creates the Assisted Living Facility Education, Training, and Technical Assistance Fund. The bill requires applicants for licensure as an assisted living facility to undergo a background check. The bill also requires each assisted living facility to provide written disclosure documents to residents and their legal representatives, if any, upon admission. Finally, the bill requires the Department for the Aging's contract with the long-term care ombudsman program provide a minimum staffing ratio of one ombudsman to every 2,000 long-term care beds, subject to sufficient funding. Through enactment clauses, the Department of Social Services is charged with developing a

training module for adult care licensing inspectors and integrating into the assisted living facility regulations standards that are consistent with recommendations of the Department of Mental Health, Mental Retardation and Substance Abuse Services to ensure appropriate care for residents with mental illness, mental retardation, substance abuse, and other behavioral disabilities. This bill is identical to SB 1183 and incorporates HB 2150, HB 2362, HB 2537, HB 2545, and HB 2896.

Patron - Hamilton

HB2807 Gastric tube care for residents of assisted living facilities. Allows assisted living facility staff to provide gastric tube care to a resident at his request and when his independent physician determines that it is appropriate if the care is delivered in accordance with regulations of the Board of Nursing for delegation by a registered nurse. Currently, such care may be provided by a licensed physician, nurse, or home care organization.

Patron - Scott, E.T.

SB730 Local boards of social services; member terms of office. Shortens the intervening period during which persons are not eligible to serve on local social services boards from four years to two years after serving two consecutive terms. The bill does not affect any statutory appointment provisions that may exist for counties adopting special forms of government.

Patron - Hawkins

SB854 Adoption and custody. Provides that a birth father's consent to adoption is not necessary if the birth father is convicted in another state, the United States, or any foreign jurisdiction of (i) rape, (ii) carnal knowledge of a child between 13 and 15 years of age, or (iii) adultery or fornication with his mother, daughter or granddaughter. Any person convicted of such crimes in another state, the United States, or any foreign jurisdiction also is excluded from the definition of persons having a legitimate interest in matters involving custody, support, control, visitation or disposition of a child conceived as a result of the violation. Current law addresses these issues only for convictions for offenses committed in Virginia.

Patron - Cuccinelli

SB935 Virginia Caregivers Grant Program. Extends the period for which grants under the Virginia Caregivers Grant Program can be provided from December 31, 2005, to December 31, 2010. The Virginia Caregivers Grant Program provides a \$500 grant to individuals who provide care to a physically or mentally impaired relative who requires assistance with two or more activities of daily living during more than half the year.

Patron - Stosch

SB1144 Domestic violence and prevention services. Requires the Department of Social Services to (i) support, strengthen, evaluate, and monitor community-based domestic violence programs funded by the Department and act as the administrator for state grant funds and the disbursement of federal funds, (ii) collaborate with the Statewide Domestic Violence Coalition in developing and implementing community-based programs to respond to and prevent domestic violence, (iii) establish minimum standards of training and provide educational programs to train workers in the fields of child and adult protective services in local departments and community-based domestic violence programs funded by the Department to identify domestic violence and provide effective referrals for appropriate services, (iv) work with the Statewide Domestic Violence Coalition to implement methods to preserve the confidentiality of all domestic violence services records, (v) work collaboratively with the Statewide Domestic

Violence Coalition to operate the Virginia Family Violence and Sexual Assault 24-hour toll-free hotline and the Statewide Domestic Violence Database (Vadata), and (vi) promote inter-agency collaboration and cooperation to facilitate the appropriate response to victims of domestic violence. This bill is identical to HB 2433.

Patron - Deeds

SB1183 Assisted living facilities; civil penalty. Requires administrators of assisted living facilities, except for those providing residential living care only, to be licensed by the Board of Long-Term Care Administrators within the Department of Health Professions. The bill renames the Board of Nursing Home Administrators as the Board of Long-Term Care Administrators. The Board of Long-Term Care Administrators shall adopt regulations on or before July 1, 2007, and the administrator licensing provisions shall not be implemented or enforced until 12 months after the regulations become effective. The bill permits the Commissioner of the Department of Social Services to issue an order of summary suspension of a license to operate an assisted living facility in cases of immediate and substantial threat to the health, safety, and welfare of residents and increases from \$500 to \$10,000 the maximum civil penalty for an assisted living facility out of compliance with licensure requirements. The bill requires medication aides in assisted living facilities to be registered by the Board of Nursing. The Board of Nursing shall adopt regulations on or before July 1, 2007, and the registration provisions shall not be implemented or enforced until 12 months after the regulations become effective. Regulations for a Medication Management Plan in assisted living facilities are to be developed by the State Board of Social Services, in consultation with the Board of Nursing and the Board of Pharmacy. The bill creates the Assisted Living Facility Education, Training, and Technical Assistance Fund. The bill requires applicants for licensure as an assisted living facility to undergo a background check. The bill also requires each assisted living facility to provide written disclosure documents to residents and their legal representatives, if any, upon admission. Finally, the bill requires the Department for the Aging's contract with the long-term care ombudsman program provide a minimum staffing ratio of one ombudsman to every 2,000 long-term care beds, subject to sufficient funding. Through enactment clauses, the Department of Social Services is charged with developing a training module for adult care licensing inspectors and integrating into the assisted living facility regulations standards that are consistent with recommendations of the Department of Mental Health, Mental Retardation and Substance Abuse Services to ensure appropriate care for residents with mental illness, mental retardation, substance abuse, and other behavioral disabilities. This bill is identical to HB 2512 and incorporates SB 1000, SB 1085, SB 1140, SB 1185, SB 1187, and SB 1212.

Patron - Hanger

SB1243 Child protective services; school employees. Provides that if, after an investigation of a child protective services complaint, the local department of social services determines that the actions or omissions of a teacher, principal, or other person employed by a local school board or employed in a school operated by the Commonwealth were within such employee's scope of employment and were taken in good faith in the course of supervision, care, or discipline of students, then the standard in determining if a report of abuse or neglect is founded is whether such acts or omissions constituted gross negligence or willful misconduct. This bill contains technical amendments and is identical to HB 2163.

Patron - Devolites Davis

SB1304 Core licensure of residential facilities for children. Requires the Boards of Education; Mental Health,

Mental Retardation and Substance Abuse Services; Social Services; and Juvenile Justice to promulgate regulations that address the services required to be provided in group homes and other residential facilities for children as they may deem appropriate to ensure the education, health, welfare, and safety of the juveniles (as relevant to the Department). In addition, each board's regulations must include, but need not be limited to (i) specifications for the structure and accommodations of such facilities according to the needs of the juveniles to be placed in the home or facility; (ii) rules concerning allowable activities, local government- and group home- or residential care facility-imposed curfews, and study, recreational, and bedtime hours; and (iii) a requirement that each home or facility have a community liaison who shall be responsible for facilitating cooperative relationships with the neighbors, the school system, local law enforcement, local government officials, and the community at large. This bill is identical to HB 2461.

Patron - Martin

Failed

HB1557 Social services; Virginia Caregivers Grant. Increases the grant available to a caregiver of a mentally or physically impaired relative from \$500 to \$3,000 if the caregiver can provide appropriate documentation that without such care, the relative would be domiciled in a nursing facility. Grants from this fund shall not exceed the amount appropriated by the General Assembly to the Virginia Caregivers Grant Fund.

Patron - Purkey

HB1788 Neighborhood Assistance Act; tax credits. Increases the total amount that programs created under the Act can grant in tax credits from \$8 million to \$10 million and increases the allocation that must go to education programs conducted by neighborhood organizations from \$2,750,000 to \$4,750,000. The bill also (i) increases maximum tax credit that individuals may receive from \$750 to \$100,000; (ii) permits individuals to donate real property and stock, in addition to money; and (iii) adds professional printing, design, and technical writing services to the definition of "professional services" for which individuals may receive tax credits. This bill has been incorporated into HB 2041.

Patron - BaCote

HB1902 Social services; Virginia Caregivers Grant program. Increases the grant available to a caregiver of a mentally or physically impaired relative from \$500 to \$3,000 if the caregiver can provide appropriate documentation that without such care, the relative would be domiciled in a nursing facility. Grants from this fund shall not exceed the amount appropriated by the General Assembly to the Virginia Caregivers Grant Fund. The sunset date is also extended from December 31, 2005, to December 31, 2010.

Patron - Baskerville

HB1919 Consent to adoption; exceptions. Provides that a birth father's consent to adoption is not required where he is incarcerated upon a felony with more than 12 months remaining on his sentence and he was not married to the birth mother at the time of the child's conception or birth.

Patron - Cole

HB1956 Child support; administrative orders; guideline factors. Provides that the Department of Social Services, in establishing child support amounts in an administra-

tive order, shall consider the factors established to rebut the guideline amount presumption.

Patron - Jones, D.C.

HB1998 Exemption from licensure as day care centers for certain martial arts programs. Provides an exemption from licensure as day care centers for programs of instruction that focus solely on the martial arts and operate as drop-in programs where, by written policy given to and signed by a parent or guardian, children are free to enter and leave the premises without permission or supervision and parents are clearly notified in writing that the facilities are not licensed as child day centers. The exemption will be granted regardless of (i) such programs' locations or the number of days per week of operation; (ii) the provision of transportation services, including drop-off and pick-up times; (iii) the initiation of measures designed to protect the health and safety of the enrolled children, such as requiring the child to obtain the permission of the instructor to leave a class, requiring verbal or written permission from the parent for the child to leave a facility during a class, or operating a "hot line" to enable the parent to notify the facility when a child will not be in attendance, or maintaining a mechanism by which the bus driver can check on the whereabouts of any child who does not board the bus as scheduled; (iv) the scheduling of breaks for snacks, homework or other activities approved by the parent; or (v) the advertising of the martial arts program as an alternative to child day centers for children of school age who are at least six years old.

Patron - Griffith

HB2124 Congregate housing services pilot program for frail elderly individuals. Directs the Department for the Aging to establish a four-year pilot congregate housing services program for frail elderly individuals. The Department is authorized to enter into contracts with qualified housing projects to establish the congregate housing services programs. The Department, in consultation with the Virginia Department of Housing and Community Development, shall develop criteria for the selection of pilot areas, which shall include an assessment of the qualified housing project's proposal for the congregate housing services program and the area's plan for the community involvement, including the involvement of the area agency on aging, the local department of social services, and the local department of housing. The Department shall submit to the House and Senate Committees on General Laws a report outlining the plan for the congregate housing services for frail elderly individuals by November 1, 2005, and operationalize the plan by March 1, 2006. The qualified housing project shall specify the type and priorities of the supportive services it will provide during the term of the contract and such services shall be related to the needs and characteristics of the residents. The qualified housing project shall establish a fee schedule for each supportive service and residents shall contribute financially toward the cost of services, according to their ability to pay based on their income. Any fees charged shall not exceed the cost of providing the services. The Department shall determine an individual's eligibility for the congregate housing services program and the services subsidy, i.e., the sum necessary to provide supportive services to an eligible participant in excess of that individual's ability to pay for services, to be paid by the Department. The Department shall evaluate and report on the impact and effectiveness of the congregate housing services program for frail elderly individuals.

Patron - Eisenberg

HB2150 Assisted living facilities; individualized family service plans. Requires the Board of Social Services to adopt regulations establishing requirements and protocols for individualized family service plans, which shall be required for all residents of licensed assisted living facilities. The bill sets

forth minimum requirements for such plans. This bill has been incorporated into HB 2512.

Patron - Amundson

F HB2362 Assisted living facilities. Requires administrators of assisted living facilities to be licensed by the Board of Long-Term Care Administrators within the Department of Health Professions. The bill renames the Board of Nursing Home Administrators as the Board of Long-Term Care Administrators. These licensing provisions shall take effect July 1, 2007. The bill permits the Commissioner of the Department of Social Services to issue an order of summary suspension of a license to operate an assisted living facility and adult day care center in cases of immediate and substantial threat to the health, safety, and welfare of residents or participants. The bill requires that medication aides be registered by the Board of Nursing if the drugs administered would otherwise be self-administered to residents in an assisted living facility or participants in an adult day care center program licensed by the Department of Social Services. The bill requires that assisted living facilities employ a certified nurse aide registered as a medication aide who sees each resident once a week and is available seven days a week to see any resident upon request. The bill also requires the Departments of Social Services and Mental Health, Mental Retardation and Substance Abuse Services to increase access to and improve the quality of necessary and appropriate care provided to adults with serious mental illnesses, mental retardation, or substance dependence or abuse who reside in assisted living facilities. The bill requires the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS) to develop standards to be incorporated into the assisted living facility licensing regulations adopted by the State Board of Social Services for the provision of care and treatment, training, or habilitation services to and the protection of such adults. DMHMRSAS shall provide consultation about treatment, training, and habilitation needs of and services and behavioral interventions for such adults to licensing staff in the Department of Social Services, particularly to staff who may be designated as resource specialists for serving such adults. The bill requires all applicants for an assisted living facility license to undergo a criminal background check. The bill requires each assisted living facility to provide written disclosure documents to residents upon admission. The Department of Social Services shall develop a training module for licensing inspectors and criteria for assessing civil penalties. This bill has been incorporated into HB 2512.

Patron - Watts

F HB2537 Assisted living facilities; civil penalties. Permits the Commissioner to issue an order of summary suspension of a license to operate an assisted living facility and adult day care center (licensee) in cases of immediate and substantial threat to the health, safety, and welfare of residents or participants. The bill also authorizes the Commissioner to deny, revoke, or summarily suspend certain authority of the licensee to operate and may permit the licensee to operate, but may restrict or modify the licensee's authority to provide certain services or perform certain functions that the Commissioner determines should be restricted or modified in order to protect the health, safety, or welfare of the residents or participants. Prior to any summary suspension, the Commissioner shall first appoint a competent person to administer, manage, or operate an assisted living facility and adult day care center. The bill increases the maximum civil penalties for assisted living facilities from \$500 to \$10,000 per license period and directs that the civil penalties be paid into the newly created Assisted Living Facility Education, Training, and Technical Assistance Fund to provide education and training for staff of and technical assistance to assisted living facilities. Criteria for imposition of civil penalties and amounts, expressed in ranges,

must be based upon the severity, pervasiveness, duration, and degree of risk to the health, safety, or welfare of residents. The bill requires an assisted living facility to ensure that a thorough mental health screening of persons with mental illness, mental retardation, or other conditions is or has been performed, and that an individualized services plan for such person is created through the local community services board or behavioral health authority, or through other appropriate service providers. The bill requires each assisted living facility to fully disclose prior to admission information about the services, policies, staffing patterns, fees, and ownership structure of the facility, specifically including a description of conditions or occurrences that would require the discharge of the resident from the facility. The State Board of Social Services shall adopt emergency regulations for the implementation of these provisions. Finally, the Department of Social Services shall develop a training module on assisted living facilities and train current and future employees. This bill has been incorporated into HB 2512.

Patron - Nixon

F HB2545 Assisted living facilities; education and training. Requires the Departments of Social Services and Mental Health, Mental Retardation and Substance Abuse Services to increase access to and improve the quality of necessary and appropriate care provided to adults with serious mental illnesses, mental retardation, or substance dependence or abuse who reside in assisted living facilities. The bill requires the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS) to develop standards to be incorporated into the assisted living facility licensing regulations adopted by the State Board of Social Services for the provision of care and treatment, training, or habilitation services to and the protection of such adults. DMHMRSAS shall provide consultation about treatment, training, and habilitation needs of and services and behavioral interventions for such adults to licensing staff in the Department of Social Services, particularly to staff who may be designated as resource specialists for serving such adults. The bill requires DMHMRSAS to encourage community services boards and behavioral health authorities to provide consultation about treatment, training, and habilitation needs of and services and behavioral interventions for such adults to licensed assisted living facilities and to notify Department of Social Services licensing staff and licensed assisted living facilities of opportunities to participate in training offered at its state facilities on applicable topics that address the needs of and services and interventions for such adults in assisted living facilities. Finally, the bill requires the Department of Social Services to designate licensing staff who have received additional training to serve as resource specialists on issues involved in serving such adults and to participate in licensing assisted living facilities in which a significant portion of the residents have serious mental illnesses, mental retardation, or substance dependence or abuse. This bill has been incorporated into HB 2512.

Patron - Van Landingham

F HB2601 Medical assistance services; asset transfer limit waiver. Permits the Department of Medical Assistance Services, when appropriate and practicable, to seek a waiver pursuant to § 1115 of the Social Security Act (42 U.S.C. § 1315) from the Centers for Medicare and Medicaid Services to establish asset transfer limits that are more restrictive than those currently permitted under federal Medicaid law or regulations. Prior to submitting an application, the Director shall report on the limits on asset transfers in the proposed waiver.

Patron - Landes

HB2676 Adult Fatality Review Team; duties; membership; confidentiality; etc.; penalties; report. Requires the Commissioner of the Department of Social Services and the Chief Medical Examiner to develop an Adult Fatality Review Team (“Team”) to review suspicious deaths of adults in order to create a body of information to help prevent future fatalities. The Team is charged with reviewing the death of any incapacitated adult aged 18 or older, and any adult aged 60 or older (i) who was the subject of an adult protective services investigation, or (ii) whose death was due to abuse or neglect or acts suggesting possible abuse or neglect. The bill sets forth duties, membership, confidentiality, reporting, and other requirements for the Team.

Patron - Ebbin

HB2848 Child day centers; square footage and space requirements. Provides square footage and space requirements for licensed child day centers.

Patron - McQuigg

HB2876 Address Confidentiality Program; victims of domestic violence. Establishes in the Office of the Attorney General the “Address Confidentiality Program” to protect victims of domestic violence by authorizing the use of designated addresses for such victims.

Patron - Miller

HB2883 Child support; establishing and enforcing visitation orders. Empowers the Department of Social Services to establish and enforce visitation orders, and to enforce any court-ordered visitation orders.

Patron - Spruill

HB2884 Child support; withholding of income and seizure of property; notice. Provides that prior to withholding income or seizing property, notice must be provided to the obligor and there must be a court hearing.

Patron - Spruill

HB2911 Advisory Board on Child Abuse and Neglect; evaluation of child-protective services investigations; report. Requires the Department of Social Services to evaluate and report on the impact and effectiveness of child-protective services investigations. The bill sets forth information that the evaluation must include, such as the effectiveness of the initial assessment in determining the appropriate level of intervention; successes and problems encountered in providing services; the number of temporary and permanent removals of children from their families or current living arrangements and the terms of such removals; and the number of complaints filed against child-protective services workers at the local and state level and the final outcomes of such complaints. The bill requires the Department to submit the report annually to the Advisory Board on Child Abuse and Neglect, which shall develop protocols and criteria based upon the findings and recommendations contained in the annual reports for improving the effectiveness of child-protective services investigations at the state and local levels. The bill also requires the subject of an abuse or neglect investigation to be given the contact information for the supervisor of the child-protective services worker and the director of the child-protective services unit so that the person can discuss any concerns regarding the conduct of the investigation.

Patron - Shannon

HB2921 Adoptions; investigation by circuit court. Requires the circuit court’s investigation of a petitioner for adoption to include an inquiry into whether the petitioner is known to engage in current voluntary homosexual activity or is

unmarried and cohabiting with another adult to whom he is not related by blood or marriage.

Patron - Black

SB749 Family day home systems and family day homes; civil penalty. Requires any person who operates a family day home approved by a licensed family day system, licensed family day home or voluntarily registered family day home that is not covered by liability insurance to post that fact in the family day home and notify in writing the parent or guardian of each child under the care of the family day home. Any person who fails to give the required notice shall be subject to a civil penalty of \$500 for each such failure.

Patron - Edwards

SB857 Adult Fatality Review Team; duties; membership; confidentiality; etc.; penalties. Requires the Commissioner of the Department of Social Services and the Chief Medical Examiner to develop an Adult Fatality Review Team (“Team”) to conduct a retrospective review of suspicious deaths of certain adults for the purpose of identifying interventions that may reduce similar deaths in the future. The Team is charged with reviewing the death of any incapacitated adult aged 18 or older, and any adult aged 60 or older, whose death was due to violent or unnatural circumstances. The bill sets forth duties, membership, confidentiality, reporting, and other requirements for the Team.

Patron - Howell

SB862 Mandatory reporting of child abuse and neglect. Requires any regular minister, priest, rabbi, or accredited practitioner to report suspected child abuse or neglect to a local department of social services or the Department of Social Services’ toll-free child abuse and neglect hotline. The bill exempts from the mandatory reporting requirement information required by the doctrine of the religious organization or denomination to be kept in a confidential manner and information that the practitioner would not be required to disclose in court testimony pursuant to other Code provisions.

Patron - Howell

SB979 Designated agency adoptions. Provides that when a licensed child-placing agency or a local board of social services (agency) accepts custody of a child for the purpose of placing the child with adoptive parents designated by the birth parents or a person other than an agency, either the parental placement adoption provisions or the agency adoption provisions will apply to the placement at the election of the birth parent. Current law requires agencies to use parental placement adoption law when birth parents designate adoptive parents. Current parental placement adoption law requires the simultaneous meeting of the birth and adoptive parents during the home study and the presence of both parties at the consent hearing in juvenile and domestic relations court. This bill will provide a designated adoption through an agency that is either disclosed or nondisclosed. The agency or local board shall provide information to the birth parents regarding the parental placement adoption and the agency adoption provisions in order to give the birth parents the opportunity to make an informed choice. Any compensation to any party in connection with the adoption is prohibited except as provided in current law.

Patron - O’Brien

SB1000 Assisted living facilities. Requires administrators of assisted living facilities to be licensed by the Board of Long-Term Care Administrators within the Department of Health Professions. The bill renames the Board of Nursing Home Administrators as the Board of Long-Term Care Administrators. These licensing provisions shall take effect July 1,

2007. The bill permits the Commissioner of the Department of Social Services to issue an order of summary suspension of a license to operate an assisted living facility and adult day care center in cases of immediate and substantial threat to the health, safety, and welfare of residents or participants. The bill requires that medication aides be registered by the Board of Nursing if the drugs administered would otherwise be self-administered to residents in an assisted living facility or participants in an adult day care center program licensed by the Department of Social Services. The bill requires that assisted living facilities employ a certified nurse aide registered as a medication aide who sees each resident once a week and is available seven days a week to see any resident upon request. The bill also requires the Departments of Social Services and Mental Health, Mental Retardation and Substance Abuse Services to increase access to and improve the quality of necessary and appropriate care provided to adults with serious mental illnesses, mental retardation, or substance dependence or abuse who reside in assisted living facilities. The bill requires the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS) to develop standards to be incorporated into the assisted living facility licensing regulations adopted by the State Board of Social Services for the provision of care and treatment, training, or habilitation services to and the protection of such adults. DMHMRSAS shall provide consultation about treatment, training, and habilitation needs of and services and behavioral interventions for such adults to licensing staff in the Department of Social Services, particularly to staff who may be designated as resource specialists for serving such adults. The bill requires all applicants for an assisted living facility license to undergo a criminal background check. The bill requires each assisted living facility to provide written disclosure documents to residents upon admission. The Department of Social Services shall develop a training module for licensing inspectors and criteria for assessing civil penalties. This bill has been incorporated into SB 1183.

Patron - Devolites Davis

SB1069 Office of Children's Services Ombudsman. Creates, within the Office of the Secretary of Health and Human Resources, the Office of Children's Services Ombudsman (the Office). The mission of the Office is to protect children and parents from harmful agency action or inaction; investigate the acts of state and local administrative agencies adversely affecting children; recommend appropriate changes toward the goals of safeguarding the rights of children and parents; and promote higher standards of competency, efficiency, and justice in the administration of child protection and child welfare laws. The Office is to be headed by a Director appointed by the Secretary of Health and Human Resources. The bill also contains an exemption from the Freedom of Information Act for active investigations conducted by the Office. The bill contains technical amendments.

Patron - Edwards

SB1085 Assisted living facilities. Permits the Commissioner to issue an order of summary suspension of a license to operate an assisted living facility and adult day care center in cases of immediate and substantial threat to the health, safety, and welfare of residents or participants. The bill also requires every employee in an assisted living facility in a direct care position to be a licensed registered nurse or practical nurse or certified nurse aide. This bill has been incorporated into SB 1183.

Patron - Ticer

SB1140 Assisted living facilities; civil penalty. Requires administrators of assisted living facilities to be licensed by the Board of Long-Term Care Administrators within the Department of Health Professions. The bill renames

the Board of Nursing Home Administrators as the Board of Long-Term Care Administrators. These licensing provisions shall take effect July 1, 2007. Among other provisions, the bill permits the Commissioner of the Department of Social Services to issue an order of summary suspension of a license to operate an assisted living facility and adult day care center in cases of immediate and substantial threat to the health, safety, and welfare of residents or participants and increases from \$500 to \$10,000 the maximum civil penalty for an assisted living facility out of compliance with licensure requirements. The bill also requires every employee in an assisted living facility in a direct care position to be a licensed registered nurse or practical nurse or certified nurse aide. The bill requires medication aides in assisted living facilities to be registered by the Board of Nursing. The bill requires that assisted living facilities employ a certified nurse aide registered as a medication aide who sees each resident once a week and is available seven days a week to see any resident upon request. The bill also requires the Departments of Social Services and Mental Health, Mental Retardation and Substance Abuse Services to increase access to and improve the quality of necessary and appropriate care provided to adults with serious mental illnesses, mental retardation, or substance dependence or abuse who reside in assisted living facilities. The bill requires the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS) to develop standards to be incorporated into the assisted living facility licensing regulations adopted by the State Board of Social Services for the provision of care and treatment, training, or habilitation services to and the protection of such adults. DMHMRSAS shall provide consultation about treatment, training, and habilitation needs of and services and behavioral interventions for such adults to licensing staff in the Department of Social Services, particularly to staff who may be designated as resource specialists for serving such adults. The bill requires each assisted living facility to provide written disclosure documents to residents upon admission. The Department of Social Services shall develop a training module for licensing inspectors. Finally, the bill eliminates the local share of the auxiliary grant funding and requires the Department for the Aging's contract with the long-term care ombudsman program provide a minimum staffing ratio of one ombudsman to every 2000 long-term care beds. This bill has been incorporated into SB 1183.

Patron - Hanger

SB1187 Assisted living facilities; civil penalties. Requires administrators of assisted living facilities to be licensed by the Board of Long-Term Care Administrators within the Department of Health Professions. The bill renames the Board of Nursing Home Administrators as the Board of Long-Term Care Administrators. The licensing provisions shall not take effect until July 1, 2007. The Board of Long-Term Care Administrators shall submit the proposed criteria for licensing assisted living facility administrators to the chairmen of the House Committee on Health, Welfare and Institutions, Senate Committee on Education and Health, and Joint Commission on Health Care on or before January 1, 2006. The bill permits the Commissioner to issue an order of summary suspension of a license to operate an assisted living facility and adult day care center in cases of immediate and substantial threat to the health, safety, and welfare of residents or participants. The bill increases the maximum civil penalties for assisted living facilities from \$500 to \$10,000 per inspection and directs that the civil penalties be paid to the newly created Assisted Living Facility Education and Technical Assistance Fund to provide education for staff of and technical assistance to assisted living facilities. This bill has been incorporated into SB 1183.

Patron - Puller

SB1212 Assisted Living Facilities licensing; auxiliary grant residents required. Requires assisted living facilities to care for a minimum of two residents who receive auxiliary grants in order to be licensed to operate such facility. The Virginia auxiliary grant program provides assistance to certain individuals ineligible for benefits under Title XVI of the Social Security Act and to certain individuals whose benefits under the Act are not sufficient to maintain the minimum standards of need established by the Board of Social Services. Current law does not require licensed assisted living facilities to care for auxiliary grant recipients. This bill has been incorporated into SB 1183.

Patron - Miller

SB1316 Permanent foster care placements. Permits local departments of social services or licensed child-placing agencies pursuant to court order to place a child over whom it has legal custody in a permanent foster care placement that is a licensed children's residential facility. Current law requires such placement to be a residence of a natural person.

Patron - Deeds

Workers' Compensation

Passed

HB1567 Workers' compensation; compensable employees. Provides that those volunteer members of community emergency response teams and volunteer members of medical reserve corps who have been acknowledged as employees by the local governing body or state institution of higher education in which the principal office of their team or corps is located are employees of that local government or state institution for workers' compensation purposes. This bill incorporates HB 1697.

Patron - Cosgrove

HB1728 Workers' compensation; demonstrator cars; noncompensable injury, disease, or condition. Provides that any injury, disease or condition resulting from the use by an employee of a dealer motor vehicle for commuting to or from work or any other non-work activity is not compensable under workers' compensation. This bill is identical to SB 1215.

Patron - Kilgore

HB1862 Workers' compensation; professional employer organizations. Authorizes the Workers' Compensation Commission to require a business entity with a controlling interest in or sharing common ownership with any professional employer organization providing services in the Commonwealth to guarantee the performance of all obligations under the Workers' Compensation Act by the non-controlling business entity, including payment of benefits.

Patron - Morgan

HB1863 Workers' compensation; failure to insure payment; penalty. Provides for imposition of civil and criminal penalties on employers that fail to insure payment of workers' compensation to their employees, and for imposition of civil penalties on employers that fail to comply with requirements governing professional employer organizations.

Patron - Morgan

HB2462 Workers' compensation. Provides that recipients of Temporary Assistance for Needy Families bene-

fits who participate in the work experience component of the Virginia Initiative for Employment Not Welfare Program, and are not eligible for Medicaid, will be employees of the Commonwealth for purposes of the Workers' Compensation Act. Such recipients will not be eligible for wage replacement or death benefits.

Patron - Nixon

HB2700 Workers' compensation; coverage for first responders during state of emergency. Provides that injuries to first responders incurred while traveling from home or another location outside a work location to that work location are deemed to be within the scope of employment for purposes of the Workers' Compensation Act, if a state of emergency is in effect.

Patron - Sickles

HB2775 Limitations on workers' compensation claims; September 11, 2001, rescue and relief workers. Allows an employee suffering from a disease directly attributable to 9/11 rescue and relief efforts two years after the employee first learns of the disease diagnosis within which to file claim.

Patron - Brink

SB1035 Workers' compensation; extended coverage for members of the Virginia National Guard, Virginia State Defense Force, and naval militia. Provides that a claim for workers' compensation shall be deemed to be in the course of employment with the Virginia National Guard, Virginia State Defense Force, or naval militia for any member thereof, who, in reacting to an order to report while he is outside an assigned shift or work location, undertakes in direct obedience to a lawful military order travel to his designated place of state active duty.

Patron - Ruff

SB1215 Workers' compensation; demonstrator cars; noncompensable injury, disease, or condition. Provides that any injury, disease or condition resulting from the use by an employee of a dealer motor vehicle for commuting to or from work or any other non-work activity is not compensable under workers' compensation. This bill is identical to HB 1728.

Patron - Williams

Failed

HB1697 Workers' compensation; compensable employees. Provides that those volunteer members of community emergency response teams and volunteer members of medical reserve corps who have been acknowledged as employees by the local governing body or state institution of higher education in which the principal office of their team or corps is located are employees of that local government or state institution for workers' compensation purposes. This bill has been incorporated into HB 1567.

Patron - Spruill

HB1701 Workers' compensation; statute of limitations tolled for injury related to compensable accident. Provides that where the employer has paid medical bills incurred for an injury that is related to a compensable accident but is not referenced in any agreement on compensation for that accident, and the employee's right to file a claim relating to that injury has been thereby prejudiced, the statute of limitations shall be tolled as to such claim until the employee does or should know that the claim has been denied. Current law pro-

vides similar protections relating to the compensable accident itself.

Patron - Kilgore

FHB2014 Workers' compensation; self-insurance; grocery stores. Provides that for the purposes of calculating a debt/equity ratio to assess an employer's capacity to self-insure, the Workers' Compensation Commission shall consider the value of any physical facilities, appliances, or inventory owned by a grocery store.

Patron - Griffith

FHB2056 Workers' compensation. Limits the benefits that aliens not eligible for lawful employment may receive under the Workers' Compensation Act to medical benefits.

Patron - Byron

FHB2309 Workers' compensation; definition of hypertension. Defines hypertension to include stroke, cerebrovascular accident (CVA), or any cerebral vascular event.

Patron - Griffith

FSB1291 Workers' compensation; definition of hypertension. Defines hypertension to include stroke when hypertension is the primary risk factor for the stroke.

Patron - Edwards

Constitutional Amendment Resolutions

Passed

PHJ586 Constitutional amendment (first resolution); marriage. Provides that "only a union between one man and one woman may be a marriage valid in or recognized by this Commonwealth and its political subdivisions." The proposed amendment also prohibits the Commonwealth and its political subdivisions from creating or recognizing a legal status "for relationships of unmarried individuals that intends to approximate the design, qualities, significance, or effects of marriage." Further, the proposed amendment prohibits the Commonwealth or its political subdivisions from creating or recognizing "another union, partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities, or effects of marriage." This resolution incorporates HJR 584 and HJR 615. The amendment proposed in this resolution is identical to that proposed in SJR 337 as passed.

Patron - Cosgrove

PHJ633 Constitutional amendment (first resolution); property exempt from taxation. Authorizes the General Assembly to enact legislation that will permit localities to provide a partial exemption from real property taxation for real estate and associated new structures and improvements in conservation, redevelopment, or rehabilitation areas. The proposed constitutional amendment in this resolution is identical to that in SJR 275.

Patron - Ingram

PSJ275 Constitutional amendment (first resolution); property exempt from taxation. Authorizes the General Assembly to enact legislation that will permit localities to provide a partial exemption from real property taxation for real estate and associated new structures and improvements in conservation, redevelopment, or rehabilitation areas. The proposed

constitutional amendment in this resolution is identical to that in HJR 633.

Patron - Edwards

PSJ337 Constitutional amendment (first resolution); marriage. Provides that "only a union between one man and one woman may be a marriage valid in or recognized by this Commonwealth and its political subdivisions." The proposed amendment also prohibits the Commonwealth and its political subdivisions from creating or recognizing a legal status "for relationships of unmarried individuals that intends to approximate the design, qualities, significance, or effects of marriage." Further, the proposed amendment prohibits the Commonwealth or its political subdivisions from creating or recognizing "another union, partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities, or effects of marriage." The amendment proposed in this resolution is identical to that proposed in HJR 586 as passed.

Patron - Newman

PSJ339 Constitutional amendment (first resolution); powers of the General Assembly; limitations on powers including incorporation of churches. Deletes language that prohibits the General Assembly from granting charters of incorporation to churches. This prohibition was held to be unconstitutional in 2002 by the United States District Court for the Western District of Virginia in *Falwell v. Miller* (203 F.Supp. 2d 624). The Court held that the prohibition against incorporation of churches violated the plaintiff church's First Amendment rights to the free exercise of religion. Since that case, the State Corporation Commission has granted charters to churches. This amendment deletes the now obsolete language and effects no change in current law on the powers of the General Assembly.

Patron - Mims

Failed

FHJ525 Constitutional amendment (first resolution); limit on growth in state general fund appropriations and revenues. Limits general fund growth in any fiscal year to the preceding year's general fund appropriation plus the percentage increase in gross state product for the most recently available year plus a factor for population increases. The General Assembly may exceed this limitation with a two-thirds vote of the members elected in each house. The amendment also provides that 50 percent of general fund revenues in excess of the limitation is to be returned to the citizens of Virginia and 50 percent goes into the Revenue Stabilization Fund. This resolution incorporates HJR 622.

Patron - Ware, R.L.

FHJ527 Constitutional amendment (first resolution); Transportation Funds. Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, and Highway Maintenance and Operating Fund. All revenues dedicated to Transportation Funds on January 1, 2005, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan or reduction must be repaid with reasonable interest within four years. This resolution incorporates HJR 541, HJR 550, HJR

562, HJR 563, HJR 585, HJR 642, HJR 644, HJR 717, and HJR 771.

Patron - McDonnell

FHJ528 Constitutional amendment (first resolution); marriage. Provides that marriage may exist only between a man and woman and that nothing in the Constitution shall be interpreted to require the Commonwealth to recognize or permit same-sex marriages.

Patron - Cosgrove

FHJ537 Constitutional amendment; (first resolution); religious freedom. Amends the current religious freedom provisions of the Virginia Constitution to “secure further the people’s right to acknowledge God”; to permit prayer and the recognition of “religious beliefs, heritage, and traditions on public property, including public schools”; and to prohibit the Commonwealth and its political subdivisions, including public school divisions, from composing school prayers or requiring individuals to “join in prayer or other religious activity.” The current constitutional provision parallels the federal free exercise/establishment clauses of the U.S. Constitution and provides for the free exercise of religion “according to the dictates of conscience” and prohibits the General Assembly from compelling persons to participate in religious activity.

Patron - Carrico

FHJ541 Constitutional amendment (first resolution); Transportation Trust Fund. Provides that the Transportation Trust Fund established in 1986 will be a permanent fund and receive all revenues generated by the 1986 package of tax and fee increases and any later enactments dedicating additional revenues to the Fund. The amendment limits the use of Trust Fund moneys to purposes of highway construction, maintenance, and improvements, public transportation, railways, seaports, and airports. The General Assembly may use fund proceeds for other purposes only by a two-thirds vote of the members in each house. However, fund proceeds used for other purposes must be repaid to the Fund within three years. This resolution has been incorporated into HJR 527.

Patron - Marshall, D.W.

FHJ542 Constitutional amendments (first resolution); Virginia Redistricting Commission. Establishes the Virginia Redistricting Commission to redraw Congressional and General Assembly district boundaries after each decennial census. Appointments to the 13-member Commission are to be made in the census year as follows: two each by the President pro tempore of the Senate, Speaker of the House of Delegates, minority leader in each house, and the state chairman of each of the two political parties receiving the most votes in the prior gubernatorial election. The 12 partisan members then select the thirteenth member by a majority vote; or, if they cannot agree on a selection, they certify the two names receiving the most votes to the Supreme Court, which will name the thirteenth member. The Commission is directed to certify district plans for the General Assembly within one month of receipt of the new census data or by March 1 of the year following the census, whichever is later, and for the House of Representatives within three months of receipt or by May 1 of the year following the census, whichever is later. The plans shall be effective for the next regular general election for the Senate, House of Delegates, or House of Representatives. Members in office when a new plan is certified complete their terms and continue to represent the district as constituted when they were elected. The standards to govern redistricting plans include the current Constitution’s standards on population equality, compactness, and contiguity and additional standards to minimize splits of localities and to prohibit consideration of incumbency and political data. The amendments also provide for 40 senators

and 100 delegates rather than the present ranges of 33 to 40 senators and 90 to 100 delegates.

Patron - Shuler

FHJ547 Constitutional amendment (first resolution); enactment of tax laws. Requires that any law that imposes, continues, increases, or revives a tax must be approved either: (i) by a four-fifths vote of the members voting in each house of the General Assembly; or (ii) by a majority vote of all members voting in each house of the General Assembly and by a majority of the people voting in a referendum on the question of whether the law shall take effect.

Patron - Frederick

FHJ548 Constitutional amendment (first resolution); budget preparation. Provides preparation of the executive budget based on “zero-based” agency requests designed to provide information for the Governor and General Assembly to review, evaluate, and analyze all proposed expenditures.

Patron - Frederick

FHJ549 Constitutional amendment (first resolution); limit on appropriations. Limits total appropriations in any fiscal year to the preceding year’s total appropriations plus the greater of (i) five percent, or (ii) a percentage increase equal to the rate of inflation plus the rate of population increase. However, additional appropriations may be made (a) for tax relief, (b) for deposits to the Revenue Stabilization Fund, and (c) nonrecurring capital projects. “Total appropriations” is defined so as not to include moneys appropriated that are received from the federal government or an agency or unit thereof.

Patron - Frederick

FHJ550 Constitutional amendment (first resolution); Highway Maintenance and Operating Fund and Transportation Trust Fund. Provides that the Highway Maintenance and Operating Fund and the Transportation Trust Fund shall be permanent funds. Starting with the Commonwealth’s fiscal year beginning July 1, 2006, the General Assembly shall appropriate to each Fund an amount no less than the amount appropriated to the respective Fund in the immediately preceding fiscal year. The amendment limits the use of Trust Fund moneys to highway construction, maintenance, and improvements, public transportation, railways, seaports, and airports. The General Assembly may use fund proceeds for other purposes only by a four-fifths vote of the members in each house. However, fund proceeds used for other purposes must be repaid to the Fund within four years. This resolution has been incorporated into HJR 527.

Patron - Frederick

FHJ555 Constitutional amendments (first resolution); Governor’s term of office; Board of Education. One amendment permits the Governor to succeed himself in office. The amendment allows two terms (either in succession or not in succession) but prohibits election to a third term. The amendment allows Governors elected in 2005 and thereafter to serve two successive terms. A second amendment provides for the appointment of the members of the Board of Education as follows: four members, including a member designated as president, by the Governor; and three members appointed by the House of Delegates and two members appointed by the Senate, in accordance with the rules of each house. Members are to be appointed for four-year terms. Terms are staggered. No person may be appointed to more than two consecutive full terms. Members in office when the amendment takes effect will serve until their successors are appointed. Presently, the

Constitution provides that all nine members are appointed by the Governor.

Patron - Purkey

FHJ556 Constitutional amendment (first resolution); Board of Education. Provides for the appointment of the members of the Board as follows: four members, including a member designated as president, by the Governor; and three members appointed by the House of Delegates and two members appointed by the Senate, in accordance with the rules of each house. Members are to be appointed for four-year terms. Terms are staggered. No person may be appointed to more than two consecutive full terms. Members in office when the amendment takes effect will serve until their successors are appointed. Presently, the Constitution provides that all nine members are appointed by the Governor.

Patron - Purkey

FHJ557 Constitutional amendment (first resolution); Governor's term of office. Permits the Governor to succeed himself in office. The amendment allows two terms (either in succession or not in succession) but prohibits election to a third term. The amendment allows Governors elected in 2005 and thereafter to serve two successive terms.

Patron - Purkey

FHJ558 Constitutional amendment (first resolution); 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. The continued budget may be amended only by a two-thirds vote of the General Assembly.

Patron - Marshall, R.G.

FHJ559 Constitutional amendment (first resolution); budget and appropriations bills. Provides that no legislation to appropriate state revenues may be proposed or enacted that depends on revenues that must be authorized by law but that have not been authorized by law as of the date such legislation is proposed.

Patron - Marshall, R.G.

FHJ562 Constitutional amendment (first resolution); special transportation funds. Provides that the Highway Maintenance and Operating Fund and Transportation Trust Fund will be permanent funds and be funded annually by the General Assembly by appropriations equivalent to the revenues appropriated to the Funds for fiscal year ending June 30, 2004. The amendment limits the use of Fund moneys to various transportation purposes. The General Assembly may borrow from the Fund for other purposes only by a two-thirds vote of members in each house and the loan must be repaid within four years. Any reduction in appropriations to either Fund will be treated as a borrowing from the Fund. This resolution has been incorporated into HJR 527.

Patron - Black

FHJ563 Constitutional amendment (first resolution); highway and transportation trust funds. Provides that the Highway Maintenance and Operating Fund and the Transportation Trust Fund established in 1986 will be permanent and separate funds and will be funded annually by the General Assembly by appropriations equivalent to the revenues generated by the 1986 package of tax and fee increases and other revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. This resolution has been incorporated into HJR 527.

Patron - Fralin

FHJ584 Constitutional amendment (first resolution); marriage. Provides that marriage "is the legal union of one man and one woman as husband and wife" and that "no other combination of persons may be licensed to marry." The proposed amendment prohibits the creation, recognition, or enforcement of imitations of marriage. However, a right, privilege, or obligation of marriage may be conferred by statute on an unmarried person. This resolution has been incorporated into HJR 586.

Patron - Marshall, R.G.

FHJ585 Constitutional amendment (first resolution); highway and transportation trust funds. Provides that the Highway Maintenance and Operating Fund and the Transportation Trust Fund established in 1986 will be permanent and separate funds and be funded annually by the General Assembly by appropriations equivalent to the revenues generated by the 1986 package of tax and fee increases and other revenues dedicated to the funds. The amendment limits the use of fund moneys to transportation and related purposes. The General Assembly may borrow from the funds for other purposes or reduce the level of required appropriations to the funds only by a vote of two-thirds plus one of the members voting in each house, and the loan or reduction must be repaid within four years. This resolution has been incorporated into HJR 527.

Patron - Marshall, R.G.

FHJ606 Constitutional amendment (first resolution); limit on appropriations. Limits total appropriations in any fiscal year to the preceding year's total appropriations plus the greater of (i) five percent or (ii) a percentage increase equal to the rate of inflation plus the rate of population increase. In the event that actual revenues exceed the amount of appropriations for a fiscal year, such surplus may only be used for (a) tax relief, (b) deposits to the Revenue Stabilization Fund, and (c) nonrecurring capital projects. "Total appropriations" is defined so as not to include appropriations: (i) for tax relief, (ii) from surplus funds for nonrecurring capital projects, or (iii) made from moneys received from the federal government or an agency or unit thereof.

Patron - McDougle

FHJ615 Constitutional amendment (first resolution); marriage. Provides that marriage consists exclusively of the union of a man and woman as husband and wife. The amendment also states that the Commonwealth shall not recognize or create other unions with the characteristics of marriage and that its provisions apply to political subdivisions of the Commonwealth. This resolution has been incorporated into HJR 586.

Patron - Byron

FHJ616 Constitutional amendment (first resolution); assessment of real property. Provides that beginning with the 2008 tax year, real property shall be assessed for tax purposes at no more than 105 percent of the assessed value of such property in the preceding tax year. However, if real property is sold or improved, it shall be assessed at fair market value for the tax year in which such transaction or improvement occurs. The fair market value assessment shall then be subject to the five percent limitation in subsequent tax years until such time as the property is again sold or improved.

Patron - Carrico

FHJ620 Constitutional amendment (first resolution); excludes privately owned motor vehicles from property taxation. Exempts privately owned motor vehicles used for nonbusiness purposes from property taxes.

Patron - Cole

☐HJ621 Constitutional amendment (first resolution); payment of sales and use taxes in advance of collections. Prohibits any law that requires a person to pay to the State any funds in anticipation of the collection of sale and use taxes by that person on behalf of the Commonwealth.

Patron - Saxman

☐HJ622 Constitutional amendment (first resolution); limit on appropriations. Limits total appropriations in any fiscal year to the preceding year's total appropriations plus a percentage increase equal to the past two years' average increase in the rate of inflation plus the average percentage increase in population. The amendment provides that any revenues collected in excess of the limitation shall be distributed: 50 percent to the Transportation Trust Fund and 50 percent to be refunded to individual income taxpayers. "Total appropriations" is defined to exclude moneys appropriated that are received from the federal government or an agency or unit thereof. The General Assembly may appropriate funds in excess of the stated limitation by a vote of two-thirds of the members elected to each house. If the amount in excess of the limitation is less than or equal to one percent of the limitation, the total excess shall be deposited to the Revenue Stabilization Fund if that Fund has not reached its constitutional limit or appropriated to the general fund. This resolution is incorporated into HJR 525.

Patron - Saxman

☐HJ634 Constitutional amendment (first resolution); limits on taxes and revenues; Revenue Stabilization Fund; taxpayer refunds. Provides for the refund of surplus revenues, above the amount required to be deposited to the Revenue Stabilization Fund, to the Commonwealth's income taxpayers, provided the amount to be refunded exceeds \$50 million.

Patron - Janis

☐HJ641 Constitutional amendment (first resolution); property exempt from taxation. Amends the Constitution of Virginia to exempt from property taxes privately owned motor vehicles used for nonbusiness purposes.

Patron - Rust

☐HJ642 Constitutional amendment (first resolution); Transportation Trust Fund. Provides that the Transportation Trust Fund established in 1986 will be a permanent fund and receive all revenues generated by the 1986 package of tax and fee increases and any later enactments dedicating additional revenues to the Fund. The amendment limits the use of Trust Fund moneys to purposes of highway construction, maintenance, and improvements; public transportation; railways; seaports; and airports. This resolution has been incorporated into HJR 527.

Patron - Plum

☐HJ644 Constitutional amendment (first resolution); Transportation Trust Fund. Provides that the Transportation Trust Fund established in 1986 will be a permanent fund and receive all revenues generated by the 1986 package of tax and fee increases and any later enactments dedicating additional revenues to the Fund. The amendment limits the use of Fund moneys to purposes of highway construction, maintenance, and improvements; public transportation; railways; seaports; and airports. This resolution has been incorporated into HJR 527.

Patron - Plum

☐HJ652 Constitutional amendment (first resolution); Governor's term of office. Permits the Governor to

succeed himself in office. The amendment allows two four-year terms (either in succession or not in succession) but prohibits election to a third term. The amendment allows Governors elected in 2009 and thereafter to serve two successive terms. Service for more than two years of a partial term counts as service for one term. This resolution 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). The proposed constitutional amendment in this resolution is identical to that in SJR 401 and SJR 410.

Patron - Purkey

☐HJ653 Constitutional amendment (first resolution); limits on state expenditures, taxes, and revenues; Revenue Stabilization Fund; taxpayer refunds. Limits the amount of state expenditures from state tax revenues to 6.50 percent of personal income in the Commonwealth. The amendment also provides for the refund of surplus revenues, above the amount required to be deposited to the Revenue Stabilization Fund, to the Commonwealth's income tax payers, provided the amount to be refunded exceeds \$50 million.

Patron - Lingamfelter

☐HJ659 Constitutional amendment (first resolution); property exempt from taxation. Amends the Constitution of Virginia to exempt all motor vehicles from property taxes. This resolution is identical to HJR 697.

Patron - Louderback

☐HJ670 Constitutional amendment (first resolution); powers of the General Assembly; administrative rules and regulations. Allows the General Assembly to suspend and nullify administrative rules and regulations by a majority vote of the members elected to each house and authorizes the standing committees of each house and joint legislative commissions designated by the General Assembly to suspend rules and regulations when the General Assembly is not in regular session.

Patron - Griffith

☐HJ682 Constitutional amendment (first resolution); impact fees. Requires the General Assembly to provide by general law that any locality may adopt an ordinance providing for the assessment of impact fees.

Patron - Marshall, R.G.

☐HJ692 Constitutional amendment (first resolution); aid to nonpublic higher education. Authorizes the General Assembly to provide loans and grants for students attending for-profit and nonprofit institutions of higher education. Currently, Section 11, Article VIII provides authority for the Tuition Assistance Grant (TAG) Program, consisting of grants for students attending nonprofit institutions of higher education.

Patron - May

☐HJ697 Constitutional amendment (first resolution); property exempt from taxation. Amends the Constitution of Virginia to exempt all motor vehicles from property taxes. This resolution is identical to HJR 659.

Patron - Amundson

☐HJ698 Constitutional amendments (first resolution); Virginia Redistricting Commission. Establishes the Virginia Redistricting Commission to redraw Congressional and General Assembly district boundaries after each decennial census. Appointments to the five-member Commission are to be made in the census year from a pool of 25 nominees selected by the Supreme Court. Appointments are made from

the pool as follows: one each by the Speaker of the House of Delegates, the President pro tempore of the Senate, and the minority leader in each house. The four members appointed then select the fifth member and Commission chair by a majority vote; or, if they cannot agree, the Supreme Court shall name the fifth member. The standards to govern redistricting plans include population equality, compactness, contiguity, communities of interest, political fairness and the disregard of incumbency. The amendments also provide for 40 senators and 100 delegates rather than the present ranges of 33 to 40 senators and 90 to 100 delegates.

Patron - Amundson

FHJ699 Constitutional amendment (first resolution); **General Assembly powers; local handgun regulations.** Prohibits the General Assembly from enacting any law restricting the powers of any locality to regulate the open carrying of loaded handguns in public.

Patron - Amundson

FHJ700 Constitutional amendment (first resolution); **terms of office; General Assembly members and the Governor; future amendments.** Provides for four-year terms for House of Delegates members and six-year terms for Senate members and the Governor. The resolution also provides that constitutional amendments must be passed in two separate sessions and deletes the requirement that there must be an election for the House of Delegates between those two sessions.

Patron - Shuler

FHJ712 Constitutional amendment (first resolution); **parental rights.** Provides that "the God-given right of parents to direct the upbringing and education of their children is a fundamental right, subject only to those same limitations as other fundamental rights."

Patron - Byron

FHJ717 Constitutional amendment (first resolution); **Transportation Trust Fund.** Provides that the Transportation Trust Fund established in 1986 will be a permanent fund and receive all revenues generated by the 1986 package of tax and fee increases and any later enactments dedicating additional revenues to the Fund. The amendment limits the use of Trust Fund moneys to purposes of highway construction, maintenance, and improvements, public transportation, railroads, seaports, and airports. This resolution has been incorporated into HJR 527.

Patron - Sickles

FHJ762 Constitutional amendment (first resolution); **different rates of taxation for military members in combat.** Permits the General Assembly to authorize counties, cities, and towns to impose a different rate of taxation upon personal property owned by any member of the armed forces serving in a combat zone.

Patron - Cole

FHJ771 Constitutional amendment (first resolution); **highway and transportation trust funds.** Provides that various transportation funds will be permanent funds and will be funded annually by revenue sources in place on January 1, 2005. The amendment limits the use of transportation funds to transportation and related purposes. The General Assembly may borrow from transportation funds for other purposes only by a vote of four-fifths of the members voting in each house, and the loan must be repaid with reasonable interest within four years. This resolution has been incorporated into HJR 527.

Patron - Albo

FHJ812 Constitutional amendment (first resolution); **local electoral boards.** Provides that there will be four members, rather than three members, on each county and city electoral board and that the two major political parties will have equal representation on the board.

Patron - Scott, J.M.

FHJ814 Constitutional amendment (first resolution); **right to acquire farm-produced food.** Provides that people have the right to "acquire, for their own consumption, any farm-produced food directly from the farmer who produced it."

Patron - Gear

FHJ820 Constitutional amendment (first resolution); **property exempt from taxation.** Authorizes the General Assembly to enact legislation that will permit localities to exempt from property taxes up to the first \$100,000 of assessed value of real estate designed for continuous habitation, owned and occupied by the same individuals as their dwelling.

Patron - Brink

FSJ259 Constitutional amendment (first resolution); **restoration of civil rights for certain felons.** Authorizes the General Assembly to provide by general law for the restoration of civil rights for persons convicted of nonviolent felonies who meet the conditions prescribed by law. The present Constitution provides for restoration of rights by the Governor. The amendment retains the right of the Governor to restore civil rights and adds the alternative for restoration of rights pursuant to general law for persons convicted of nonviolent felonies.

Patron - Miller

FSJ307 Constitutional amendment (first resolution); **Virginia Redistricting Commission.** Establishes the Virginia Redistricting Commission to redraw Congressional and General Assembly district boundaries after each decennial census. Appointments to the 13-member Commission are to be made in the census year as follows: two each by the President pro tempore of the Senate, Speaker of the House of Delegates, minority leader in each house, and the state chairman of each of the two political parties receiving the most votes in the prior gubernatorial election. The 12 partisan members then select the thirteenth member by a majority vote; or, if they cannot agree on a selection, they certify the two names receiving the most votes to the Supreme Court, which will name the thirteenth member. The Commission is directed to certify district plans for the General Assembly within one month of receipt of the new census data or by March 1 of the year following the census, whichever is later, and for the House of Representatives within three months of receipt or by June 1 of the year following the census, whichever is later. The standards to govern redistricting plans include the current Constitution's standards on population equality, compactness, and contiguity and additional standards to minimize splits of localities and to prohibit consideration of incumbency and political data.

Patron - Deeds

FSJ309 Constitutional amendment (first resolution); **sessions of the General Assembly.** Provides that the General Assembly sessions convened in odd-numbered years shall be long sessions and sessions convened in even-numbered years shall be short sessions, reversing the present schedule. This amendment could be effective for the 2007 session.

Patron - Cuccinelli

FSJ310 Constitutional amendment (first resolution); **Transportation Trust Fund.** Provides that the Transportation Trust Fund established in 1986 will be a permanent fund and

be funded annually by the General Assembly by appropriations equivalent to the revenues generated by the 1986 package of tax and fee increases or the appropriation for the fiscal year ending June 30, 2005, whichever is greater. The amendment limits the use of Trust Fund moneys to highway construction, reconstruction, maintenance, and improvements, public transportation, railways, seaports, and airports. The General Assembly may borrow from the Fund for other purposes or reduce the level of required appropriations to the Fund only by a three-fifths plus two vote of members in each house and the loan or reduction must be repaid within four years. A substitute for this resolution was reported by the Senate Committee on Privileges and Elections that incorporated SJR 342, SJR 399, and SJR 409.

Patron - Cuccinelli

SJ316 Constitutional amendment (first resolution); establishment of special funds. Authorizes the General Assembly to establish a special fund for specified purposes and to dedicate a revenue stream to the fund. If the General Assembly establishes a special fund and dedicates to it income, sales and use, recordation, fuels, or insurance license taxes or vehicle registration fees, the General Assembly must continue appropriating the dedicated revenues to the fund. However, by a two-thirds vote of the members in each house, each special fund may be abolished, the purposes for which each fund is established may be changed, the minimum annual appropriation to each fund may be decreased, and the proceeds in each fund may be used for purposes other than for which the fund is established. A substitute for this resolution focusing on transportation funds and general funds was reported by the Senate Committee on Privileges and Elections that incorporated SJR 381.

Patron - Norment

SJ329 Constitutional amendment (first resolution); assessment of real property. Provides that a county, city, or town may enact an ordinance allowing real estate to be assessed at (i) fair market value or (ii) no more than 105 percent of the assessment of the property the preceding tax year, whichever is lower. If such an ordinance is adopted, the same factor for increasing assessments of real estate within the locality's geographical boundaries must be used for all properties assessed using other than the fair market value. If property is sold or improved, it shall be assessed at the fair market value for the tax year in which the sale or improvement takes place, and that assessment will be the basis for determining the assessment in the succeeding tax year. This resolution has been incorporated into SJR 384.

Patron - Wampler

SJ338 Constitutional amendment (first resolution); school boards and personnel. Authorizes the General Assembly to enact a personnel grievance procedure for school board employees that will permit a body other than the school board to resolve the grievance.

Patron - Mims

SJ340 Constitutional amendment (first resolution); property exempt from taxation. Amends the Constitution of Virginia to exempt privately owned motor vehicles used for nonbusiness purposes from state and local taxation.

Patron - Hanger

SJ341 Constitutional amendment (first resolution); qualifications of members of the General Assembly. Authorizes the General Assembly to provide by law for exceptions to the general rule that federal government employees are ineligible to serve in the General Assembly.

Patron - Devolites Davis

SJ342 Constitutional amendment (first resolution); Transportation Trust Fund. Provides that the Transportation Trust Fund established in 1986 will be a permanent fund and be funded annually by the General Assembly by appropriations equivalent to the revenues generated by the 1986 package of tax and fee increases or the appropriation for the fiscal year ending June 30, 2004, whichever is greater. The amendment limits the use of Trust Fund moneys to highway construction, reconstruction, maintenance, and improvements, public transportation, railways, seaports, and airports. The General Assembly may borrow from the Fund for other purposes or reduce the level of required appropriations to the Fund only by a two-thirds-plus-one vote of members in each house and the loan or reduction must be repaid within four years. This resolution has been incorporated into a substitute for SJR 310 reported by the Senate Committee on Privileges and Elections.

Patron - O'Brien

SJ358 Constitutional amendment (first resolution); limit of tax or revenue; Revenue Stabilization Fund; taxpayer refunds. Provides for refunds to individual income taxpayers of surplus revenues when the surplus is in excess of \$50 million plus the amount required to be deposited to the Revenue Stabilization Fund.

Patron - Martin

SJ362 Constitutional amendment (first resolution); local real estate tax relief. Provides that localities may, by ordinance, exempt, defer, or freeze the real estate taxes of persons 65 or older or permanently and totally disabled regardless of annual income or financial worth. Localities would be directly authorized to pass such ordinances, and the General Assembly would be prohibited from legislating in regard to such matters except that it may define those persons who are permanently and totally disabled. The current real estate tax relief provisions in the Constitution require that the General Assembly pass enabling legislation for local real estate tax relief programs and also require that such programs be limited to persons 65 or older or permanently and totally disabled who bear an extraordinary real estate tax burden in relationship to their income and financial worth.

Patron - Wagner

SJ375 Constitutional amendment (first resolution); aid to nonpublic higher education. Strikes the language that prohibits the General Assembly from providing loans to, and grants to or on behalf of, students attending nonprofit institutions of higher education for collegiate or graduate education at institutions that primarily provide religious training or theological education.

Patron - Ruff

SJ381 Constitutional amendment (first resolution); highway and transportation trust funds; general funds. Provides that various transportation funds will be permanent funds and will be funded annually by revenue sources in place on January 1, 2005. The amendment limits the use of transportation funds to transportation and related purposes. The General Assembly may borrow from transportation funds for other purposes only by a vote of four-fifths of the members voting in each house, and the loan must be repaid with reasonable interest within four years. The amendment prohibits appropriations of general funds for transportation purposes subject to the same four-fifths vote requirement for exceptions to the prohibition. This resolution has been incorporated into a substitute for SJR 316 reported by the Senate Committee on Privileges and Elections.

Patron - Howell

FSJ384 Constitutional amendment (first resolution); assessment of real property. Provides that beginning with the 2008 tax year, real property shall be assessed for tax purposes at no more than 102 percent of the assessed value of such property in the preceding tax year. However, if real property is sold, transferred, improved, or rezoned at the owner's request, it shall be assessed at fair market value for the tax year in which such event occurs. Such fair market value assessment shall then be subject to the two percent limitation in subsequent tax years until such time as the property is again sold, transferred, improved, or rezoned at the owner's request. This resolution incorporates SJR 329.

Patron - Hanger

FSJ399 Constitutional amendment (first resolution); Transportation Trust Fund. Provides that the Transportation Trust Fund established in 1986 will be a permanent fund and receive all revenues generated by the 1986 package of tax and fee increases and any later enactments dedicating additional revenues to the Fund. The amendment limits the use of Trust Fund moneys to purposes of highway construction, maintenance, and improvements, public transportation, railways, seaports, and airports. This resolution has been incorporated into a substitute for SJR 310 reported by the Senate Committee on Privileges and Elections.

Patron - Howell

FSJ401 Constitutional amendment (first resolution); Governor's term of office. Permits the Governor to succeed himself in office. The amendment allows two four-year terms (either in succession or not in succession) but prohibits election to a third term. The amendment allows Governors elected in 2009 and thereafter to serve two successive terms. Service for more than two years of a partial term counts as service for one term. This resolution 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). The proposed constitutional amendment in this resolution is identical to that in SJR 410 and HJR 652. This resolution incorporates SJ 410.

Patron - Locke

FSJ405 Constitutional amendment (first resolution); property exempt from taxation. Authorizes the General Assembly to enact legislation that will permit localities to provide an exemption from tangible personal property taxation up to the first \$20,000 of fair market value for passenger cars, motorcycles, and pickup or panel trucks that are owned or leased by a natural person and used for nonbusiness purposes.

Patron - Bell

FSJ407 Constitutional amendment (first resolution); Governor's term of office. Provides that the governor's term of office will be six years. The proposal retains the present provisions that prohibit a governor from serving successive terms and allow service of additional terms not in succession. The terms of the lieutenant governor and attorney general will also be six years under this proposal pursuant to other sections of the Constitution that specify that the lieutenant governor and attorney general serve for the same term as the governor. There is no limit on the number of terms that the lieutenant governor and attorney general may serve.

Patron - Devolites Davis

FSJ408 Constitutional amendment (first resolution); limit on appropriations. Limits total appropriations in any fiscal year to the preceding year's total appropriations plus a percentage increase equal to the rate of inflation plus a factor for

population increases. The bill provides that if excess revenues are less than or equal to one-half of one percent of the limitation, the total excess shall be deposited into the Revenue Stabilization Fund and the general fund. If excess revenues are greater than one-half of one percent of the limitation, a portion of the excess revenues shall be returned to individual income taxpayers. "Total appropriations" is defined to exclude moneys appropriated that are received from the federal government or an agency or unit thereof. The General Assembly may make appropriations in excess of the limitation only by a vote equal to or greater than 60 percent of the members voting in each house, including a majority of the members elected to that house.

Patron - Cuccinelli

FSJ409 Constitutional amendment (first resolution); Transportation Trust Fund. Provides that the Transportation Trust Fund established in 1986 will be a permanent fund and be funded annually by the General Assembly by appropriations equivalent to the revenues generated by the 1986 package of tax and fee increases or the appropriation for the fiscal year ending June 30, 2005, whichever is greater. The amendment limits the use of Fund moneys to highway construction, reconstruction, maintenance, and improvements, public transportation, railways, seaports, and airports. The General Assembly may borrow from the Fund for other purposes or reduce the level of required appropriations to the Fund only by a two-thirds-plus-one vote of members in each house, and the loan or reduction must be repaid within four years. This resolution has been incorporated into a substitute for SJR 310 reported by the Senate Committee on Privileges and Elections.

Patron - Bolling

FSJ410 Constitutional amendment (first resolution); Governor's term of office. Permits the Governor to succeed himself in office. The amendment allows two four-year terms (either in succession or not in succession) but prohibits election to a third term. The amendment allows Governors elected in 2009 and thereafter to serve two successive terms. Service for more than two years of a partial term counts as service for one term. The proposed constitutional amendment in this resolution is identical to that in SJR 401 and HJR 652 and has been incorporated into SJR 401.

Patron - Bolling

FSJ449 Constitutional amendment (first resolution); property exempt from taxation. Authorizes the General Assembly to enact legislation that will permit localities to exempt from property taxes up to the first \$100,000 of value of real estate designed for continuous habitation, owned and occupied by the same individuals as their dwelling.

Patron - Whipple

Other Resolutions

Passed

PHJ526 Portrait; Governor Warner. Establishes a committee for the purpose of commissioning a portrait of Governor Mark R. Warner for display in the Capitol.

Patron - Griffith

PHJ669 Youth Political Education Day. Designates the Tuesday before Election Day each year as Youth Political Education Day in Virginia.

Patron - Janis

[P]HJ688 Teenage Dating Abuse. Designates the first week in October in 2005, and in each succeeding year, as Teenage Dating Abuse Awareness Week in Virginia.

Patron - Armstrong

[P]HJ706 Boy Scouts' right to assembly. Expresses the General Assembly's support of the right of the Boy Scouts of America to assemble and use the facilities of the United States Armed Services within the federal government rules and regulations, as well as the facilities of the Virginia National Guard subject to the approval of its Adjutant General and within federal government rules and regulations for the use of these facilities.

Patron - Fralin

[P]HJ711 Hydrogen energy. Expresses the General Assembly's support for the Virginia Hydrogen Energy Plan.

Patron - McDonnell

[P]HJ750 Holocaust museum. Designates the Virginia Holocaust Museum as the official museum in the Commonwealth for the commemoration of the Holocaust.

Patron - O'Bannon

[P]HJ768 Promote spaying and neutering of companion animals. Encourages local governments to support the spaying and neutering of companion animals by providing incentives to citizens.

Patron - Ward

[P]HJ770 Child day centers. Expresses the General Assembly's support for the suspension or repeal of the amended regulation, 22 VAC 15-30, Standards for Licensed Child Day Centers.

Patron - Marrs

[P]HJ789 Heartland Corridor. Expresses the support of the General Assembly for the Heartland Corridor rail project, linking the ports of Hampton Roads to markets in the Midwest.

Patron - Fralin

[P]HJ850 Stafford County Youth Driver Task Force. Commends the work of the task force and reaffirms the General Assembly's commitment to improving driving conditions for the young people of the Commonwealth.

Patron - Howell, W.J.

[P]HR40 Confirming a nomination to the House Ethics Advisory Panel. Confirms the nomination of the Honorable William Whitney Sweeney by the Speaker of the House of Delegates to serve on the Panel for a four-year term beginning July 1, 2005, to succeed himself.

Patron - Ingram

[P]SJ319 Designating February 4, in 2005, and in each succeeding year, as Give Kids A Smile Day in Virginia. Designates February 4, in 2005, and in each succeeding year, as Give Kids A Smile Day in Virginia to recognize and care for the oral health needs of children, and encourage Virginia dental professionals to participate in the observance of "National Give Kids A Smile Day," by providing free oral health care to children, particularly low-income children, and conducting educational activities to heighten public awareness concerning oral health care. This resolution is a recommendation of the Joint Subcommittee Studying Access to and Costs of Oral Health Care in Virginia.

Patron - Marsh

[P]SJ320 Designating February, in 2005, and in each succeeding year, as Children's Dental Health Month in Virginia. Designates February, in 2005, and in each succeeding year, as Children's Dental Health Month in Virginia to recognize and care for the oral health needs of children, raise public awareness of the importance of oral health to total health, and participate in the observance of National Children's Dental Health Month. This resolution is a recommendation of the Joint Subcommittee Studying Access to and Costs of Oral Health Care in Virginia.

Patron - Marsh

[P]SJ332 Rotary Day in Virginia. Designates February 23, 2005, as Rotary Day in Virginia in honor of the centennial of Rotary International.

Patron - O'Brien

[P]SJ372 Anniversary of the Virginians with Disabilities Act. Commemorates the 20th anniversary of the Virginians with Disabilities Act. This landmark legislation preceded the Americans with Disabilities Act (ADA) by more than five years and was considered by many to be the model for the federal legislation that created the ADA.

Patron - Whipple

Failed

[F]HJ539 Prostate Cancer Awareness Month. Designates the month of September, in 2005, and in each succeeding year, as Prostate Cancer Awareness Month in Virginia.

Patron - Cosgrove

[F]HJ552 Macedonia. Supports the rights of Macedonians living throughout the Balkans to speak their language, to practice their customs, and to be granted all of the civil and human rights required by international law.

Patron - Frederick

[F]HJ599 Department of General Services; construction contracts. Encourages the Department of General Services to recognize and incorporate the Leadership in Energy and Environmental Design (LEED) Green Building Rating System of energy, environmental, and sustainability concepts into state and local practices for the design and procurement of construction projects to the extent such concepts are feasible and reasonable for the particular project.

Patron - Van Yahres

[F]HJ600 Local school boards and local governing bodies; construction contracts. Encourages local school boards and local governing bodies, in cooperation with the Department of General Services, to recognize and incorporate the Leadership in Energy and Environmental Design (LEED) Green Building Rating System into state and local practices for the design and procurement of construction projects to the extent such concepts are feasible and reasonable for the particular project.

Patron - Van Yahres

[F]HJ601 Boards of Visitors at Virginia's public institutions of higher learning; construction projects. Encourages the Boards of Visitors at Virginia's public institutions of higher education, in cooperation with the Department of General Services, to recognize and incorporate the Leadership in Energy and Environmental Design (LEED) Green Building Rating System into state and local practices for the design and procurement of construction projects.

Patron - Van Yahres

FHJ602 English as official language. Memorializes the Congress of the United States to enact legislation to make English the official language of the United States.

Patron - Parrish

FHJ624 Memorialize; offshore natural gas exploration. Memorializes the Congress of the United States to consider lifting the existing Outer Continental Shelf moratorium on oil and natural gas drilling off the mid-Atlantic coast.

Patron - Saxman

FHJ632 Prescription drugs from Canada. Memorializes the United States Congress to remove current restrictions on the purchasing of prescription drugs from Canada.

Patron - Armstrong

FHJ694 Statistics on passenger rail carriers. Requests that Amtrak and Virginia Railway Express report statistics on their "on-time" reliability to the Department of Transportation and the General Assembly.

Patron - Petersen

FHJ718 Purchasing of prescription drugs from other countries. Memorializes the United States Secretary of Health and Human Services to approve the purchasing of prescription drugs from other countries.

Patron - Hall

FHJ798 Recognition and incorporation of Green Globes environmental assessment tool. Encourages the Commonwealth to recognize and incorporate the Green Globes environmental assessment tool into state and local practices for the design and procurement of building construction projects.

Patron - Sherwood

FHJ813 NASA funding. Memorializes the Congress of the United States to enact and fully fund the proposed vision for the NASA exploration program and expresses the General Assembly's support for NASA's current and proposed programs.

Patron - BaCote

FHJ815 Official Transit Museum. Designates the Commonwealth Coach and Trolley Museum, Inc., in Roanoke as the Official Transit Museum of the Commonwealth.

Patron - Fralin

FHR28 Memorializing the United States Senate; confirm Supreme Court nominees. Urges the United States Senate during the 109th Congress to expeditiously confirm all nominations to the United States Supreme Court by the President.

Patron - Black

FHR29 Federal excise tax. Urges the Congress of the United States to repeal the federal excise tax on telecommunications.

Patron - Black

FSJ321 Job bank for oral health care professionals. Encourages the Virginia Dental Association to continue the online job bank for oral health care professionals. The job bank is instrumental in helping to address the maldistribution of dentists and providing employment information to oral health care professionals. This resolution was considered by the Joint Subcommittee Studying Access to and Costs of Oral Health Care.

Patron - Marsh

FSJ333 Memorializing the Congress; Help America Vote Act funding. Urges Congress to provide full funding for states under the Help America Vote Act.

Patron - Devolites Davis

FSJ391 Purchasing of prescription drugs from other countries. Urges the United States Secretary of Health and Human Services to approve the purchasing of prescription drugs from other countries.

Patron - Reynolds

FSJ411 Purchasing of prescription drugs from other countries. Memorializes the United States Secretary of Health and Human Services to approve the purchasing of prescription drugs from other countries.

Patron - Reynolds

FSJ441 Memorializing the Congress; Federal Burial Allowance. Urges Congress to increase the federal burial allowance from \$300 to \$750.

Patron - Saslaw

FSJ442 Lorton Arts Center. Expresses the General Assembly's support of the Lorton Workhouse Arts Center at the former District of Columbia prison facility on Route 123 in Lorton.

Patron - O'Brien

Miscellaneous (Including Budget and Bonds)

Passed

P HB1500 Budget Bill. Amends appropriations for the 2004-06 biennium.

Patron - Callahan

P HB1801 Virginia Biotechnology Research Partnership Authority; Biotechnology Macro Partnership. Creates a panel to make decisions about the Commonwealth's biotechnology investments, upon implementation of any state-wide program, referred to as the Virginia Biotechnology Macro. Certain provisions of the bill will expire on July 1, 2010.

Patron - Watts

P HB1897 Award of service pistol and shotgun. Allows Anthony A. Lippa, Junior, a former First Sergeant of the Virginia Department of State Police, to purchase his service pistol and shotgun.

Patron - Carrico

P HB2047 Commonwealth of Virginia Higher Educational Institutions Bond Act of 2005. Authorizes the Treasury Board to issue general obligation bonds of the Commonwealth, pursuant to Article X, Section 9 (c) of the Constitution of Virginia, in an aggregate principal amount not exceeding \$10,563,000, to fund specified capital projects at George Mason University, University of Virginia's College at Wise, and Virginia Military Institute. The bill states that an emergency exists and that the bill is in force from its passage. This bill is identical to SB 939.

Patron - Callahan

P HB2341 Claims; H. Steven Arrington, Carolyn Dixon, and E. Anthony Ware. Provides relief in the amount

of \$1,500 for the relief of H. Steven Arrington; \$1,125 for the relief of Carolyn Dixon; and \$1,022 for the relief of E. Anthony Ware for attorneys' fees incurred in connection with a contested election for the District 5 representative for the Bedford County Board of Supervisors and School Board. The Bedford County registrar inadvertently placed in the district several registered voters who should have been placed in another district. A special three-judge panel ruled that the election was invalid and that the results were invalid.

Patron - Putney

HB2566 Claims; Walter S. Lingeback. Provides relief to Walter S. Lingeback. In 1971 Mr. Lingeback purchased real property in Northumberland County pursuant to the treasurer's delinquent tax sale. Under law at the time, Mr. Lingeback would have been eligible after a number of years to make application to obtain clear title; however, a statute that would have permitted him to continue the process to completion was repealed in 1984 pursuant to the recodification of Title 58 of the Code of Virginia because it was deemed "obsolete." The bill would allow Mr. Lingeback to complete the process that he had already begun and has a July 1, 2007, sunset clause. This bill also contains an emergency clause.

Patron - Tata

HB2747 Claims; Beulah K. Davidson. Provides relief for Beulah K. Davidson, consisting of a lump sum payment of \$1,050.00 to be paid by August 1, 2005. Ms. Davidson's mother purchased property at an escheat sale to which the Commonwealth is unable to convey interest. Ms. Davidson's mother paid \$1,050.00 for the property.

Patron - Phillips

HB2891 Board of Corrections; real property conveyed to Town of Marion. Authorizes the Board of Corrections to convey without consideration certain property in its custody to the Town of Marion.

Patron - Carrico

SB939 Commonwealth of Virginia Higher Educational Institutions Bond Act of 2005. Authorizes the Treasury Board to issue general obligation bonds of the Commonwealth, pursuant to Article X, Section 9 (c) of the Constitution of Virginia, in an aggregate principal amount not exceeding \$10,563,000, to fund specified capital projects at George Mason University, University of Virginia's College at Wise, and Virginia Military Institute. The bill states that an emergency exists and that the bill is in force from its passage. This bill is identical to HB 2047.

Patron - Chichester

SB943 Department of State Police; conveyance of easement to Earl J. Nipper. Authorizes the Virginia Department of State Police to grant an easement to Earl J. Nipper sufficient to provide access to his property situated behind the Virginia State Police Headquarters building on State Route 19 in Tazewell County, Virginia.

Patron - Puckett

SB1312 Property transfer; College of William and Mary. Authorizes The College of William and Mary, with the approval of the Governor and in a form approved by the Attorney General, to exchange certain real estate within the City of Williamsburg.

Patron - Norment

Failed

HB2016 Claims; Howard M. and Inez O. Berry. Provides \$400,000 in relief to Howard M. and Inez O. Berry of Midlothian, Virginia. The Berrys' daughter, Jo Ann Berry, was killed in an automobile accident in 1977 caused by a juvenile driver. The driver was charged with involuntary manslaughter, but the case never went to trial. The Berrys could not get any information on the disposition of the case because of the driver's status as a minor and were told they would have to wait for 20 years. When the Berrys attempted to get the information in 1999, they discovered that the records had been destroyed.

Patron - Hall

HB2048 Virginia Public Building Authority; museums and cultural and arts facilities. Authorizes the Virginia Public Building Authority to issue bonds in a principal amount not to exceed \$85,625,000 to fund and construct specific capital projects for museums and cultural and arts facilities in the Commonwealth. This bill is identical to SB 1129.

Patron - Callahan

HB2182 Claims; Andrew Patrick Kidder. Provides relief to Andrew Patrick Kidder by directing the Birth-Related Neurological Injury Compensation Program (Program) to provide (i) all benefits for which he would have been entitled under the Program, and (ii) reimbursement of expenses incurred by the parents of Andrew Patrick Kidder to care for him since February 28, 1990, that would have been covered by the Program.

Patron - Tata

HB2185 Claims; Sean and Jennie Barrett. Provides relief for Sean and Jennie Barrett (the Barretts) in the amount of \$11,821.00 to be allocated from the Onsite Sewage Indemnification Fund for damages they incurred as a result of a malfunctioning septic system for their home.

Patron - Hargrove

HB2344 Claims; Laura B. Rodes. Provides relief in the amount of \$1,500 to Laura B. Rodes for legal fees she incurred in connection with her petition for a recount of votes cast in the November 2, 2004, election for the District 5 school board seat in Bedford County. Ms. Rodes lost the election by one vote and petitioned the Bedford County Circuit court for the recount. Since the margin was less than one half of one percent of the total votes cast, the costs of the recount were paid by the County, with the exception of the attorneys' fees incurred by Ms. Rodes.

Patron - Putney

HB2617 Claims; Robert and Barbara Morrison. Provides relief in the amount of \$498,550 to Robert and Barbara Morrison to repair the septic system servicing their home and to reimburse them for costs they have incurred since the system failed. The Virginia Health Department initially approved the location and final installation of the septic system but, within one year, revoked the approval citing, among other things, inaccuracy of the site and soil test used by the Department.

Patron - Orrock

HB2619 Claims; Timothy Q. Johnson, Sr., Karen Johnson and Timothy Q. Johnson, Jr. Provides \$50,000 in relief to Timothy Q. Johnson, Sr., Karen Johnson and Timothy Q. Johnson, Jr. Timothy Johnson, Jr. is alleged to have suffered permanent brain injury and other disabilities as the result of

nearly drowning while attending a summer camp program operated by the Prince William County Park Authority.

Patron - Ingram

F HB2687 Claims; Judy Boysha. Provides \$229.24 in relief to Judy Boysha of King George, Virginia. Ms. Boysha's car was damaged by a hole in the road located at a railroad crossing. The Virginia Department of Transportation failed to place markings on the roadway to warn motorists of the hazardous road condition despite being notified previously of the hazardous condition.

Patron - Pollard

F HB2748 Claims; Marianne Z. Knight. Allows Marianne Z. Knight to purchase two years of creditable service for retirement purposes. Ms. Knight was employed as a teacher by the Henrico County Public School System between 1961 and 2001, though she left the system at different intervals to teach in school systems located in other jurisdictions for a total of 6 years. She purchased four years of creditable service using the pre-tax payroll deduction believing that any portion of the service years remaining at the time of her retirement could be purchased with a lump sum payment. When she retired with two years remaining to be purchased, she was informed by the Virginia Retirement System that she could not purchase the remaining years because she had chosen the pre-tax payroll deduction option to purchase the years while she was employed.

Patron - O'Bannon

F HB2757 Claims; Beverly Q. Russell. Provides for Beverly Q. Russell to elect to have the Department of Human Resource Management enroll her in the State Retirement Health Benefits Program. When Ms. Russell retired on disability on February 1, 1997, she chose the option providing for a higher monthly retirement benefit payment, but did not realize that in doing so she was opting out of the state retiree health benefits program.

Patron - Griffith

F HB2782 Claims; Michael A. Fabyanic. Provides relief in the amount of \$12,000 to Michael A. Fabyanic to reimburse him for legal fees he incurred in his defense of a civil suit filed against him for actions that occurred while he was on duty as a deputy sheriff in Frederick County.

Patron - Black

F SB700 Budget Bill. Amends appropriations for the 2004-06 biennium.

Patron - Chichester

F SB871 Biennial appropriation act. Provides that the Commonwealth's biennial appropriations shall start on July 1 of odd-numbered years beginning with the biennial appropriation act for the period July 1, 2009, through June 30, 2011. The bill would require that the fiscal year beginning July 1, 2008, would not be a part of any biennial appropriation act (i.e., it would be a single-year budget).

Patron - Cuccinelli

F SB1031 Claims; County of Henrico. Provides relief to certain citizens of the County of Henrico for the cost of improvements, not to exceed \$28,734 in the aggregate, to six private wells that went dry in the vicinity of the construction near Interstate 895.

Patron - Lambert

F SB1128 Claims; Robert and Barbara Morrison. Provides relief in the amount of \$90,000 to Robert and Barbara Morrison to repair the septic system servicing their home and

to reimburse them for costs they have incurred since the system failed. The Virginia Health Department initially approved the location and final installation of the septic system but, within one year, revoked the approval citing, among other things, inaccuracy of the site and soil test used by the Department.

Patron - Houck

F SB1129 Virginia Public Building Authority; museums and cultural and arts facilities. Authorizes the Virginia Public Building Authority to issue bonds in a principal amount not to exceed \$85,625,000 to fund and construct specific capital projects for museums and cultural and arts facilities in the Commonwealth. This bill is identical to HB 2048.

Patron - Lambert

F SB1345 Claims; Henry Ridge. Provides an amount to be determined by the Commonwealth Transportation Commissioner in relief for Henry Ridge. Mr. Ridge received additional payment for the Stafford County property upon which the Commonwealth Transportation Commissioner exercised eminent domain. However, he received no interest award on the additional payment due to the interest rate applied by § 33.1-128 being negative. Section 33.1-128 was amended during the 2003 Session and made retroactive, but Mr. Ridge's situation still does not qualify for retroactive application of the amended section. Mr. Ridge is seeking the amount he would receive if he qualified for retroactive application of the amended section.

Patron - Colgan

Study Resolutions

Passed

P HJ551 Highway noises abatement. Establishes a six-member joint subcommittee to conduct a two-year study to identify materials, technologies, techniques, actions, and strategies related to both highway planning and construction in order to identify those that will provide the greatest amount of noise abatement for the lowest cost, and the situations in which each of them may best be employed.

Patron - Frederick

P HJ573 Criminal street gangs. Directs the Virginia State Crime Commission to study criminal street gang conduct and characteristics for the purpose of reducing the burden on prosecutors by producing a formal listing of gang names coupled with conduct and characteristics unique to those gangs.

Patron - Albo

P HJ588 Stem cell research. Establishes a joint subcommittee to study medical, ethical, and scientific issues relating to stem cell research conducted in the Commonwealth. The joint subcommittee shall examine the medical, ethical, and scientific policy implications of stem cell research, and the efficacy of research using both adult and embryonic stem cells.

Patron - Marshall, R.G.

P HJ598 Biodiesel fuel use and production. Requests the Secretary of Agriculture and Forestry to study the use and production of biodiesel fuel in Virginia.

Patron - Parrish

P HJ625 Exploring offshore natural gas. Requests the Secretary of Commerce and Trade to study the possibility of exploring for natural gas in coastal areas of the Commonwealth. The Secretary shall include recommended legislation

that could permit drilling for natural gas off the Commonwealth's coast.

Patron - Saxman

PHJ640 Funding options for Chesapeake Bay cleanup. Establishes an eight-member joint subcommittee to study options to provide a long-term funding source to clean up Virginia's polluted waters, including the Chesapeake Bay and its tributaries. The six legislative members are the chairmen of the money committees and the chairmen of the committees of oversight in the House and Senate. The Secretary of Natural Resources and the Secretary of Agriculture or their designees serve as ex officio voting members.

Patron - Callahan

PHJ643 Land application of biosolids. Directs the Joint Legislative Audit and Review Commission to study the land application of biosolids. The Commission shall evaluate (i) the current level of funding, staffing and resources available to the Virginia Department of Health for oversight and enforcement of the Virginia Biosolids Program; (ii) resources available to assist local governments with implementation of their biosolids inspection and monitoring authority; (iii) programs to ensure the proper training and support of local biosolids monitors; (iv) incentives to encourage sharing of information and resources among local governments, including the use of regional or multi-jurisdictional monitors; and (v) measures to encourage and assist coordination and communication between the Virginia Department of Health and local governments so as to ensure consistency and efficiency in complaint response and enforcement.

Patron - Hogan

PHJ646 Funding for the Birth-Related Neurological Injury Compensation Fund. Requests the Virginia Birth-Related Neurological Injury Compensation Program, with the assistance of the State Corporation Commission, the Office of the Attorney General, the State Workers' Compensation Commission, and other state agencies to develop recommendations for adequately funding the Birth-Related Neurological Injury Compensation Fund.

Patron - Tata

PHJ656 Eliminate/consolidate taxes and fees that are inefficient to collect. Establishes a joint committee to study the taxes, assessments, and fees imposed by the Commonwealth that generate little revenue. The joint subcommittee is charged with examining if administrative costs can be reduced if smaller taxes and fees are consolidated into larger ones which can be collected more efficiently.

Patron - Spruill

PHJ657 "No wrong door" approach for long-term care services. Requests the Secretary of Health and Human Services to study a "no wrong door" approach for long-term care services in the Commonwealth.

Patron - Rust

PHJ664 Administration of local cigarette taxes. Requests that the Department of Taxation study the feasibility of establishing uniformity and consistency among Virginia's localities in the design and use of tax stamps as evidence of payment of local cigarette taxes by tobacco wholesalers.

Patron - Abbitt

PHJ668 Costs of college textbooks and textbook purchasing practices of public institutions of higher education. Requests the State Council of Higher Education to study the rising costs of college textbooks and textbook purchasing practices of public institutions of higher education in the Common-

wealth. The State Council for Higher Education must submit its executive summary and report of its findings and recommendations to the 2006 Regular Session of the General Assembly.

Patron - Oder

PHJ685 Private youth and single family group homes. Creates a joint subcommittee to study private youth and single family group homes in the Commonwealth. The joint subcommittee shall (i) analyze the licensing requirements and enforcement of licensing standards, the need to notify localities of licensing violations in those localities, the rationale for and impact of concentrations of homes in certain communities, the appropriate siting requirements for such homes, and other issues that affect the integration of youth group home residents into the community; and (ii) study the excessive concentration of single family group homes in certain neighborhoods, the adverse effects of this concentration on the residents of single family group homes, the adverse effects of this concentration on those neighborhoods, and feasible regulatory alternatives that would result in more appropriate locations of single family group homes for the mutual benefit of the residents thereof and the affected neighborhoods. This resolution incorporates HJR 703.

Patron - Hall

PHJ686 Common interest communities. Requests the Virginia Real Estate Board to review the study performed by the Old Dominion University Center for Real Estate and Economic Development on common interest communities, which was funded through a grant from the Virginia Department of Professional and Occupational Regulation and the Virginia Real Estate Board. That study includes an analysis of the adequacy of training of, and disclosure of financial information to consumers by, financially compensated professional managers of condominium associations, property owners' associations, and other similar common interest communities. The Board shall report its findings to the Governor and General Assembly by the first day of the 2006 Session of the General Assembly.

Patron - Suit

PHJ689 Cost-effective toll collection. Directs the Joint Commission on Technology and Science to study technologies available for cost-effective toll collection.

Patron - Nixon

PHJ704 Medical malpractice. Continues the Joint Subcommittee Studying Risk Management Plans for Physicians and Hospitals to study various aspects of medical malpractice in Virginia. The resolution also requests the State Corporation Commission to assess the medical malpractice rates for certain medical specialties including neurosurgery, obstetrics and gynecology, orthopedics, emergency medicine, and anesthesiology in Virginia under the current regulatory structure and determine the probable effects of the availability and affordability of medical malpractice insurance for these specialties if Virginia requires prior approval of the rates rather than continuing to regulate these rates under existing file and use provisions. This resolution is identical to SJR 394.

Patron - Athey

PHJ707 Two-term Governor. Continues and renames 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 as the Joint Subcommittee to Study the Appropriate Balance of Power Between the Legislative and Executive Branches. During its second year of study, the joint subcommittee will continue to review proposals to (i) lengthen the session to 60 days in the odd-numbered years, (ii) shift the budget cycle, (iii) pro-

vide for annual budgets, (iv) create an independent economic and revenue forecasting commission, (v) allow for legislative veto or suspension of administrative regulations, (vi) increase legislative oversight of the boards of visitors of the public institutions of higher education and the Commonwealth Transportation Board, and (vii) establish an appropriate balance of powers between the legislative and executive branches as the joint subcommittee deems appropriate. The joint subcommittee must submit an executive summary of its findings and recommendations to the 2006 Session of the General Assembly.

Patron - Landes

HJ710 **200th anniversary celebration of the birth of Robert E. Lee.** Establishes a joint subcommittee to plan and coordinate the 200th anniversary celebration of the birth of Robert E. Lee. This resolution is identical to SJR 382.

Patron - Cline

HJ713 **Workforce development and training.** Establishes a joint subcommittee to study the need for greater consolidation or coordination of the workforce development and training resources available in the Commonwealth.

Patron - Byron

HJ747 **Relocating the Museum and White House of the Confederacy.** Establishes a joint subcommittee to examine the cost and feasibility of relocating the Museum and White House of the Confederacy.

Patron - Janis

HJ790 **Memorial commission; civil rights.** Expresses the General Assembly's support for the establishment by the Governor of a memorial commission to pay tribute to the civil rights movement in Virginia.

Patron - Bryant

HJ817 **Virginia Law Enforcement Memorial.** Supports the establishment of a memorial commission by the Governor to pay tribute to Virginia's first responders killed in the line of duty.

Patron - Reese

SJ273 **Prisoner reentry.** Establishes a joint subcommittee to study the Commonwealth's program for prisoner reentry to society. In conducting its study, the joint subcommittee shall continue the work of the Prisoner Reentry State Policy Academy established by the National Governors Association in identifying and developing strategies to address key needs and overcome barriers for offenders, prior to and upon leaving prison, to reduce the incidence of reincarceration and increase their successful social adaptation and integration into their communities.

Patron - Puller

SJ324 **Patients found not guilty by reason of insanity and persons found incompetent to stand trial.** Directs the Joint Commission on Health Care, through its Behavioral Health Care Subcommittee, to study the needs of patients found not guilty by reason of insanity and persons found incompetent to stand trial. The objectives of the study include (i) determining the appropriate treatment of acquittees; (ii) reviewing and revising diagnostic categories that are amenable to treatment and therefore eligible for inclusion as a possible NGRI defense; (iii) examining discharge alternatives that will expedite return to the community as well as free up acute care psychiatric beds; (iv) exploring the advisability and feasibility of coordination between the Department of Mental Health, Mental Retardation and Substance Abuse Services, local community services boards and the criminal justice system when an acquittee violates conditions of release that are not related to

a psychiatric illness and therefore not appropriate for rehospitalization; and (v) determine the needs and impact of persons found incompetent to stand trial on the mental health state system.

Patron - Puller

SJ330 **Regulation of the towing and recovery industry.** Establishes a joint subcommittee to study regulation of the vehicle towing and recovery industry by the Department of Professional and Occupational Regulation.

Patron - O'Brien

SJ331 **Virginia's adoption laws and policies.** Establishes a joint subcommittee to study Virginia's adoption laws and policies. In conducting its study, the joint subcommittee shall do a comprehensive review of Virginia's adoption laws, with special emphasis paid to the recognition and effect given to foreign adoption decrees, and determine whether such laws can be rewritten and reorganized to give clear and consistent guidance to persons using the laws. This resolution incorporates SJR 392.

Patron - O'Brien

SJ336 **Clerks' offices.** Establishes a joint subcommittee to study the operations of circuit court clerks' offices.

Patron - Mims

SJ360 **Regulatory burden on Virginia manufacturers.** Directs the Joint Legislative Audit and Review Commission to study the comparative burden of regulatory compliance on Virginia's manufacturing sector. The Commission shall evaluate the total costs on Virginia manufacturers of complying with state and federal regulations; the burden imposed on Virginia manufacturers compared to the burden imposed on other sectors of Virginia's economy; and the burden imposed on Virginia manufacturers compared to the regulatory compliance burdens on manufacturers in other mid-Atlantic and Southern states.

Patron - Wagner

SJ361 **Continuing the joint subcommittee studying the needs of the manufacturing sector and the future of manufacturing in Virginia.** Continues for one year the joint subcommittee established in 2004 by SJR 64 to study manufacturing needs and the future of manufacturing in Virginia. The joint subcommittee is directed to (i) determine how the manufacturing sector's needs may be addressed quickly, efficiently, and cost-effectively and (ii) consider what role state and local governments should have in this endeavor.

Patron - Wagner

SJ367 **Study of incentives for forestland owners.** Continues the Board of Forestry's study of incentives to private landowners to hold and preserve their forestlands.

Patron - Ticer

SJ371 **Voting equipment study; additional members.** Adds two nonlegislative, nonvoting citizen members with computer security expertise to the Joint Subcommittee to Study the Certification Process for Voting Equipment and Matters Related to the Performance and Proper Deployment of Voting Equipment.

Patron - Whipple

SJ376 **Virginia Housing Commission; exempting nonprofit organizations that construct housing for low-income persons from certain zoning provisions.** Directs the Virginia Housing Commission to study the feasibility of exempting nonprofit organizations that construct housing for

low-income persons from zoning provisions that limit how and when property may be subdivided into individual lots.

Patron - Houck

[P]SJ380 Lead poisoning prevention. Continues the Joint Subcommittee Studying Lead Poisoning Prevention for one year, with authority to hold two meetings. In conducting its 2005 study, the joint subcommittee will monitor the evolution of the data-sharing partnership established in § 32.1-127.1:04; monitor the completion of the reference database of statewide health-related data elements required by SB 565 of 2004; examine issues relating to lead poisoning among immigrant and adopted children; and seek to assist the Department of Health and the Department of Housing and Community Development in every appropriate way in maintaining federal funding.

Patron - Lambert

[P]SJ382 200th anniversary celebration of the birth of Robert E. Lee. Establishes a joint subcommittee to plan and coordinate the 200th anniversary celebration of the birth of Robert E. Lee. This resolution is identical to HJR 710.

Patron - Hanger

[P]SJ393 Local firearms hunting ordinances. Continues the 2004 study requesting the Department of Game and Inland Fisheries to study local firearms hunting ordinances. The agency was requested to examine, among other issues, how these ordinances can be made more uniform and consistent across the Commonwealth, with particular attention paid to the development and use of model ordinances that would lead to an easier understanding by the public of the hunting laws.

Patron - Stolle

[P]SJ394 Medical malpractice. Continues the Joint Subcommittee Studying Risk Management Plans for Physicians and Hospitals to study various aspects of medical malpractice in Virginia. This resolution is identical to HJR 704.

Patron - Newman

[P]SJ403 Industry certifications and state licensure tests. Requests the Board of Education to study the permanent use of industry certifications and state licensure tests for the award of verified units of credit in the public schools. In conducting its study, the Board of Education shall (i) examine the suitability of additional industry testing programs that could be used as substitute tests for students to earn verified units of credit for graduation; (ii) determine how to increase the emphasis on career and technical education for creating greater equity and applicability to the verified credit system, including, but not limited to, consideration of increasing the number of potential verified credits obtained through industry certifications; and (iii) consider these issues as it reviews and amends the Regulations Establishing Standards of Accrediting Public Schools in Virginia, commonly known as the Standards of Accreditation.

Patron - Wagner

[P]SJ451 Constitutional criminal issues. Directs the Virginia State Crime Commission to study the implications for Virginia of recent United States Supreme Court cases which raise issues on the constitutionality of crime lab certificates and uncontested affidavits used at trial and opinions that call into question the enhancement of sentences on the basis of facts that have not been found by a jury.

Patron - Mims

Failed

[F]HJ572 Chartered institutions. Creates a one-year, 13-member joint subcommittee to study the feasibility and appropriateness of granting chartered institution status to certain public institutions of higher education in the Commonwealth. The joint subcommittee is to consider, among other things, (i) chartered institution status as articulated in HB 1359 and SB 638 (2004); (ii) the impact of similar grants of institutional flexibility in other states; (iii) the potential fiscal and policy implications of such grants on Virginia's system of public higher education as a whole; and (iv) such other matters as it deems appropriate.

Patron - Tata

[F]HJ576 Student attendance. Requests the Department of Education to study the correlation between student attendance and achievement in the Commonwealth and methods of improving attendance.

Patron - Dillard

[F]HJ583 Joint Commission on Health Care be directed to study statewide surveillance of nosocomial infection rates. Directs the Joint Commission on Health Care to study statewide surveillance of nosocomial infection rates. In conducting its study, the Commission shall (i) consult with the Virginia Department of Health regarding the findings of its recent study pertaining to nosocomial infections and mandatory reporting and disclosure of hospital infection rates, including, but not limited to, the findings and recommendations for prevention by the U.S. Centers for Disease Control and Prevention; (ii) review and consider mandatory reporting and disclosure laws of other states and their adaptability in Virginia; (iii) determine the feasibility of mandatory reporting and disclosure of hospital infection rates in the Commonwealth, and the financial impact of such requirements on consumers and the public and private health care sectors; (iv) recommend, in consultation with the Virginia Health Department's advisory group on hospital infections, a means by which current surveillance processes may be standardized to provide meaningful information concerning hospital infection rates to the public; and (v) consider such other related issues as the Commission may deem appropriate to minimize nosocomial infection rates in the Commonwealth. The Commission shall submit its findings and report to the 2006 Session of the General Assembly.

Patron - Purkey

[F]HJ587 Medical errors by health care providers. Requests the Board of Health Professions to study the prevalence of medical errors by health care providers in Virginia. In conducting its study, the Board of Health Professions shall study the current prevalence of medical errors by health care providers in Virginia, the potential reduction of such errors that might result from the provision of effective statutory or regulatory protections and safeguards for medical professionals who report such medical errors, and the efforts of other states to address the issues of medical errors and protection of reporters and make recommendations that address these issues and propose such legislation as may be needed to implement these recommendations.

Patron - Landes

[F]HJ589 Relationship between obesity and school lunch program. Establishes a joint subcommittee to study the relationship between obesity and the school lunch program. In conducting its study, the joint subcommittee shall (i) determine the number of public schools participating in the school breakfast and lunch programs, including the reasons for the nonparticipation of identified public schools; (ii) ascertain the number

of school-age children by school division who are overweight or obese and have related health problems; (iii) review the requirements of the school breakfast and lunch program and plans among participating school divisions to revise such programs to increase healthy food options; (iv) examine the benefits of competitive foods and beverages sold in public schools, and the relationship between the health and physical education curriculum, public health policies, social, economic and cultural influences, and media messages and the incidence of overweight and obese students in the public schools. The joint subcommittee shall provide opportunities for the participation of the Virginia Chapter of the American Academy of Pediatrics, the Virginia Medical Society, the Old Dominion Medical Society, parents, students, the education community, business and industry, and other interested parties to share their perspectives on the issues, problems, and solutions related to childhood obesity. The joint subcommittee must submit an executive summary and report of its findings and recommendations to the 2006 Session of the General Assembly.

Patron - Marshall, R.G.

FHJ596 Virginia Housing Development Authority; comprehensive impact of residential overcrowding on localities. Requests the Virginia Housing Development Authority to study the comprehensive impact of residential overcrowding on localities.

Patron - Parrish

FHJ597 Economic impact of foreign-born residents in Planning District 8. Directs the Joint Legislative Audit and Review Commission to study the economic impact of Virginia's foreign-born population residing within Planning District 8. This study will build upon a prior JLARC study on the acclimation of Virginia's foreign-born population by focusing on the region where over two-thirds of the population is foreign-born.

Patron - Parrish

FHJ617 Virginia Housing Development Authority; availability of affordable housing for active duty military personnel and their families living in Virginia. Requests the Virginia Housing Development Authority to study the availability of affordable housing for active duty military personnel and their families living in Virginia.

Patron - Baskerville

FHJ618 Immunity from liability during emergencies. Requests the Virginia Department of Emergency Management to study whether to grant immunity to emergency personnel for damage caused by their livestock and pets during an emergency or a disaster.

Patron - Orrock

FHJ630 Compensation and benefit plans for state employees. Establishes a joint subcommittee to study the Commonwealth's compensation and benefit plans for state employees. In conducting its study, the subcommittee shall examine the issues of salary compression and inversion and evaluate the Commonwealth's total compensation package, including employee benefits, personnel and management policies and procedures, and formulate recommendations for improvements. The joint subcommittee shall further examine the advisability of establishing the joint subcommittee as a legislative commission of indefinite duration.

Patron - Hall

FHJ639 Constitutional officers. Establishes a joint subcommittee to study the operations, functions, and funding of constitutional officers. The joint subcommittee shall address (i) the current benefits provided by each constitutional officer

to the Commonwealth and its localities, (ii) whether the benefits outweigh the costs, (iii) whether constitutional officers should be elected or appointed, (iv) whether the duties of constitutional officers are appropriate or duplicative in localities with different population sizes, (v) whether alternative methods of State financing for these officers would be feasible and advisable, and (vi) such other related issues as it deems appropriate.

Patron - Welch

FHJ651 Voting equipment study; additional member. Adds one nonlegislative, nonvoting citizen member with computer programming expertise to the Joint Subcommittee to Study the Certification Process for Voting Equipment and Matters Related to the Performance and Proper Deployment of Voting Equipment.

Patron - Hugo

FHJ654 Privatization of highway rest stops. Requests the Virginia Department of Transportation to study the costs and benefits of allowing or recruiting private travel-oriented businesses to locate at or associate with highway rest stops.

Patron - Gear

FHJ655 Fiscal autonomy for elected school boards. Directs the Joint Legislative Audit and Review Commission to study implications of granting fiscal autonomy to elected school boards in the Commonwealth. In conducting its study, the Joint Legislative Audit and Review Commission shall (i) examine state constitutional and statutory issues regarding school board supervisory authority, (ii) study the respective roles of local school boards and the relevant local governing body in delivering and funding public education, and fiscal authority models in other states; and (iii) consider such other issues as it deems appropriate. The Joint Legislative Audit and Review Commission must submit an executive summary of its findings and recommendations to the 2006 Session of the General Assembly.

Patron - Spruill

FHJ658 Menhaden fishing. Requests that a joint subcommittee be established to study the most appropriate means of regulating the fishing of menhaden in the Chesapeake Bay and its tributaries.

Patron - Purkey

FHJ660 Virginia Transportation Priority and Funding Commission. Creates a 30-member Commission to study transportation needs and the resources required to meet them. This resolution has been incorporated into HJR 742.

Patron - Reese

FHJ661 Commissioners of Revenue, Treasurers and Directors of Finance. Directs the Joint Legislative Audit and Review Commission to study the functions and operations of the Commissioners of Revenue, Treasurers, and Directors of Finance. The study shall address (i) the benefits provided by the three local financial officers to the Commonwealth and its localities, (ii) whether the benefits outweigh the costs, (iii) whether alternative methods of State financing for these offices would be feasible and advisable, (iv) whether the State tax assistance function carried out by these local officers is valuable and cost-effective, and (v) such other related issues as it deems appropriate by the Commission.

Patron - Wardrup

FHJ662 Issues relating to transportation in the Commonwealth. Establishes a joint subcommittee to examine (i) whether the Commonwealth's current classification of roads into primary, secondary, and urban systems is the most suitable

for addressing future transportation issues or should be replaced with a functional system that is based upon the usage of roads; (ii) whether the current statutory formula for allocating highway construction funds should be changed to better reflect transportation needs; (iii) the appropriate state and local roles in highway construction and maintenance and the revenue resources that are available to perform such roles; (iv) whether the scope of projects eligible to be built under the Public-Private Transportation Act of 1995 should be more targeted in scope than is currently provided for under the Act and whether the Act should be amended to include private funding requirements from private entities contracting with the government; (v) whether land use and transportation planning decisions should be more integrated and coordinated than they are presently provided for under law; (vi) the composition of the Commonwealth Transportation Board; and (vii) such other transportation-related matters as the joint subcommittee deems appropriate. The joint subcommittee shall develop recommendations directed at placing the Commonwealth in the best position for addressing future transportation issues and challenges. This resolution has been incorporated into HJR 742.

Patron - Wardrup

FHJ663 Construction of an eastern bypass around the Washington, D.C. metropolitan area. Establishes a 10-member joint subcommittee to conduct a one-year study of the feasibility of cooperating with Maryland and Washington, D.C. to plan the construction of an eastern bypass of I-95 from central Virginia to U.S. 50 in Maryland. This resolution has been incorporated into HJR 742.

Patron - Marrs

FHJ665 Capacity to meet educational standards. Directs the Joint Legislative Audit and Review Commission (JLARC) to examine the capacity of the Commonwealth's public education system to meet the standards and requirements of the Standards of Quality, the Standards of Learning, the Standards of Accreditation, and the federal No Child Left Behind Act (NCLB). In conducting its study, JLARC shall, among other things, (i) examine the potential costs imposed by federal requirements for additional assessments, training and employment of highly qualified teachers and instructional paraprofessionals, and enhanced data collection and reporting systems; (ii) identify current federal, state, and local funding levels and the fiscal and personnel resources, programs, and conditions sufficient to enable each school and each student, including at-risk students, to meet the Standards of Quality, the Standards of Learning, the Standards of Accreditation, and NCLB; (iii) determine what additional funding and programmatic changes, if any, are required to build and maintain these resources, programs, and conditions; (iv) make recommendations regarding the effective application of existing resources; and (v) explore such other issues as it deems appropriate.

Patron - Dillard

FHJ666 Medical malpractice insurance rates. Requests the State Corporation Commission to study the implications of requiring that medical malpractice insurance rates for specific medical specialties be subject to prior approval by the Commission, and that loss experience from no state other than Virginia be considered in setting such rates.

Patron - Albo

FHJ671 Unnecessary government expenditures. Establishes an eight member joint subcommittee to study the reduction of unnecessary government expenditures.

Patron - Athey

FHJ672 Department of Medical Assistance Services' Medicaid-approved transportation vendors. Continues the

Joint Legislative Audit and Review Commission study of pre-hospital emergency medical services in Virginia as set out in House Joint Resolution No. 133 (2004). The resolution adds to the list of objectives an examination of the needs and problems associated with the Department of Medical Assistance Services' Medicaid-approved vendors that transport patients for medical purposes such as dialysis.

Patron - Athey

FHJ679 HOPE Scholarship in Virginia. Requests the State Council of Higher Education (SCHEV) to study the feasibility and appropriateness of creating a program of student assistance in Virginia modeled after the Georgia HOPE Scholarship and Grant Program. In conducting its study, SCHEV shall consider, among other things, (i) the fiscal and educational impact of the HOPE initiative in Georgia; (ii) the implementation of similar initiatives, if any, in other states; (iii) Virginia's current financial aid programs and funding levels; (iv) potential revenue sources for a HOPE-modeled program in Virginia; and (v) such other issues as it deems appropriate.

Patron - Frederick

FHJ680 Virginia Housing Commission; feasibility of authorizing user fees for new single and multifamily residential construction projects. Directs the Virginia Housing Commission to study the feasibility of authorizing user fees for new single and multifamily residential construction projects.

Patron - Marshall, R.G.

FHJ681 Commission on Growth and Economic Development. Continues the Commission on Growth and Economic Development for one additional year and requires the Commission to study the feasibility of authorizing user fees for new single and multifamily residential construction projects.

Patron - Marshall, R.G.

FHJ683 Feasibility of participation in the I-SaveRx program. Directs the Joint Commission on Health Care to study the feasibility of participation by the Commonwealth in the I-SaveRx program.

Patron - Marshall, R.G.

FHJ687 State park along South Mayo and North Mayo Rivers. Requests the Department of Conservation and Recreation to study the feasibility of establishing a state park along the South Mayo and North Mayo Rivers in Henry County.

Patron - Armstrong

FHJ690 Desirability of using underground electrical transmission lines. Directs the Joint Legislative and Review Commission to study the desirability of using underground electrical transmission lines as an alternative to the overhead installation of such lines.

Patron - May

FHJ691 Use of biometric identifiers in connection with driver's licenses; report. Requests the Department of Motor Vehicles, in cooperation with the Virginia Information Technologies Agency, the Office of the Attorney General, the Department of State Police, the Department of Social Services, the Department of Emergency Management, and all other interested state agencies to study the desirability and feasibility of the integration of biometric identifiers for Virginia driver's licenses and special identification cards.

Patron - May

FHJ696 Voluntary, public-private health insurance purchasing pool for small businesses. Requests the Secretary of Administration to prepare a program design for a voluntary,

public-private health insurance purchasing pool for businesses with 50 or fewer employees. The Secretary of Administration is directed to work with representatives of health insurers, insurance agents, health care providers, and small businesses in developing the program design. This project is a recommendation of the Lieutenant Governor's Commission on Small Business Health Insurance Costs.

Patron - Brink

FHJ703 Single family group homes. Establishes a joint subcommittee to study the effects of excessive concentration of single family group homes, and to determine alternatives which would result in greater dispersion and integration of such facilities into society. In conducting its study, the joint subcommittee shall study the excessive concentration of single family group homes in certain neighborhoods, the adverse effects of this concentration on the residents of single family group homes, the adverse effects of this concentration on those neighborhoods, and workable regulatory alternatives that would result in more appropriate locations of single family group homes for the mutual benefit of the residents thereof and the affected neighborhoods. This resolution has been incorporated into HJR 685.

Patron - Melvin

FHJ705 Prior approval of medical malpractice insurance rates. Requests the State Corporation Commission to study whether Virginia should require prior approval of medical malpractice liability insurance rates. Currently, such rates are subject to "file and use" rules. The study is to estimate the likely effect of requiring prior approval on such insurance rates and premiums and to assess the likely effects of requiring prior approval of such rates on the availability as well as the affordability of such insurance. The study is to be completed by June 1, 2005.

Patron - Baskerville

FHJ714 Contents of driver's licenses and special identification cards. Requests the Department of Motor Vehicles to study the desirability and feasibility of incorporating biological trait information in or on Virginia driver's licenses and special identification cards.

Patron - Byron

FHJ715 JLARC study of mass transit in Northern Virginia. Directs the Joint Legislative and Review Commission to collect and analyze data to support the reorganization and restructuring of mass transit programs serving Northern Virginia. This resolution has been incorporated into HJR 742.

Patron - Lingamfelter

FHJ719 Virginia Housing Commission; local incentives to developers to preserve affordable single and multi-family housing. Directs the Virginia Housing Commission to study the authority of localities to provide incentives to developers to preserve the supply of affordable single and multifamily housing.

Patron - Scott, J.M.

FHJ742 Free Market Ideas in Transportation Commission. Establishes the Commission on Transportation Needs in the Commonwealth to study a list of issues associated with promoting a more efficient transportation system for the Commonwealth. This resolution incorporates HJR 660, HJR 662, HJR 663, HJR 715, HJR 744, HJR 772, and HJR 791.

Patron - Wardrup

FHJ743 Homestead exemptions and alternatives for tax relief for the elderly and disabled. Calls for a one-year joint subcommittee, consisting of eight legislators, three non-

legislative citizen members and the Tax Commissioner, to review the current homestead exemptions and alternatives for real property tax relief.

Patron - Rapp

FHJ744 Virginia Transportation Priority and Funding Commission. Establishes the Virginia Transportation Priority and Funding Commission. In conducting its study, the Commission shall consider the most effective use of transportation funds to anticipate and correct existing and future transportation funding deficiencies. The Commission shall also (i) examine highway, bridge, mass transit, rail, and other transportation needs of the Commonwealth; (ii) recommend, on the basis of its findings, first tier needs which shall include current transportation needs and second tier needs which shall include transportation needs to be addressed by 2020; (iii) review Virginia's bonding capacity under the Constitution as well as other potential funding sources and recommend a mix of revenue bonds, general obligation bonds, partnerships, cash investments, revenue sources, etc., to address these needs; and (iv) submit a report concerning its findings and recommendations regarding the first and second tier transportation needs of the Commonwealth, and first tier funding sources. This resolution has been incorporated into HJR 742.

Patron - Phillips

FHJ745 Gun violence in the Richmond metropolitan area. Creates a joint subcommittee to study gun violence in the Richmond metropolitan area and its impact on public safety, education, and economic development. The joint subcommittee is tasked with making recommendations to curb violence that involves the use of a firearm.

Patron - Jones, D.C.

FHJ746 Regulation of the towing and recovery industry. Establishes an eight-member joint subcommittee to study regulation of the vehicle towing and recovery industry by the Department of Professional and Occupational Regulation.

Patron - Bland

FHJ748 Driver's license without proof of legal presence in the United States. Directs the Joint Legislative Audit and Review Commission to study the feasibility of establishing a new class of driver's license for drivers without proof of legal presence in the United States.

Patron - Ebbin

FHJ749 Detention and diversion programs. Establishes a joint subcommittee to study programs for probation and parole technical violators.

Patron - McDougle

FHJ763 Virginia's A. L. Philpott Manufacturing Extension Partnership (VPMEP). Requests the Secretary of Commerce and Trade to study ways to strengthen the affiliation and partnership of Virginia's A. L. Philpott Manufacturing Extension Partnership (VPMEP) with Virginia Polytechnic Institute and State University or another appropriate institution or state agency, with the principal office of VPMEP remaining in the Martinsville area.

Patron - Armstrong

FHJ772 Use of railroad corridors for multimodal transportation purposes. Establishes a six-member joint subcommittee to study use of the Commonwealth's active and abandoned railroad corridors for multimodal transportation purposes. This resolution has been incorporated into HJR 742.

Patron - Parrish

FHJ791 Cost overruns in VDOT construction contracts. Establishes a six-member joint subcommittee to study cost overruns in VDOT construction contracts. This resolution has been incorporated into HJR 742.

Patron - Marshall, R.G.

FHJ816 Virginia Community College System. Establishes a joint subcommittee to study the feasibility and appropriateness of granting certain colleges in the Virginia Community College System the authority to confer four-year degrees. Report.

Patron - Marshall, D.W.

F SJ281 Insurance costs relating to the practice of medicine and the costs of prescription medicines and health insurance premiums. Establishes a joint subcommittee to examine (i) the costs of medical malpractice insurance in the Commonwealth, particularly insurance premiums or rates for obstetricians/gynecologists; (ii) the costs of health insurance and prescription drugs; and (iii) causes for the increase in such insurance and medical costs, including studying whether any person, entity, or business is earning an excessive profit in regard to such insurance and medical costs. The joint subcommittee shall develop recommendations for controlling the costs of medical malpractice insurance, health insurance, and prescription drugs, including recommendations for corrective measures in any case where the joint subcommittee determines that excessive profit is directly related to such costs.

Patron - Hawkins

F SJ282 Issues relating to transportation in the Commonwealth. Establishes a seventeen-member joint subcommittee to examine (i) whether the Commonwealth's current classification of roads into primary, secondary, and urban systems is the most suitable for addressing future transportation issues or should be replaced with a functional system that is based upon the usage of roads; (ii) whether the current statutory formula for allocating highway construction funds should be changed to better reflect transportation needs; (iii) the appropriate state and local roles in highway construction and maintenance and the revenue resources that are available to perform such roles; (iv) whether the Public-Private Transportation Act of 1995 is making a significant difference in meeting Virginia's transportation needs, is compatible with state and federal transportation policies, and is attracting private capital; (v) whether land use and transportation planning decisions should be more effectively coordinated than is presently provided for under law; (vi) the composition of the Commonwealth Transportation Board; (vii) whether transit services can be expanded to match the annual increase in vehicle miles traveled to lessen the stress on Virginia's roads; (viii) solutions for long-term sustainable funding of transportation maintenance and construction; and (ix) such other transportation-related matters as the joint subcommittee deems appropriate.

Patron - Hawkins

F SJ283 Reducing motor vehicle emissions. Requests the Department of Environmental Quality to study the costs and benefits of adopting air pollution standards for automobiles in Northern Virginia.

Patron - Puller

F SJ287 At-risk youth served in out-of-state facilities. Establishes a joint subcommittee to study the feasibility, advisability, and cost effectiveness of providing in-state residential treatment for troubled and at-risk youth now served in out-of-state facilities.

Patron - Miller

F SJ302 Effect of detention on truancy. Establishes a joint subcommittee to study the effect of detention on truancy. In conducting its study, the joint subcommittee shall (i) review the statutory provisions pertaining to truancy and the disposition of truants in the Commonwealth; (ii) review the findings and recommendations of previous legislative and current national reports concerning the etiology and prevention of truancy; (iii) determine the number of truants and identify the prevailing reasons for chronic absenteeism among truants in Virginia; (iv) examine the various truancy interventions used in the Commonwealth and other states; (v) evaluate the effectiveness of detention programs on truancy prevention and in redirecting truants to more productive lifestyles; (vi) recommend feasible and appropriate alternatives for truancy prevention; and (vii) consider such related matters as may be necessary to satisfy the objectives of this resolution. The joint subcommittee shall submit an executive summary of its findings and recommendations to the 2006 Regular Session of the General Assembly.

Patron - Miller

F SJ317 Mechanisms to promote collaborative arrangements between primary care physicians and oral health professionals to ensure holistic health care. Establishes a joint subcommittee to study mechanisms to promote collaborative arrangements between primary care physicians and oral health professionals to ensure holistic health care. In conducting its study, the joint subcommittee shall (i) identify and review collaborative arrangements between primary care physicians and oral health professionals, in and out of state; (ii) determine the types of health care services rendered through these collaborative arrangements; (iii) evaluate the need for dental insurance in Virginia, especially such insurance for the working poor and middle-income persons; (iv) identify, to the extent possible, the health problems of Virginians resulting from or related to untreated oral disease; (v) determine which health insurance providers in the Commonwealth offer plans that integrate traditional health insurance and dental insurance plans, and provide coverage for services rendered through collaborative arrangements between primary care physicians and oral health professionals; and (vi) recommend mechanisms to promote collaborative arrangements between primary care physicians and oral health professionals to ensure holistic health care and adequate insurance coverage. The joint subcommittee must submit an executive summary of its findings and recommendations to the 2006 Session of the General Assembly. This resolution was considered by the Joint Subcommittee Studying Access to and Costs of Oral Health Care.

Patron - Marsh

F SJ318 Moratorium on the death penalty. Creates a joint subcommittee to study establishing a moratorium on the death penalty. The joint subcommittee shall examine, among other issues it deems appropriate, (i) the administration of criminal justice in Virginia to determine the extent to which the process has failed resulting in wrongful executions of innocent persons; (ii) issues concerning the death penalty including disparity, fairness, equity, due process, competence of counsel for capital defendants, and limitations on the introduction of newly discovered and possibly exculpatory evidence; (iii) the execution of individuals who were juveniles at the time of their offense, and (iv) issues involved in imposing a moratorium. The joint subcommittee shall submit its findings and recommendations to the 2006 Session of the General Assembly.

Patron - Marsh

F SJ325 Unfunded liabilities of the Commonwealth. Establishes a joint subcommittee to study the unfunded liabilities of the Commonwealth and their effect on the Common-

wealth's budget, and to make recommendations as to future funding.

Patron - Stosch

FSJ334 Wind energy development. Establishes a joint subcommittee to study wind energy development in the Commonwealth.

Patron - Hanger

FSJ343 Tree-related measures in Clean Air Act state implementation plans to avoid loss of future federal transportation funds. Requests that the Department of Environmental Quality, in consultation with local governments and appropriate state, regional, and federal air quality and natural resource management agencies study the effect of urban trees and native forests on ambient ozone levels and other air pollutants, as well as the feasibility of including tree-related measures in state implementation plans for managing air quality to reduce health risks and avoid loss of future federal transportation funds.

Patron - Mims

FSJ365 Direct contribution retirement alternative. Creates a joint subcommittee to study the costs and benefits to the Commonwealth and eligible employees in establishing a direct contribution retirement alternative to the existing Virginia Retirement System.

Patron - Cuccinelli

FSJ366 Funding and promotion of children's hearing aids. Establishes a joint subcommittee to study the funding and promotion of children's hearing aids. In conducting its study, the joint subcommittee shall assess current efforts and recommend new methods to promote and publicize the Assistive Technology Loan Fund Authority (ATLFA) and the Consumer Services Fund (CSF) to parents of children determined to be born with a hearing deficiency discovered under the early identification and intervention program. The subcommittee shall determine the costs to insurance companies that would result from a mandate to supply hearing aids to children up to age six. Further, the subcommittee shall assess whether individual case management services should be added to the early identification program in order to ensure that each child actually receives appropriate hearing aids. Case management services to be considered shall include, but not be limited to, the identification of available public and private resources or benefits, and an opt-out provision for parents who do not wish for their children to receive such services. The joint subcommittee shall complete its meetings by November 30, 2005, and submit an executive summary of its findings and recommendations no later than the first day of the 2006 Regular Session of the General Assembly.

Patron - Ticer

FSJ370 Virginia Housing Commission; notification and right of first refusal to local housing authorities and nonprofit housing organizations upon intended sale of multifamily properties. Directs the Virginia Housing Commission to study the feasibility of requiring the owner of an existing multifamily housing property to notify the housing authority and nonprofit housing organization, if any, in the locality in which the property is located of the intended sale and to provide the authority or nonprofit housing organization with a right of first refusal for the purchase of the property.

Patron - Whipple

FSJ383 Elimination of the tangible personal property tax on personal-use passenger cars, motorcycles, and pickup or panel trucks. Establishes a joint subcommittee to examine the most efficient and equitable way to eliminate the

tangible personal property tax on the first \$20,000 of value of personal-use passenger cars, motorcycles, and pickup or panel trucks. The joint subcommittee shall develop recommendations for eliminating the tax that will provide a replacement for the revenues estimated to be received by local governments.

Patron - Hanger

FSJ387 Single family group homes. Establishes a joint subcommittee to study the effects of excessive concentration of single family group homes, and to determine alternatives which would result in greater dispersion and integration of such facilities into society. In conducting its study, the joint subcommittee shall study the excessive concentration of single family group homes in certain neighborhoods, the adverse effects of this concentration on the residents of single family group homes, the adverse effects of this concentration on those neighborhoods, and workable regulatory alternatives that would result in more appropriate locations of single family group homes for the mutual benefit of the residents thereof and the affected neighborhoods.

Patron - Lucas

FSJ392 Virginia's adoption laws and policies. Establishes a joint subcommittee to study Virginia's adoption laws and policies. In conducting its study, the joint subcommittee shall do a comprehensive review of Virginia's adoption laws, with special emphasis paid to the recognition and effect given to foreign adoption decrees, and determine whether such laws can be rewritten and reorganized to give clear and consistent guidance to persons using the laws. This resolution has been incorporated into SJR 331.

Patron - Reynolds

FSJ396 Effect of new overtime regulations on employees in the Commonwealth of Virginia. Requests the Virginia Employment Commission, with the assistance of the Department of Labor and Industry, to study the impact of the overtime compensation regulations promulgated by the U. S. Department of Labor effective August 23, 2004, on employees in the Commonwealth of Virginia.

Patron - Miller

FSJ397 Privatization efforts of the Virginia Department of Transportation. Directs the Joint Legislative Audit and Review Commission to study the impact of the Virginia Department of Transportation's privatization efforts on female and minority employees of the agency and small, women- and minority-owned businesses.

Patron - Miller

FSJ400 Voluntary, public-private health insurance purchasing pool for small businesses. Requests the Secretary of Administration to prepare a program design for a voluntary, public-private health insurance purchasing pool for businesses with 50 or fewer employees. The Secretary of Administration is directed to work with representatives of health insurers, insurance agents, health care providers, and small businesses in developing the program design. This project is a recommendation of the Lieutenant Governor's Commission on Small Business Health Insurance Costs.

Patron - Colgan

FSJ402 Comprehensive study of best educational practices and programs. Requests the Department of Education to conduct a comprehensive study of best educational practices and programs for use in public schools. In conducting its study, the Department shall (i) ascertain the best educational practices and programs employed by school divisions to increase the academic achievement of at-risk students; (ii) review the reports of other states pertaining to best educational

practices and programs for use with at-risk students to identify and evaluate those practices and programs, including school reform models, that demonstrate success in raising the academic performance of at-risk students; and (iii) determine the costs of implementing successful best practices and programs identified by the Department. The Department of Education must submit an executive summary and a report of its findings and recommendations to the 2006 Session of the General Assembly.

Patron - Locke

Charters and Authorities

Passed

HB1723 Peninsula Ports Authority. Allows appointment to the commission of the Peninsula Ports Authority of persons who are nonresidents of the localities embraced within the authority provided they have a principal place of business within one of those localities.

Patron - Oder

HB1779 Charter; City of Danville. Amends the City of Danville's Charter to provide for the direct election of school board members, pursuant to the 2004 passage of a local referendum. The bill also updates several obsolete Code references.

Patron - Marshall, D.W.

HB1899 Charter; Town of New Castle. Extends council terms from two to four years beginning with the election to be held in 2006. This bill is identical to SB 1068.

Patron - Shuler

HB2072 Charter; Town of Halifax. Provides for the mayor and council members to take office on July 1 following their election, instead of September 1, as currently provided.

Patron - Hogan

HB2169 Charter; City of Winchester. Makes several changes to the election and composition of city council, including reducing the size of the council from 13 to nine members and changing the time of election from May to November. Other changes will alter the budget cycle and clarify the instances and manner in which council members may contract with the city for purchases.

Patron - Sherwood

HB2176 Charter; Town of Stanley. Shifts council elections from May to November and deletes outdated provisions.

Patron - Louderback

HB2210 Charter; City of Waynesboro. Repeals the current city charter and replaces it with a new one. Most changes are organizational and technical in manner, such as updating Code references and deleting or amending outdated or unnecessary language. The substantive changes include revising the city budgeting schedule and authorizing indebtedness to conform with state law. This bill is identical to SB 1007.

Patron - Landes

HB2406 Charter; Town of Coeburn. Provides that candidates for council shall not be identified on the ballot by party affiliation.

Patron - Phillips

HB2475 Charter; Town of Lovettsville. Eliminates the requirement that the town clerk be a resident of the town.

Patron - May

HB2492 Charter; City of Fairfax. Amends the city charter by deleting a specific starting time for the council organizational meeting, and granting the city attorney power to prosecute in the courts of the Commonwealth of Virginia all violations of law constituting misdemeanors and traffic violations committed within the city, whether violations of city ordinances or the laws of the Commonwealth. This bill is identical to SB 994.

Patron - Petersen

HB2618 Charter; City of Manassas Park. Updates election provisions.

Patron - Parrish

HB2738 Charter; City of Richmond. Grants the mayor new powers, including veto authority over certain budget and fiscal measures and the ability to participate in the appointment of, assignment or use of, and removal of department heads. Other amendments will change the title of the vice mayor to president of the council; grant the mayor additional appointment powers; give the mayor and council greater control over the school budget; and make other technical changes.

Patron - Marrs

HB2739 Charter; City of Norfolk. Provides that the City of Norfolk shall be divided into five single-member wards and into two single-member superwards. Also, beginning in 2006, the mayor shall be elected at-large. The mayor shall preside at meetings of the council and perform such other duties consistent with his office as may be imposed by the council. He shall be entitled to a vote, but shall possess no veto power. He shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the governor for military purposes. This bill is identical to SB 1174.

Patron - Alexander

HB2756 Charter; Town of Onley. Provides a new charter for the town and repeals the existing charter, adopted in 1950.

Patron - Lewis

SB729 Charter; City of Danville. Amends City of Danville's Charter to provide for the direct election of school board members, pursuant to the 2004 passage of a local referendum. The bill also updates several obsolete Code references.

Patron - Hawkins

SB903 Peninsula Ports Authority. Allows appointment to the commission of the Peninsula Ports Authority of persons who are nonresidents of the localities embraced within the authority provided they have a principal place of business within one of those localities.

Patron - Norment

SB994 Charter; City of Fairfax. Amends the city charter by deleting a specific starting time for the council organizational meeting, and granting the city attorney power to prosecute in the courts of the Commonwealth of Virginia all violations of law constituting misdemeanors and traffic violations committed within the city, whether violations of city ordinances or the laws of the Commonwealth. This bill is identical to HB 2492.

Patron - Devolites Davis

SB1007 Charter; City of Waynesboro. Repeals the current city charter and replaces it with a new one. Most changes are organizational and technical in manner, such as updating Code references and deleting or amending outdated or unnecessary language. The substantive changes include revising the city budgeting schedule and authorizing indebtedness to conform with state law. This bill is identical to HB 2210.

Patron - Hanger

SB1068 Charter; Town of New Castle. Extends council terms from two to four years beginning with the election to be held in 2006. This bill is identical to HB 1899.

Patron - Edwards

SB1174 Charter; City of Norfolk. Provides that the City of Norfolk shall be divided into five single-member wards and into two single-member superwards. Also, on and after July 1, 2006, the mayor shall be elected at-large. The mayor shall preside at meetings of the council and perform such other duties consistent with his office as may be imposed by the council. He shall be entitled to a vote, but shall possess no veto power. He shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the governor for military purposes. This bill is identical to HB 2739.

Patron - Rerras

SB1175 Charter; Town of Onley. Provides a new charter for the town and repeals the existing charter, adopted in 1950.

Patron - Rerras

Failed

HB2211 Charter; Town of Elkton. Provides a new charter for the Town of Elkton and repeals the existing charter from 1954.

Patron - Landes

HB2749 Charter; City of Richmond. Grants the mayor new powers, including a line-item veto and the ability to participate in the appointment of, assignment or use of, and removal of city employees. Other amendments include changing the title of the vice mayor to president of the council and giving the mayor and council greater control over the school budget.

Patron - Hall

SB478 Charter; County of Roanoke. Provides that the County shall have authority to levy upon the sale or use of cigarettes a tax at a rate not to exceed \$0.75 per cigarette sold or used, such tax to be collected pursuant to Article 7 (§ 58.1-3830 et seq.) of Chapter 38 of Title 58.1 of the Code.

Patron - Edwards

SB847 Charter; City of Hopewell. Provides that certain state funding mandates will be suspended if in any calendar year the increase in the Consumer Price Index as published by the United States Department of Commerce is more than the increase in the assessed value of private real estate in the City of Hopewell, adjusted for general reassessment, as published by the City of Hopewell real estate assessor.

Patron - Quayle

SB961 Charter; City of Hampton. Moves authority to appoint the city attorney from the city manager to the city council.

Patron - Williams

SB1216 Charter; City of Richmond. Grants the mayor new powers, including a line-item veto and the ability to participate in the appointment of, assignment or use of, and removal of city employees. Other amendments, include changing the title of the vice mayor to president of the council and giving the mayor and council greater control over the school budget. This bill is identical to HB 2749.

Patron - Watkins

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SB1151	15	SB1203	89	SB1255	157	SB1307	6
SB1152	128	SB1204	157	SB1256	162	SB1308	12
SB1153	23	SB1205	116	SB1257	72	SB1309	15
SB1154	38	SB1206	37	SB1258	6	SB1310	69

