

Administration of Government

Passed

[P]HB15 Severance benefits for state employees.

Restricts severance benefits for state employees to those specifically provided by law. The bill defines appointed position and covered employee. The bill provides that any person eligible for transitional severance benefits must have been involuntarily separated due to causes other than job performance or misconduct. The bill applies to appointments made by the Governor and other appointing authorities, including VRS. The bill provides that it shall apply only to persons involuntarily separated on or after July 1, 2006.

Patron - Lingamfelter

[P]HB64 Performance and payment bonds. Increases the amount of required bid, payment, and performance bonds from \$100,000 to \$250,000 for transportation-related projects that are partially or wholly funded by the Commonwealth. For payment bonds for such projects, the amount is whatever is satisfactory to the public body.

Patron - Purkey

[P]HB110 Strategic plan; impact of aging population.

Adds to the strategic plan that each state agency is required to prepare an examination of how the aging of the population will affect the agency's ability to deliver services and a description of how it is responding to these changes. Requires each agency to report by October 1 of each year to the Governor and the General Assembly its progress in addressing the impact of aging in the population in at least five specific actions.

Patron - Reid

[P]HB122 Public procurement; SWAM businesses.

Includes small and women business enterprises in the certification program administered by the Department of Minority Business Enterprise. The bill provides that such certification programs shall deny certification to vendors from states that deny like certifications to Virginia-based small, women, or minority business enterprises or that provide a preference for small, women, or minority business enterprises based in that state that is not available to Virginia-based businesses. The bill requires the Department to adopt regulations that mandate certification, without any additional paperwork or fee, of any prospective state vendor already certified under any certification program that is determined to meet the minimum requirements established in the regulations of the Department. The bill also provides that a business certified by the Department shall not be required by any locality to obtain any additional certification to participate in any program designed to enhance the participation of such businesses as vendors or to remedy any documented disparity. The bill is identical to SB 662.

Patron - Marshall, R.G.

[P]HB203 Equal access to public facilities. Prohibits state agencies and localities from denying use of certain public facilities to the Boy Scouts of America and the Girl Scouts of the USA.

Patron - Marshall, R.G.

[P]HB311 Health insurance for certain state employees; TRICARE Military Health System. Authorizes the Department of Human Resource Management to offer a voluntary supplemental health coverage program for state employees

who have primary coverage under the TRICARE Military Health System. HB 1064 is incorporated into this bill.

Patron - Cox

[P]HB400 High-speed and broadband internet access in underserved areas. Adds a provision in the Governor's Development Opportunity Fund to allow grants or loans for the purpose of installing, extending, or increasing the capacity of high-speed or broadband internet access to rural or underserved areas of the Commonwealth. The bill also amends § 2.2-2238.1 to require the Virginia Economic Development Partnership Authority to address, in its program developed under the section, attracting companies that will provide broadband or high-speed internet access to rural and underserved areas of the Commonwealth.

Patron - Wittman

[P]HB457 State and Local Conflicts of Interest Act; exemption for faculty papers.

Provides that an employee's personal interest in a contract with his or her employing public institution of higher education to acquire the collections or scholarly works owned by the employee, including manuscripts, musical scores, poetry, paintings, books or other materials, writings or papers of an academic, research, or cultural value to the institution, provided the president of the institution approves the acquisition of such collections or scholarly works as being in the best interests of the institution's public mission of service, research, or education is not a prohibited contract under the State and Local Conflicts of Interest Act. The bill also provides an exemption for an officer or employee whose personal interest in a contract with the governmental agency is by reason of an ownership in the contracting firm in excess of 3 percent of the contracting firm's equity, provided that the officer or employee's ownership or other equity interest and that of any immediate family member in the contracting firm is disclosed in writing to the head of the governmental agency and that the officer or employee has not and will not participate in the contract negotiations on behalf of the contracting firm or the governmental agency. The bill also contains technical amendments.

Patron - Rust

[P]HB458 Virginia Public Procurement Act; cooperative procurement; professional services.

Allows a public body to enter into cooperative procurements for professional services, except for architectural or engineering services, even though the public body did not participate in the request for proposal or invitation to bid, if the request for proposal or invitation to bid specified that the procurement was being conducted on behalf of other public bodies.

Patron - Rust

[P]HB476 Severance benefits to state and local officials.

Requires that any severance benefits provided to departing Cabinet Secretaries and agency heads at the state level, and any departing official appointed by a local governing body shall be publicly announced by the appointing authority prior to such departure.

Patron - Purkey

[P]HB543 Lobbyist registration and disclosure.

Makes several amendments to registration and disclosure provisions for lobbyists including (i) raising the threshold for reporting any single entertainment event from \$50 to \$100, (ii) clarifying provisions for exempting uncompensated lobbyists from registration and disclosure requirements, and (iii) adding a definition of "fair market value." The bill is the recommendation of the HJR 186 (2004) Joint Subcommittee Studying Conflicts of Interests and Lobbyist Disclosure Filings.

Patron - Griffith

HB557 Virginia Public Procurement Act; prohibited contracts. Expands the prohibition on state contracts with vendors who haven't paid state income taxes. The bill provides it shall not apply to any person that has (a) entered into a payment agreement with the Department of Taxation to pay the tax and is not delinquent under the terms of the agreement or (b) appealed the assessment of the tax in accordance with law and such appeal is pending.

Patron - Oder

HB564 Freedom of Information Act; posting of minutes by state boards and commissions. Clarifies that all boards, commissions, councils, and other public bodies created in the executive branch of state government shall post minutes of their meetings on such body's website, if any, and on the Virginia Regulatory Town Hall.

Patron - Nixon

HB607 Department of Planning and Budget; school efficiency review program. Provides that school divisions shall pay, in addition to 25 percent of the cost of a school efficiency review in the fiscal year immediately following the final school efficiency review report, beginning with reviews completed in fiscal year 2007 additional costs under certain conditions.

Patron - Amundson

HB664 Government Data Collection and Dissemination Practices Act; applicability. Adds the police department of the Chesapeake Bay Bridge and Tunnel Commission to the list of agencies to which the Government Data Collection and Dissemination Practices Act is inapplicable.

Patron - Wardrup

HB738 Little League Baseball Challenger Week. Designates the first full week of May preceding Mother's Day of each year as Little League Baseball Challenger Week in Virginia.

Patron - Iaquinto

HB741 State agencies; collection of debts. Permits state agencies to refrain from collecting any debts owed if the administrative cost of collection likely would exceed the amount owed. The Comptroller shall develop other policies and procedures to reduce the costs of collecting debts owed to state agencies.

Patron - Spruill

HB845 Freedom of Information Act (FOIA); closed meeting exemption; Forensic Science Board and Scientific Advisory Committee. Allows the Forensic Science Board or the Scientific Advisory Committee to meet in a closed meeting when discussing or considering records relating to complaints, memoranda, correspondence, case files or reports, witness statements, and evidence relating to a criminal investigation or prosecution, which records are excluded from FOIA pursuant to subsection F 1 of § 2.2-3706. This bill is identical to SB 557.

Patron - Albo

HB852 Hospital authorities. Attempts to standardize powers and duties concerning hospital authorities, specifically the Chesapeake Hospital Authority, Patrick Hospital Authority, Richmond Eye and Ear Hospital Authority, all authorities created under Chapter 53 (§ 15.2-5300 et seq.) of Title 15.2, and all hospital or health center commissions created under Chapter 52 (§ 15.2-5200 et seq.) of Title 15.2. The bill also amends the current exemptions for such hospital authorities under the

Virginia Public Procurement Act. The bill contains technical amendments.

Patron - O'Bannon

HB854 Governor; interests of senior citizens and adults with disabilities. Requires the head of each state agency to designate an existing employee who shall be responsible for reviewing policy and program decisions under consideration by the agency in light of the effect of such decisions on senior citizens and adults with disabilities.

Patron - Ebbin

HB930 Department of General Services. Requires the Department of General Services, in cooperation with the Virginia Information Technologies Agency, to establish and publish in the vendor's manual a procedure for refunding the relevant eVa transaction fees in the event of a change order or cancellation of a contract by a vendor.

Patron - Nutter

HB949 Department of General Services; Old City Hall. Authorizes the Director of the Department of General Services to record a declaration of historic preservation covenants and agreements relating to the Old City Hall located in Richmond, Virginia.

Patron - Morgan

HB994 Virginia Public Procurement Act; purchase of certain insurance in construction projects. Allows a public body to purchase an owner-controlled insurance program in connection with any public construction contract where the amount of the contract or combination of contracts is more than \$100 million. The bill defines owner-controlled insurance program and provides that no contractor or subcontractor can be required to provide insurance coverage for a construction project if that specified coverage is included in an owner-controlled insurance program in which the contractor or subcontractor is enrolled. The bill also provides that a contract for architectural and professional engineering services cannot be required to participate in such a program, except if the public body elects to secure excess coverage. This bill is identical to SB 271.

Patron - Brink

HB997 Alzheimer's Disease and Related Disorders Commission; sunset. Changes sunset date from July 1, 2006, to July 1, 2009.

Patron - Poisson

HB1004 Office of Commonwealth Preparedness. Makes permanent the Office of Commonwealth Preparedness and provides for the appointment of a director by the Governor to serve a four-year term. The bill sets out the duties of the Office and also creates the Secure Commonwealth Panel and sets out its membership and duties. The bill contains technical amendments.

Patron - Sherwood

HB1010 Former cities of Clifton Forge and South Boston. Updates Code references to the former cities of Clifton Forge and South Boston to reflect their new town status. Except as provided herein, this bill simply deletes any reference to "Clifton Forge" or "South Boston" because the counties in which they are situated (Alleghany and Halifax, respectively) are also mentioned in the same amended sections. Also except as provided herein, this bill does not amend the Code to say "Town of Clifton Forge" or "Town of South Boston" because the amended Code sections do not reference any other town in Alleghany or Halifax County. This bill, however, changes all references from "city" to "town" in §§ 15.2-6202,

15.2-6203, 15.2-6209, 15.2-6210, and 15.2-6214 to preserve the General Assembly's intent of fostering economic cooperation between the localities of Alleghany County and the former city/Town of Clifton Forge. Moreover, because the Code establishes the ninth congressional district according to counties, cities, blocks and precincts (and not towns), the bill adds language of "District 1, and District 2" to define those precincts that entirely comprise the former city/Town of Clifton Forge that is wholly situated within the ninth congressional district.

Patron - Hurt

[P]HB1161 State employees; alternative work schedules. Adds telecommunications connectivity (i.e., broadband Internet access, additional telephone lines, and online collaborative tools) to the list of specific budget items that the heads of state agencies must include in their report to the Secretary of Administration on telecommuting and participation in alternative work schedules by state employees.

Patron - Eisenberg

[P]HB1183 Virginia Public Procurement Act; procurement of professional services; multiple awards. Provides an exception to the competitive negotiation process for the procurement of professional services where if the terms and conditions for multiple awards are included in the Request for Proposal, a public body may award contracts to more than one offeror.

Patron - Caputo

[P]HB1259 Virginia Public Procurement Act; performance and payment bonds. Adds a provision that for the award of any construction contract exceeding \$100,000 in which the performance of labor or the furnishing of materials will be paid with public funds, the contractor must furnish to the public body performance and payment bonds. In addition, the bill provides that performance and payment bonds are required for construction contracts exceeding \$100,000 awarded to any prime contractor requiring the performance of labor or the furnishing of materials for buildings, structures, or other improvements to real property leased by a public body.

Patron - Janis

[P]HB1276 Investigators with Office of the Attorney General and special agents of Alcoholic Beverage Control Board; powers to enforce certain tobacco laws. Authorizes investigators with the Office of the Attorney General to seize cigarettes which are unlawfully sold, possessed, distributed, transported, imported, or otherwise held and to accompany and participate with special agents of the Alcoholic Beverage Control Board or other law-enforcement action under §§ 3.1-336.6 or 58.1-1037.

Patron - Ware, R.L.

[P]HB1307 Deputy Chief of Staff for Workforce Development. Designates the Governor as Chief Workforce Development Officer for the Commonwealth. The position will replace the Special Advisor to the Governor for Workforce Development created in 2004. The duties of the Chief Workforce Development Officer, which may be delegated to a senior staff member of the Governor's immediate staff, will include serving as lead staff to the Virginia Workforce Council and creating and implementing a strategic plan for the statewide delivery of workforce development and training programs and activities, which shall include performance measures, and evaluating performances based on these measures. The bill also requires the Governor to (i) develop a statewide strategic plan addressing the need for reforms in workforce policy, including the implementation of workforce development and training initiatives and policies by December 1, 2006, and (ii) identify and implement strategies to optimize the role of the Virginia Com-

munity College System in workforce development. Both the strategic plan and strategies are to be submitted to the Chairmen of the House Appropriations and Senate Finance Committees for review prior to final adoption or implementation.

Patron - Byron

[P]HB1383 Veterans care center; construction in Hampton Roads. Authorizes the Governor to request federal funds to construct a new veterans care center in the Hampton Roads area, and requires the State Treasurer to issue a short-term treasury loan in the amount of \$14.6 million for the state share of construction costs, once the United States Department of Veterans Affairs has determined that federal funds will be allocated for the new center.

Patron - Cox

[P]HB1413 Department of Veterans Services and the Virginia Veterans Services Foundation. Transfers oversight of the Department of Veterans Services and the Virginia Veterans Services Foundation from the Secretary of Administration to the Secretary of Public Safety. The bill also allows the Joint Leadership Council of the Veterans Service Organizations to get reimbursed for travel and expenses.

Patron - Hargrove

[P]HB1416 Virginia Public Procurement Act; methods of procurement; design-build by certain local public bodies. Provides that design-build or construction management projects undertaken by any local governing body when the contract is not expected to cost more than \$1 million shall be exempt from approval of the Design-Build Review Board. As a result, such local governing bodies have authority to enter into contracts on a fixed price design-build basis or construction management basis.

Patron - Fralin

[P]HB1458 Freedom of Information Act; record exemption for the Tobacco Indemnification and Community Revitalization Commission. Exempts proprietary records of the Tobacco Indemnification and Community Revitalization Commission from the mandatory disclosure requirements of the Freedom of Information Act.

Patron - Kilgore

[P]HB1465 Department of Veterans Services. Authorizes the Department of Veterans Services to accept donated property in the southwestern region of Virginia for the purpose of constructing the Southwest Virginia Veterans Cemetery. The bill also provides for (i) the Director of the Department of Planning and Budget to establish a capital project for the purpose of cemetery construction, and (ii) the Treasurer to provide the Department of Veterans Services a short-term, interest free treasury loan for the purpose of matching such federal funds if such funds become available. This bill is identical to SB 359.

Patron - Dudley

[P]HB1467 Freedom of Information Act; open meeting exemption; Virginia Port Authority. Grants an exemption from the open meeting provisions of the Freedom of Information Act (FOIA) for discussions of proprietary information gathered by or for the Virginia Port Authority concerning rates and rate structures and shipments of coal from Virginia's ports. Currently, the Virginia Port Authority is not required to release records relating to same under FOIA.

Patron - Jones, S.C.

[P]HB1486 Administrative Process Act; summary case decisions. Authorizes requests for summary case decisions by persons who have (i) applied for a permit, certificate, license, or other approval from an agency or (ii) received

notice of a potential violation or other deficiency from an agency. The bill sets out the requirements for making such a request and the process by which summary case decisions are to be conducted. The bill provides that in these instances the requestor waives his right to an informal fact-finding proceeding and a formal hearing or other evidentiary hearing on the issue to be decided by the summary case decision.

Patron - Janis

[P]HB1488 Disposition of surplus materials. Adds online public auctions as a permissible means by which the Commonwealth and localities thereof may dispose of surplus materials. Localities that elect to dispose of surplus materials through public sale or auction (including online public auction) are subject to the same provisions applicable to state agencies, departments, divisions, and institutions that dispose of surplus materials by public sale or auction. This bill is identical to SB 449.

Patron - Shannon

[P]HB1499 Economic Crisis Strike Force. Establishes the Economic Crisis Strike Force to respond as needed to economic disasters that may occur in the Commonwealth. This bill defines economic disaster.

Patron - Marshall, D.W.

[P]HB1602 Day of recognition for early childhood and day-care providers and professionals. Changes the Commonwealth's day of recognition for early childhood and day-care providers and professionals from October 22nd each year to the Friday before Mother's Day each year.

Patron - Oder

[P]SB21 Code of Virginia references to Internet. Simplifies and updates references to the Internet in the Code of Virginia.

Patron - Mims

[P]SB76 Freedom of Information Act (FOIA); disclosure of procurement records under the Public-Private Transportation Act of 1995 (PPTA) and the Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA). Revises the current FOIA exemption for records submitted by a private entity to a responsible public entity under the PPTA and the PPEA and formalizes the earmarking process or the protection of trade secrets, financial records, and other records submitted by a private entity, by requiring a written request for an exclusion from disclosure by the private entity and for a written determination by the responsible public entity that such records will be protected from disclosure under certain circumstances. The bill also amends the PPTA and PPEA to require a public entity to post all accepted conceptual proposals, whether solicited or not. The required posting for responsible public entities that are state agencies, departments, and institutions, shall be on eVA (the Department of General Service's web-based electronic procurement program) and for responsible public entities that are local public bodies, posting shall be on the responsible public entity's website or by publication, in a newspaper of general circulation in the area in which the contract is to be performed, of a summary of the proposals and the location where copies of the proposals are available for public inspection. Local public bodies may also post on eVA, in the discretion of the local responsible public entity. The bill also requires that at least one copy of the proposals shall be made available for public inspection. The bill provides that nothing shall be construed to prohibit the posting of the conceptual proposals by additional means deemed appropriate by the responsible public entity so as to provide maximum notice to the public of the opportunity to inspect the proposals. The bill also requires the responsible public entity to provide

an opportunity for public comment 30 days before the execution of an interim or comprehensive agreement. The bill provides that once the process of bargaining of all phases or aspects of an interim or comprehensive agreement is complete, but before an interim or a comprehensive agreement is entered into, a responsible public entity shall post the proposed agreement. Once an interim or comprehensive agreement has been executed, all procurement records, excluding trade secrets, financial information, and cost estimates, are available to the public upon request. The bill is a recommendation of the Freedom of Information Advisory Council.

Patron - Houck

[P]SB98 Risk management plan; Meals on Wheels Association. Provides for inclusion under the State's risk management plan any local chapter or program of the Meals on Wheels Association of America or any area agency on aging providing meal and nutritional services to persons who are elderly, homebound, or disabled.

Patron - Blevins

[P]SB107 Board of Trustees of the Martin Luther King, Jr. Living History and Public Policy Center. Amends Virginia law establishing the governing structure of the Martin Luther King, Jr. Living History and Public Policy Center, an independent nonprofit corporation, to conform the statutes with § 501 (c) (3) of the Internal Revenue Code and federal and state laws governing tax exempt organizations. The Center was granted federal tax exempt status after the enactment of Senate Bill 804 by the 2005 Session of the General Assembly. A two-year transition period was granted by the Internal Revenue Service to transfer responsibility for the Center from the General Assembly to the Board of Trustees so that the Board and Center could become acclimated to functioning as an independent nonstock corporation. The transition period and the provisions of this act expire on July 1, 2007. This bill is a recommendation of the legislative commission, the Dr. Martin Luther King, Jr. Memorial Commission.

Patron - Marsh

[P]SB109 Governor's Development Opportunity Fund. Makes several changes to the Governor's Development Opportunity Fund including prohibiting awards from the Fund being used to pay or guarantee the payment for any rental, lease, license, or other contractual right to use property. For each five fiscal-year period, the bill would provide that one-third of the moneys in the Fund would be used for economic development projects in high unemployment areas. This distribution, however, would not be required if economic development prospects in such high unemployment areas are unable to fulfill applicable minimum private investment and new jobs requirements. The bill would require that, as a condition of an award from the Fund, the average wage of new jobs created must be no less than the prevailing average wage in the county or city of the economic development project. However, for economic development projects located in a county or city with an annual average unemployment rate greater than the statewide average unemployment rate, the average wage of the new jobs would be required to be at least 85 percent of the prevailing average wage. In addition, the Secretary of Commerce and Trade may award a grant or loan from the Fund for projects paying less than 85 percent of the prevailing average wage that will be located in counties and cities with such unemployment rate if the Secretary makes a written finding that the economic circumstances in the area are sufficiently distressed that assistance to the county or city to attract the project is nonetheless justified. As another condition of eligibility of an award from the Fund, the bill sets forth several elements that would have to be included in a contract between the political subdivision and the economic development prospect. These would include the

fair market value of all funds that the Commonwealth commits to the project, the fair market value of all funds that the political subdivision agrees to provide to the project, and a negotiated formula for the repayment of moneys from the Fund if the economic development prospect does not create the contractually required number of new jobs or does not satisfy minimum investment requirements. The bill would require that all proposed contracts between political subdivisions and economic development prospects be reviewed by the Attorney General prior to execution. The Attorney General would be required to review the contract (i) for enforceability as to its provisions, and (ii) to ensure that it is in appropriate, legal form. The Attorney General would have seven days to provide any written suggestions, but the suggestions would be limited to enforceability of the contract or the appropriateness of the legal form of the contract.

Patron - Stosch

SB162 Administrative Process Act; Board for Housing and Community Development; exemption for certain regulations. Exempts from the Administrative Process Act regulations adopted by the Board for Housing and Community Development pursuant to the (i) Statewide Fire Prevention Code, (ii) Industrialized Building Safety Law, (iii) Uniform Statewide Building Code, and (iv) the construction, maintenance, operation, and inspection of amusement devices, provided that certain procedural requirements are followed by the Board. Under the bill, portions of the Act concerning public petitions and regulatory review of the Governor and General Assembly remain applicable.

Patron - Norment

SB165 State and Local Government Conflict of Interests Act. Amends the statement of economic interests disclosure form by removing the requirement that the address provided be a home address. As introduced, this bill was a recommendation of the Judicial Council.

Patron - Quayle

SB182 Community Integration Advisory Commission. Establishes the Community Integration Advisory Commission to monitor the progress of all executive branch state agencies toward community integration of Virginians with disabilities. The Commission consists of nonlegislative citizen members who have or represent persons with disabilities and service providers for such persons. The Commission is required to monitor the implementation of state and federal laws pertaining to community integration of persons with disabilities and make appropriate recommendations to the Governor relative to the community integration of Virginians with disabilities.

Patron - Puller

SB188 Secretary of Health and Human Resources; duties. Requires the Secretary, in consultation with the Secretary of Public Safety, to establish an integrated system for coordinating the planning and provision of services for children with incarcerated parents among state, local, nonprofit agencies, and faith-based organizations in order to provide such children with services needed to continue parental relationships with the incarcerated parent, where appropriate, and encourage healthy relationships in the family and community. This bill is a recommendation of the Joint Subcommittee Studying the Commonwealth's Program for Prisoner Reentry to Society (2005).

Patron - Puller

SB271 Virginia Public Procurement Act; purchase of certain insurance in construction projects. Allows a public body to purchase an owner-controlled insurance program in

connection with any public construction contract where the amount of the contract or combination of contracts is more than \$100 million. The bill defines owner-controlled insurance program and provides that no contractor or subcontractor can be required to provide insurance coverage for a construction project if that specified coverage is included in an owner-controlled insurance program in which the contractor or subcontractor is enrolled. The bill also provides that a provider of architectural and professional engineering services cannot be required to participate in such a program, except if the public body elects to secure excess coverage. This bill is identical to HB 994.

Patron - Whipple

SB359 Department of Veterans Services. Authorizes the Department of Veterans Services to accept donated property in the southwestern region of Virginia for the purpose of constructing the Southwest Virginia Veterans Cemetery. The bill also provides for (i) the Director of the Department of Planning and Budget to establish a capital project for the purpose of cemetery construction, and (ii) the Treasurer to provide the Department of Veterans Services a short-term, interest free treasury loan for the purpose of matching such federal funds if such funds become available. This bill is identical to HB 1465.

Patron - Edwards

SB363 Office of Commonwealth Preparedness. Makes permanent the Office of Commonwealth Preparedness and provides for the appointment of a director by the Governor to serve a five-year term. The bill sets out the duties of the Office and also creates the Secure Commonwealth Panel and sets out its membership and duties. The bill contains technical amendments.

Patron - Wampler

SB412 Intermodal Office. Provides more specific functions and goals for the Intermodal Office in the Office of the Secretary of Transportation.

Patron - Houck

SB449 Disposition of surplus materials. Adds online public auctions as a permissible means by which the Commonwealth and localities thereof may dispose of surplus materials. Localities that elect to dispose of surplus materials through public sale or auction (including online public auction) are subject to the same provisions applicable to state agencies, departments, divisions, and institutions that dispose of surplus materials by public sale or auction.

Patron - Devolites Davis

SB487 Virginia Liaison Office; association health plans. Directs the Virginia Liaison Office to work with members of the Virginia Congressional delegation and federal executive branch agencies to develop, support, and enact legislation, such as the Small Business Health Fairness Act of 2005, that provides for the establishment and governance of group health plans sponsored by trade, industry, professional, chamber of commerce, or similar business associations, referred to as association health plans, if such plans remain subject to Virginia law. The Office is required to report annually to the Governor and the General Assembly by October 1 the status of federal legislation and activities relating to association health plans.

Patron - Wagner

SB494 Deputy Chief of Staff for Workforce Development. Establishes the position of Deputy Chief of Staff to the Governor for Workforce Development. The position will replace the Special Advisor to the Governor for Workforce Development created in 2004. The Deputy Chief of Staff's

duties will include serving as independent staff for the Virginia Workforce Council. The Deputy Chief of Staff is charged with creating and implementing a statewide strategic plan and performance measures, evaluating performances based on these measures, and redirecting resources based on performances. In addition, the Deputy Chief of Staff is charged with creating a statewide strategic plan to address the need for reforms in workforce policy, including the need for reforms at the local workforce investment board level. The bill incorporates the recommendations of the Joint Subcommittee Studying the Need for Greater Consolidation or Coordination of Workforce Development and Training Resources in the Commonwealth pursuant to HJR 713 (2005).

Patron - Ruff

SB535 Economic Crisis Strike Force. Establishes the Economic Crisis Strike Force to respond as needed to economic disasters that may occur in the Commonwealth.

Patron - Hawkins

SB556 Secretary of Public Safety. Adds the Department of Forensic Science to the agencies for which the Secretary of Public Safety is responsible.

Patron - Stolle

SB557 Freedom of Information Act (FOIA); closed meeting exemption; Forensic Science Board and Scientific Advisory Committee. Allows the Forensic Science Board or the Scientific Advisory Committee to meet in a closed meeting when discussing or considering records relating to complaints, memoranda, correspondence, case files or reports, witness statements, and evidence relating to a criminal investigation or prosecution, which records are excluded from FOIA pursuant to subsection F 1 of § 2.2-3706.

Patron - Stolle

SB662 Department of Minority Business Enterprise; certification of small, woman- or minority-owned businesses. Includes small and women business enterprises in the certification program administered by the Department of Minority Business Enterprise. The bill requires the Department to adopt regulations that mandate certification, without any additional paperwork or fee, of any prospective state vendor already certified under any certification program that is determined to meet the minimum requirements established in the regulations of the Department. The bill also provides that a business certified by the Department shall not be required by any locality to obtain any additional certification to participate in any program designed to enhance the participation of such businesses as vendors or to remedy any documented disparity.

Patron - Miller

SB664 Department of General Services; Division of Purchases and Supply; purchases by private nonprofit institutions of higher education from certain state contracts. Allows private, nonprofit institutions of higher education chartered in Virginia to purchase directly from state contracts established by the Division of Purchases and Supply.

Patron - Lambert

SB668 Alzheimer's Disease and Related Disorders Commission; sunset. Changes sunset date from July 1, 2006, to July 1, 2009. This bill is identical to HB 997.

Patron - Ruff

SB689 Virginia Workforce Council. Reduces the size of the Virginia Workforce Council from 29 to 25 members, increases the representation from the General Assembly, and

conforms the Code provisions pertaining to the composition of the Council to federal law and regulations.

Patron - Ruff

SB732 Virginia Public Procurement Act; methods of procurement; design-build by certain local public bodies. Provides that design-build or construction management projects undertaken by any local governing body of a locality with a population in excess of 80,000 or by two or more local governing bodies of localities having a combined population in excess of 80,000 through cooperative procurement shall be exempt from approval of the Design-Build Review Board. As a result such local governing bodies have authority to enter into contracts on a fixed price design-build basis or construction management basis.

Patron - Herring

Failed

HB16 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. The bill further provides that it shall not become effective unless an appropriation of general funds effectuating its purposes is included in a general appropriations act passed by the 2006 Session of the General Assembly, which becomes law.

Patron - Lingamfelter

HB17 Department of State Police; variable housing allowance. Provides a housing allowance for full-time, sworn State Police officers, based upon pay grade and geographical location, from funds that are appropriated for such purpose. The rates of the variable allowance shall be based on suggested rates developed and annually updated by the Department of Human Resource Management. The housing allowance shall not be considered Virginia taxable income, nor shall it be considered creditable compensation for the State Police Officers' Retirement System.

Patron - Lingamfelter

HB74 Comprehensive Services Act; parental co-payments. Provides that only legal guardians who are related to a child are responsible for contributing to the cost of services provided under the Comprehensive Services Act.

Patron - Orrock

HB108 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 1 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

HB185 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 - Marshall, R.G.

[F]HB186 Commission on Immigration. Creates the Virginia Commission on Immigration as an advisory commission in the executive branch to analyze the current impact of immigration on the Commonwealth and make recommendations on related policies. The bill sets out the membership of the Commission and its powers and duties, and defines immigration.

Patron - Marshall, R.G.

[F]HB220 Public Procurement Act; consolidation of contracts. Provides that to the maximum extent practicable, public bodies shall facilitate the maximum participation of small business concerns as prime contractors, subcontractors, and suppliers. Before proceeding with a procurement of goods, services, or construction that could lead to a contract containing consolidated procurement requirements (also known as contract bundling), a public body shall conduct market research to determine whether consolidation of the requirements is necessary and justified. For the purposes of the bill, consolidation of the requirements may be determined as being necessary and justified if, as compared to the benefits that would be derived from contracting to meet those requirements if not consolidated, the public body would derive from the consolidation measurably substantial benefits, including, but not limited to: cost savings, quality improvement, reduction in acquisition cycle times, better terms and conditions, and any other benefit.

Patron - Jones, D.C.

[F]HB269 State purchase of clean alternative fuel or hybrid passenger-type vehicles. Provides that vehicles purchased for the centralized fleet shall be clean alternative fuel or hybrid passenger-type vehicles and that the purchase shall follow annual percentage rate targets resulting in 100 percent of purchases being clean alternative fuel or hybrid vehicles by 2011.

Patron - Poisson

[F]HB329 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 those 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 Common-

wealth 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

[F]HB331 Conflicts of interest and campaign finance; prohibitions on the acceptance of certain gifts and campaign contributions by constitutional officers and members of governing bodies. Prohibits the acceptance of any gift or campaign contribution of \$50 or more by a constitutional officer, governing body member, or candidate for such positions from any person conducting business with his locality or having a matter pending before the constitutional office or governing body.

Patron - Purkey

[F]HB427 Office of Comprehensive Services for At-Risk Youth and Families; rates for residential treatment. Requires the director of the Office of Comprehensive Services to negotiate statewide or regional contracts for residential treatment services paid from state pool funds. This bill was incorporated into HB 577.

Patron - Nutter

[F]HB544 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. The provisions of the bill are contingent upon funding in the General Appropriation Act.

Patron - Griffith

[F]HB818 Virginia Public Procurement Act; methods of procurement; design-build by certain local public bodies. Provides that design-build or construction management projects undertaken by any local governing body of a locality with a population in excess of 80,000 or by two or more local governing bodies of localities having a combined population in excess of 80,000 through cooperative procurement shall be exempt from approval of the Design-Build Review Board. As a result such local governing bodies have authority to enter into contracts on a fixed price design-build basis or construction management basis.

Patron - May

[F]HB839 Human Rights Council; private causes of action; commercial real estate. Provides a private cause of action for unlawful discrimination on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, or age in the sale or lease of commercial real estate not covered by the Fair Housing Law (§ 36-96.1 et seq.). The bill provides for the shifting of the burden of proof to the person charged with the violation after establishment of the prima facie case. The bill contains technical amendments.

Patron - Frederick

[F]HB842 Government Data Collection and Dissemination Practices Act; posting and availability of certain information on the Internet; prohibitions. Clarifies that documents may be posted on a court-controlled website that excise

or otherwise redact (i) an actual signature, (ii) a social security number, (iii) a date of birth identified with a particular person, (iv) the maiden name of a person's parent so as to be identified with a particular person, (v) any financial account number or numbers, or (vi) the name and age of any minor child. This bill was incorporated into HB 563.

Patron - Frederick

HB893 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 passenger vehicles owned or leased by them for business purposes. Currently, the rate is specified in the general appropriation act.

Patron - Gear

HB953 Freedom of Information Act (FOIA); definition of public body. Provides that corporations organized or created by, or acting on behalf of, any authority, board, bureau, commission, district, or agency of the Commonwealth shall be deemed "public bodies" for purposes of FOIA. Currently, only corporations organized by the Virginia Retirement System are public bodies.

Patron - Joannou

HB1064 Health insurance for certain state employees; TRICARE Military Health System. Authorizes the Department of Human Resource Management to offer a voluntary supplemental health coverage program for state employees who have primary coverage under the TRICARE Military Health System. This bill was incorporated into HB 311.

Patron - Watts

HB1069 Department of Minority Business Enterprise; small, women and minority enterprise. Changes the name from Department of Minority Business Enterprise to the Department of Vendor Diversity and Development. The bill also (i) adds a definition for "disadvantaged business," "small business," and "women-owned business"; (ii) includes small and women-owned businesses within the overall minority-owned business enhancement and development plan; (iii) authorizes the Department to implement any remediation or enhancement measure for small, women-owned, or minority business enhancement developed by the governor under existing statutory authority; and (iv) clarifies the Department's authority to adopt regulations and issue guidelines. The bill also provides an exemption from the mandatory disclosure provisions of the Freedom of Information Act for confidential proprietary records, voluntarily provided to the Department by private business pursuant to a promise of confidentiality. This bill was incorporated into HB 122.

Patron - Hall

HB1079 Office of Broadband Assistance; established. Establishes the Office of Broadband Assistance under the Secretary of Technology. The office would support the efforts of both public and quasi-public bodies within the Commonwealth to enhance or facilitate the demand for, deployment of, and access to broadband Internet for underserved areas within the Commonwealth. The office would also serve as a broadband information clearinghouse for the Commonwealth and a coordination point for broadband related services and programs in the Commonwealth. The director of the office would advise the Secretary on trends in broadband deployment

and report annually by December 1 to the Governor and General Assembly.

Patron - Scott, J.M.

HB1083 Commonwealth Telework Council. Establishes the Commonwealth Telework Council to advise the Governor on guidelines for telecommuting and participation in alternative work schedules. The Council expires on July 1, 2008.

Patron - Scott, J.M.

HB1122 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 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 when 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 the Commonwealth Competition Council annually update its commercial activities list.

Patron - Cline

HB1123 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 - Cline

HB1132 Virginia Liaison Office; moratorium on off-shore natural gas exploration; use of revenues. 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. Any royalties or other payments received from the federal government attributable to the development of off-shore natural gas deposits shall be paid into the Home Energy Assistance Fund. This bill was incorporated into HB 1153.

Patron - Cline

HB1162 Department for the Aging; 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 that shall include an assessment of the qualified housing project's proposal for the congregate housing

services program and the area's plan for 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, 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

HB1194 State and Local Conflict of Interests Act; required disclosure by parties to zoning cases. Requires a party in a zoning case to include with its initial submittal the disclosure of (i) whether the party directly employs or intends to use the services of a governing body member, governing body employee earning more than \$100,000 annually, or a firm in which the member or employee has a personal interest and (ii) whether a governing body member or such employee has a personal interest in the proposal or the party. The bill also provides that if, after the initial submittal, the person subsequently employs or uses the services of a governing body member, such employee, or a firm in which the member or employee has a personal interest, the person must provide written disclosure to the governing body within 30 days. An additional provision requires similar disclosure of campaign contributions to governing body members.

Patron - Marshall, R.G.

HB1227 Department of Minority Business Enterprise; certification of small, woman- or minority-owned businesses. Includes small and women business enterprises in the certification program administered by the Department of Minority Business Enterprise. The bill provides that such certification programs shall deny certification to vendors from states that deny like certifications to Virginia-based small, women, or minority business enterprises or that provide a preference for small, women, or minority business enterprises based in that state that is not available to Virginia-based businesses. The bill requires the Department to adopt regulations that mandate certification, without any additional paperwork or fee, of any prospective state vendor already certified under any certification program that is determined to meet the minimum requirements established in the regulations of the Department. The bill also provides that a business certified by the Department shall not be required by any locality to obtain any additional certification to participate in any program designed to enhance the participation of such businesses as vendors or to remedy any documented disparity. This bill was incorporated into HB 122.

Patron - Jones, D.C.

HB1228 Department of Business Assistance; Office of Small Business Advocacy. Creates the Office of Small Business Advocacy within the Department of Business Assistance. The bill sets out the powers and duties of the Office. The bill defines small business as a business entity,

including its affiliates, located in Virginia 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. This bill was incorporated into HB 1591.

Patron - Jones, D.C.

HB1239 Secretary of Administration; disaster planning; identification of personnel. Imposes the duty on the Secretary of Administration to require each agency head to establish a process to identify every employee and on-site contractor present in buildings or facilities owned or leased by the Commonwealth. Identification of individuals shall be determined by a combination of technologies such that presence verification can be determined immediately upon the event that any facility, or portion of a facility, becomes unavailable for use because of a natural disaster or terrorist attack. The head of each agency is required to report annually to the Secretary on the status of any programs or policies developed and implemented. The bill further provides that any agency head failing to comply shall forfeit 1 percent of the moneys appropriated for the operation of the agency as provided in the appropriation act. Such moneys shall be taken by the Comptroller and deposited into the Literary Fund.

Patron - Hugo

HB1241 Secretary of Administration; office space utilization. Provides that the Secretary shall require each agency head to determine the actual daily utilization of each and every workspace within all state government-owned or leased buildings or facilities. Actual utilization shall be determined by comparing the number of days a workspace is actually used to the time the workspace is available for use. The bill provides that any agency head failing to comply shall forfeit 1 percent of the moneys appropriated for the operation of the agency as provided in the appropriation act. Such moneys are to be taken by the Comptroller and deposited into the Literary Fund.

Patron - Hugo

HB1297 Commonwealth Realignment Commission. Creates the Commonwealth Realignment Commission as an independent agency of state government. The purpose of the Commission shall be to review the performance, relevance, and management efficiency of the programs, activities, and agencies of state government. The bill sets out the membership of the Commission and its duties.

Patron - Saxman

HB1305 State and Local Government Conflict of Interests Act; prohibited contracts. Prohibits state and local officers and employees from having a personal interest in interim or comprehensive agreements entered into under the Public-Private Education Facilities and Infrastructure Act and Public-Private Transportation Act. Under the bill, a personal interest would be allowed for certain local officials if the remaining members of the governing body, by written resolution, state that the agreement is in the public interest and there is only one source practicably available.

Patron - Byron

HB1329 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

[F]HB1346 State employee health insurance plan; members of volunteer fire departments and rescue squads. Authorizes members of volunteer fire departments and rescue squads to enroll in the state employees' health insurance plan.

Patron - Bell

[F]HB1374 Maximum service on boards of authorities. Provides that service by appointed members of the governing entity of any authority or other political subdivision of the Commonwealth, excluding counties, cities and towns, shall be limited to eight years. Current members shall not have their terms cut short.

Patron - Hull

[F]HB1376 Certification of small, women and minority-owned businesses. Requires the Department of Minority Business Enterprise to develop regulations that would streamline the certification program and eliminate unnecessary paperwork and duplication; mandates acceptance of certifications that meet standards established in regulations published by the Department of Minority Business Enterprise; and assures that Virginia businesses receive a preference in state procurement when such preferences are applied against Virginia businesses by other states. This bill was incorporated into HB 122.

Patron - Landes

[F]HB1473 Submission of the executive budget. Adds more requirements for inclusion in the executive budget that is submitted to the General Assembly in December.

Patron - Saxman

[F]HB1493 Address Confidentiality Program; victims of domestic violence. Provides that the Statewide Facilitator for Victims of Domestic Violence in the Office of the Attorney General shall establish the "Address Confidentiality Program" to protect victims of domestic violence by authorizing the use of designated addresses for such victims.

Patron - Miller

[F]HB1555 Transportation funding; Northern Virginia. Provides new funding for transportation in the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park and the Counties of Arlington, Fairfax, Loudoun, and Prince William. The sources of the new funds are: (i) civil penalties for certain offenses relating to the operation of a motor vehicle by persons residing in any of the localities; (ii) additional motor vehicle registration fees for trailers, semitrailers, and trucks with a gross weight over 12,000 pounds registered in any of the localities; (iii) an additional fee on the rental of motor vehicles in the localities; (iv) a transportation impact fee on the sale of real property in any of the localities; (v) dedication of current sales and use tax on motor vehicle repair parts and accessories sold in any of the localities; and (vi) a transient occupancy tax on rooms in the localities. The authority to impose any of the new or additional fees ceases if any transportation funds of the Commonwealth are not spent for transportation purposes. The priority of the projects to be funded shall be determined by the Northern Virginia Transportation Authority in consultation with the local governing bodies of the localities, and in consultation with the members of the House of Delegates and the Senate who represent any of the localities. At least 40 percent of the revenues shall be dedicated to use on residential, urban, and secondary road construction and improvement.

Patron - Rust

[F]HB1561 Fee for testimonials; international adoptions. Sets the fees to be charged by the Secretary of the Commonwealth for testimonials, including seal tax, for a person

submitting multiple documents for testimonial seals required by a foreign country as part of an international adoption process relating to a particular child or children.

Patron - Waddell

[F]HB1591 Department of Business Assistance; Office of Small Business Advocacy. Creates the Office of Small Business Advocacy within the Department of Business Assistance. The bill sets out the powers and duties of the Office. The bill defines small business as a business entity, including its affiliates, located in Virginia 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.

Patron - Tyler

[F]HB1612 Assessment of fees by DMV on certain drivers; use of fees collected. Requires the courts to impose, in addition to any other penalties imposed, an initial additional fee for each conviction as shown on the driving record of certain motor vehicle law offenders. These fees, minus cost of collection, will be deposited into the Highway Maintenance and Operating Fund for highway maintenance purposes.

Patron - Rust

[F]SB27 Virginia Public Building Authority; financing for the State Agency Radio System. Authorizes the Virginia Public Building Authority to issue bonds in an amount not to exceed \$201,900,000 to pay the costs of the State Agency Radio System (Phase II) for the Department of State Police.

Patron - Stolle

[F]SB215 Rail Transportation Development Authority. Establishes the TransDominion Express Authority. The Authority shall have the responsibility within the TransDominion Express corridor of 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 rail transportation project. 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

[F]SB325 Parking of vehicles in Capitol Square. Prohibits the parking of all personal vehicles in the Square except police, emergency, maintenance, and service vehicles that will be regulated by the Department of General Services.

Patron - Norment

[F]SB355 Severance benefits for state employees. Restricts severance benefits for state employees to those specifically authorized by the General Assembly. This bill was incorporated into SB 364.

Patron - Cuccinelli

[F]SB465 Freedom of Information Act; electronic communication meetings. Clarifies that political subdivisions of the Commonwealth, except any unit of local government, are authorized to conduct electronic communication meetings.

Patron - Edwards

[F]SB493 State contracts. Requires bidders on state contracts to disclose the country of origin of goods, services, insurance, or construction in their bid submissions.

Patron - Ruff

SB551 Purchase of energy efficient vehicles. Provides that any passenger-type vehicles purchased or leased by the Commonwealth shall be of the highest fuel economy and lowest pollutants available for the vehicle's intended purpose.

Patron - Whipple

SB665 Virginia Human Rights Act; Human Rights Council. Revises the definition of "unlawful discriminatory practice" to include violations of statutes or regulations pertaining to employment, public accommodations, education, and real estate transactions. The bill also provides limited immunity from civil liability and other actions for any person who, in good faith, files a complaint with the Council. The bill also: (i) changes the name of the Human Rights Council to the Virginia Council on Human Rights, (ii) adds definitions for "complainant," "conciliation," "real estate transaction," and "respondent," (iii) empowers the Council to administer oaths and take testimony under oath, (iv) removes the prohibition on the Council adopting regulations on substantive matters when another state agency is authorized to do so, (v) establishes the Human Rights Office within the Council, and (vi) provides procedures for the initiation and investigation of complaints and the conduct of proceedings.

Patron - Ticer

SB700 Nondiscrimination in public employment. Prohibits employment discrimination by state and local governments, school boards and constitution officers based on race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, sexual orientation, or status as a special disabled veteran.

Patron - Lucas

SB701 Transportation funding; Northern Virginia. Provides new funding for transportation in the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park and the Counties of Arlington, Fairfax, Loudoun, and Prince William. The sources of the new funds are: (i) civil penalties for certain offenses relating to the operation of a motor vehicle by persons residing in any of the localities; (ii) additional motor vehicle registration fees for trailers, semitrailers, and trucks with a gross weight over 12,000 pounds registered in any of the localities; (iii) an additional fee on the rental of motor vehicles in the localities; (iv) a transportation impact fee on the sale of real property in any of the localities; (v) dedication of current sales and use tax on motor vehicle repair parts and accessories sold in any of the localities; and (vi) a transient occupancy tax on rooms in the localities. The authority to impose any of the new or additional fees ceases if any transportation funds of the Commonwealth are not spent for transportation purposes. The priority of the projects to be funded shall be determined by the Northern Virginia Transportation Authority in consultation with the local governing bodies of the localities, and in consultation with the members of the House of Delegates and the Senate who represent any of the localities. At least 40 percent of the revenues shall be dedicated to use on residential, urban, and secondary road construction and improvement.

Patron - Devolites Davis

SB722 Assessment of fees by DMV on certain drivers; use of fees collected. Requires the courts to impose, in addition to any other penalties imposed, an initial additional fee for each conviction as shown on the driving record of certain motor vehicle law offenders. These fees, minus cost of collection, will be deposited into the Highway Maintenance and Operating Fund for highway maintenance purposes. This bill was incorporated into SB 708.

Patron - Reynolds

Carried Over

HB75 Venture capital investments; investment return guarantees. Creates a program under which the Commonwealth makes investment return guarantees for certain investments made between January 1, 2006, and January 1, 2011, 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

HB279 Establishes the Secretary of Urban Affairs. The Secretary shall be responsible to the Governor for the Department of Housing and Community Development and the Virginia Housing Development Authority.

Patron - BaCote

HB501 Teachers, Deputies and Local Government Employees Health Insurance Relief Act. Provides that employees of local governments, local officers, sheriff's deputies, teachers, and retirees, and the dependents of such employees, officers, sheriff's deputies, teachers, and retirees may participate, with the approval of the local government, in the plan established pursuant to § 2.2-2818 to provide health and related insurance coverage for state employees. The local government shall be responsible for whatever portion of the cost of such insurance is not paid by the employee. The Commonwealth shall not be obligated to pay all or any portion of the cost thereof.

Patron - Armstrong

HB750 Public Procurement Act; performance and payment bonds. Makes the amount of the performance bond for transportation-related projects the contract amount. Currently for transportation-related projects, the amount of the bond is within the discretion of the public body.

Patron - Ward

HB857 Department of General Services; Green Buildings Act. Requires all major facility projects of state agencies and other entities for which the project is funded with state money to be designed, constructed, and certified to meet the LEED silver standard as established by the United States Green Building Council Leadership in Energy and Environment Design. The bill defines "major facility project" as a building construction project with more than 5,000 gross square feet of occupied or conditioned space, or a building renovation project when the cost is greater than 50 percent of the assessed value and the project with more than 5,000 gross square feet of occupied or conditioned space. Under the bill, a major facility project may not be required to meet the standard if (i) there is no appropriate LEED silver standard for that type

of building or renovation project, (ii) there is no practical way to apply the LEED silver standard to a particular building or renovation project, or (iii) the building or renovation project is an electricity transmitter building, a water pumping station, or a hospital.

Patron - Ebbin

HB1226 Procurement contract fees for eVa; minimum fee required. Requires the Department of General Services to set a minimum fee for contracts formed using the electronic public procurement program commonly known as "eVa." The minimum fee would be charged when the percentage-based fee is lower than the minimum fee. The minimum fee shall be set at a rate that will ensure eVa operates as a financially self-supporting application.

Patron - Jones, D.C.

HB1240 Secretary of Administration; telecommuting and alternative work schedules for state employees; effectiveness. Provides that the Secretary of Administration, in cooperation with the Secretary of Technology and in consultation with the Council on Technology Services, shall measure the effectiveness of the comprehensive statewide telecommuting and alternative work schedule policy. The bill provides that the head of each agency shall report annually to the Secretary on the status of any programs or policies developed and implemented pursuant to this section. Any agency head failing to comply with the requirements of this section shall forfeit 1 percent of the moneys appropriated for the operation of the agency as provided in the appropriation act. The Secretary shall so notify the Comptroller, who shall take such moneys and deposit them into the Literary Fund. The bill also requires the Department of Human Resource Management to notify state employees by email or other method deemed appropriate by the Department of the statewide telecommuting and alternative work schedule policy.

Patron - Hugo

HB1295 Council on Government Accountability and Efficiency. Establishes the Council on Government Accountability and Efficiency as an advisory council to systematically identify waste and inefficiency.

Patron - Saxman

HB1314 Public Procurement Act; prohibited contracts; required contract provisions. Provides that no public body shall enter into any contract for goods, services, or construction with any potential bidder or offeror that employs in any aspect of such person's business, individuals other than citizens of the United States, legal resident aliens, or individuals with a valid visa. 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 - Frederick

SB9 Health insurance for local government employees. Provides that employees of local governments, local offic-

ers, teachers, and retirees, and the dependents of such employees, officers, teachers, and retirees, may participate, with the approval of the local government, in the state employee health plan established pursuant to § 2.2-2818. The local government shall be responsible for whatever portion of the cost of such insurance that is not paid by the employee, except any portion that the General Assembly elects to pay.

Patron - Reynolds

SB179 Virginia Human Rights Act; prohibition of discrimination in employment based on certain criminal convictions. Prohibits discrimination in employment based on an individual's criminal conviction record unless the conviction directly relates to the circumstances of the particular position, occupation, trade, or profession for which the individual is seeking employment.

Patron - Locke

SB275 Department of General Services; Green Buildings Act. Requires all major facility projects of state agencies and other entities for which the project is funded with state money to be designed, constructed, and certified to meet the LEED silver standard as established by the United States Green Building Council Leadership in Energy and Environment Design. The bill defines "major facility project" as a building construction project with more than 5,000 gross square feet of occupied or conditioned space, or a building renovation project when the cost is greater than 50 percent of the assessed value and the project with more than 5,000 gross square feet of occupied or conditioned space. Under the bill, a major facility project may not be required to meet the standard if (i) there is no appropriate LEED silver standard for that type of building or renovation project, (ii) there is no practical way to apply the LEED silver standard to a particular building or renovation project, or (iii) the building or renovation project is an electricity transmitter building, a water pumping station, or a hospital.

Patron - Whipple

SB568 Department of General Services; energy audits for state buildings. Requires the Department of General Services to establish a program to require every state-owned building to undergo an energy audit before December 30, 2008. After the completion of each energy audit, the Division shall develop an implementation plan to address energy conservation measures recommended by such audit. The bill defines "energy audit" as a determination of the energy consumption characteristics of a building by identifying the type, amount, and rate of energy consumption of the building and its major energy systems.

Patron - Whipple

SB727 Department of Veterans Services; certification of businesses owned by special disabled veterans. Prohibits discrimination by public bodies in the solicitation and awarding of contracts and requires public bodies to establish a program to facilitate the participation of businesses owned by special disabled veterans in procurement transactions. The bill also requires the Department of Veterans Services to establish a program to certify businesses owned by special disabled veterans.

Patron - Wagner

Agriculture, Horticulture and Food

Passed

HB339 **Licensing of dogs and cats.** Requires licensed veterinarians to forward to the local treasurer vaccination information for dogs. The local treasurer shall, upon receipt of the vaccination information, bill dog owners for a pet license. Localities are also allowed to charge an additional \$5 per day for any dog that is impounded without a current license. The owner of such an animal may have the animal spayed or neutered in lieu of paying the additional fee. The duration of a dog or cat license may be equal to and run concurrent with the effective period of the rabies vaccination.

Patron - Orrock

HB340 **Control of dangerous and vicious dogs; registry; penalty.** Requires the control of dangerous dogs within a statewide mandated framework. The bill imposes criminal penalties ranging from a Class 2 misdemeanor to a Class 6 felony for violations that result in injury to a person or death to a cat or dog. The bill expands the authority to petition a court to find a dog dangerous to any law-enforcement officer and makes that petition mandatory. A Virginia Dangerous Dog Registry is created to be maintained by the State Veterinarian; any change in the status of a dangerous dog is to be promptly submitted in writing. Surrender of a dog that is subject of a pending action to animal control shall not be in lieu of prosecution. The bill also (i) narrows the definition of "dangerous dogs" to include dogs that inflict injury to another cat or dog requiring the animal to be euthanized while also broadening safe harbor provisions; (ii) requires that a dog that has been found to be dangerous or vicious shall be spayed or neutered; and (iii) requires liability insurance in the amount of \$100,000 to be purchased by the owner of a dangerous dog, or in lieu of the insurance policy the owner may obtain a surety bond. This bill is identical to HB 1039 and SB 200.

Patron - Orrock

HB706 **Tobacco Indemnification and Community Revitalization Commission; appointment of executive director.** Changes the power to appoint the executive director of the Tobacco Indemnification and Community Revitalization Commission from the Governor to the Commission.

Patron - Hogan

HB982 **Control of avian influenza; penalty.** Allows the Commissioner of Agriculture and Consumer Services to adopt regulations to prevent and control avian influenza in commercial and noncommercial poultry, including regulations that affect the live-bird marketing system, and authorizes the Commissioner to participate in the federal Live Bird Marketing Program of the United States Department of Agriculture. The Commissioner's regulatory authority is exempted from the Administrative Process Act. Failure to comply with promulgated regulations may result in a civil penalty not to exceed \$2,500.

Patron - Lewis

HB983 **Compensation for animals destroyed to control animal disease outbreak.** Allows the Commissioner of Agriculture and Consumer Services, with the approval of the Governor and the Secretary of Agriculture and Forestry, to pay to the appropriate persons, from funds so appropriated, a portion of the difference between the appraised value of each

animal or animal product destroyed and the total of the value of the salvage thereof and any compensation made for each animal or animal product by the federal government. This applies to animals destroyed at the direction of the State Veterinarian for the control or eradication of an animal disease outbreak.

Patron - Lewis

HB1039 **Control of dangerous and vicious dogs; registry; penalty.** Requires the control of dangerous dogs within a statewide mandated framework. The bill imposes criminal penalties ranging from a Class 2 misdemeanor to a Class 6 felony for violations that result in injury to a person or death to a cat or dog. The bill expands the authority to petition a court to find a dog dangerous to any law-enforcement officer and makes that petition mandatory. A Virginia Dangerous Dog Registry is created to be maintained by the State Veterinarian; any change in the status of a dangerous dog is to be promptly submitted in writing. Surrender of a dog that is subject of a pending action to animal control shall not be in lieu of prosecution. The bill also (i) narrows the definition of "dangerous dogs" to include dogs that inflict injury to another cat or dog requiring the animal to be euthanized while also broadening safe harbor provisions; (ii) requires that a dog that has been found to be dangerous or vicious shall be spayed or neutered; and (iii) requires liability insurance in the amount of \$100,000 to be purchased by the owner of a dangerous dog, or in lieu of the insurance policy the owner may obtain a surety bond. This bill is identical to HB 340 and SB 200.

Patron - Melvin

HB1185 **Riparian rights for agriculture and livestock.** Prohibits the requirement of a Virginia Water Protection Permit for privately owned and retained water located outside the path of regularly flowing surface water or for any water withdrawal for livestock watering or crop production within maximum withdrawal limits to be set by the Board.

Patron - Landes

HB1186 **Legislative appointees on certain boards.** Designates legislative appointing authorities to appoint legislators who serve on the Tourist Train Development Authority, the Chippokes Plantation Farm Foundation Board, and the Potomac River Basin Commission. Currently, the Governor makes these appointments, although it is usually customary for the legislature to appoint its own members. One additional House member is added to the Tourist Train Development Authority so that both houses have representation on the Authority. The bill also provides that the nonlegislative citizen member appointed to the Potomac River Basin Authority will be appointed at large and that alternate members must reside within the Potomac River drainage basin. This bill is a recommendation of the Joint Subcommittee to Study the Balance of Powers Between the Legislative and Executive Branches pursuant to HJR 707 (2005). This bill is identical to SB 330.

Patron - Landes

HB1545 **Tobacco Settlement Foundation; appointment of director.** Changes the power to appoint the director of the Tobacco Settlement Foundation from the Governor to the Board of Trustees of the Tobacco Settlement Foundation.

Patron - O'Bannon

SB200 **Control of dangerous and vicious dogs; registry; penalty.** Requires the control of dangerous dogs within a statewide mandated framework. The bill imposes criminal penalties ranging from a Class 2 misdemeanor to a Class 6 felony for violations that result in injury to a person or death to a cat or dog. The bill expands the authority to petition a court to find a dog dangerous to any law-enforcement officer and makes that petition mandatory. A Virginia Dangerous Dog Registry is

created to be maintained by the State Veterinarian; any change in the status of a dangerous dog is to be promptly submitted in writing. Surrender of a dog that is subject of a pending action to animal control shall not be in lieu of prosecution. The bill also (i) narrows the definition of "dangerous dogs" to include dogs that inflict injury to another cat or dog requiring the animal to be euthanized while also broadening safe harbor provisions; (ii) requires that a dog that has been found to be dangerous or vicious shall be spayed or neutered; and (iii) requires liability insurance in the amount of \$100,000 to be purchased by the owner of a dangerous dog, or in lieu of the insurance policy the owner may obtain a surety bond. This bill is identical to HB 340 and HB 1039.

Patron - Houck

[P]SB330 Legislative appointees on certain boards. Designates legislative appointing authorities to appoint legislators who serve on the Tourist Train Development Authority, the Chippokes Plantation Farm Foundation Board, and the Potomac River Basin Commission. Currently, the Governor makes these appointments, although it is usually customary for the legislature to appoint its own members. This bill clarifies the legislative and nonlegislative citizen members appointed to the Chippokes Plantation Farm Foundation and their respective terms. One additional House member is added to the Tourist Train Development Authority so that both houses have representation on the Authority. This bill is a recommendation of the Joint Subcommittee to Study the Balance of Powers Between the Legislative and Executive Branches pursuant to HJR 707 (2005). This bill is identical to HB 1186.

Patron - Locke

[P]SB419 Plans to preserve farmland and forestland. Directs agencies that prepare plans for the implementation of policies to preserve important farmland and forestland to submit those plans to the Secretary of Agriculture and Forestry and the Secretary of Natural Resources annually. Presently, plans are submitted to the Secretary of Commerce and Trade and the Secretary of Natural Resources.

Patron - Hanger

[P]SB537 Secretary of Agriculture and Forestry; Tobacco Indemnification and Community Revitalization Commission; Virginia Land Conservation Board of Trustees; membership. Adds the Secretary of Agriculture and Forestry to the membership of the Tobacco Indemnification and Community Revitalization Commission and the Virginia Land Conservation Board of Trustees. The bill also removes the Commissioner of Agriculture and Consumer Services from the Tobacco Indemnification and Community Revitalization Commission.

Patron - Hawkins

[P]SB574 Gifting of unweaned or certain immature animals. Prohibits the giving away as pets or novelties any living chicks, ducklings, or other fowl under two months old in quantities of less than six or any unweaned mammalian companion animal or any dog under the age of seven weeks without its dam, or any cat under the age of seven weeks without its queen. Current law prohibits the sale or use as inducement or prize but does not address gifts.

Patron - Stolle

Failed

[F]HB124 Sale of produce on farm; penalty. Allows the sale of food or food products without regulation provided sale occurs on a farm direct to the final consumer and products are marked "Not for Resale, Produced Without State Inspect-

tion." Any person that resells such products shall be guilty of a Class 4 misdemeanor. This bill is identical to HB 1592.

Patron - Kilgore

[F]HB265 Animal license taxes. Increases the amount that localities can charge for animal license taxes from \$10 to \$35, and limits the tax for additional dogs and cats to \$2.

Patron - Hargrove

[F]HB278 Animal license tax. Authorizes the City of Newport News to impose a license fee of up to \$35 on each dog or cat that has not been spayed or neutered.

Patron - BaCote

[F]HB318 Local animal control. Changes the limits localities may set for a uniform schedule of civil penalties for each type of specified violation to not less than \$100 or more than \$500. Moneys raised pursuant to this subsection shall be placed in the locality's general fund for the purpose of animal control activities including but not limited to spay/neuter programs. Currently, civil penalties are capped at \$150 unless higher authorization is provided elsewhere in the Code and the funds are not currently designated under this section for animal control activities.

Patron - Albo

[F]HB386 Dangerous and vicious dogs. Expands the definition of a dangerous dog to include a dog that has, without provocation, chased, confronted, or approached a person in a threatening or aggressive manner such that a reasonable person would be fearful of an attack. Requires any ordinance adopted pursuant to this section to provide that an animal control officer may determine, after investigation, whether a dog is a dangerous dog. Currently that authority is given at the discretion of the locality. This bill was incorporated into HB 340.

Patron - Dance

[F]HB556 Dual applicator license. Authorizes the Virginia Department of Agriculture and Consumer Services to issue a dual applicator license for both pesticide and fertilizer.

Patron - Oder

[F]HB606 Certification of animal pedigree. Requires any pet dealer selling a dog or cat, representing that the animal is registered or capable of being registered with any animal pedigree registry organization, to provide documentation of an examination by a licensed veterinarian.

Patron - Amundson

[F]HB654 Boarding of seized dogs and cats. Allows dogs and cats seized by animal control officers to be boarded in kennels at the owner's expense during the pendency of the abandonment or neglect hearing.

Patron - Plum

[F]HB707 Tobacco Indemnification and Community Revitalization Commission; membership. Increases the membership of the Tobacco Indemnification and Community Revitalization Commission from 31 to 32 by adding a member of the House of Delegates.

Patron - Hogan

[F]HB828 Animals as prizes or inducements. Prohibits a person or vendor at a carnival midway from giving away any live animal as a prize for participating in or winning a contest or game.

Patron - Welch

[F]HB858 Cruelty to animals. Provides that anyone using violence against a dog in the face of an actual or immi-

nent attack by the dog shall be presumed not to violate the cruelty to animals provisions.

Patron - Hargrove

[F]HB1091 Use of gas chambers for animal euthanasia prohibited. Prohibits the use of gas chambers for animal euthanasia. This bill has a delayed effective date of October 1, 2006.

Patron - Scott, J.M.

[F]HB1095 State Veterinarian inspection of pounds, shelters, and pet stores; civil penalty. Requires the State Veterinarian or his designee to conduct routine inspections of every municipal pound or shelter twice annually, all other shelters and pet shops shall be inspected once annually. Inspections shall be unannounced and conducted during normal business hours. Violations that remain uncorrected shall be subject to a civil penalty of \$1,000 per violation per day.

Patron - Amundson

[F]HB1168 State Veterinarian inspection of pounds, shelters, and pet stores; civil penalty. Requires the State Veterinarian or his designee to conduct routine inspections of every pound and shelter once annually and every pet shop twice annually. Violations that remain uncorrected 30 days from the initial inspection shall be subject to a civil penalty of \$500 per violation per day.

Patron - Eisenberg

[F]HB1411 Dog dealers. Excludes from the definition of dealer persons that breed show dogs or hunting dogs. The bill also exempts from any local permitting requirement any person that breeds as a hobby, breeds to improve a breed of dog, sells a pet or the offspring of a pet, or engages in an abandoned or injured dog rescue effort.

Patron - Cole

[F]HB1532 Abandonment of companion animals. Prohibits the abandonment, disposal, or dumping of companion animals. The catch and release of feral cats for purpose of neutering is exempt. A violation is a Class 1 misdemeanor; penalty.

Patron - Shuler

[F]HB1563 Animal control officer training. Transfers the registration requirements for animal control officers employed by localities from the State Veterinarian to the Department of Criminal Justice Services and requires the Department of Criminal Justice Services' approval for animal control training courses. The bill requires that the costs associated with the registration requirements and the educational instruction be allocated from the budget of the State Veterinarian.

Patron - Orrock

[F]HB1592 Sale of produce on farm; penalty. Allows the sale of food or food products without regulation provided sale occurs on a farm direct to the final consumer and products are marked "Not for Resale, Produced Without State Inspection," accordingly. Any person that resells such products shall be guilty of a Class 4 misdemeanor. This bill is identical to HB 124.

Patron - Tyler

[F]SB55 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 and pet stores, to sterilize, absent health-related delays, and implant a micro-

chip in any companion animal before it is released to a new owner.

Patron - Reynolds

[F]SB354 Labeling of foods as kosher or halal; penalty. Prohibits the willful or reckless selling of non-kosher or halal food as kosher or halal. Additionally, the bill requires the identification of kosher or halal foods if non-kosher or halal food is offered for sale. Violation of these provisions is a Class 2 misdemeanor. This bill was incorporated into SB 349.

Patron - Cuccinelli

Carried Over

[C]SB101 Relief for small bee keepers. Persons keeping 50 or fewer hives and selling the honey produced by their own bees shall not be required to process the honey in a certified honey house or food processing establishment, nor shall the person be required to obtain a permit from the Department.

Patron - Blevins

[C]SB232 Immunity for reporting animal abuse. Protects any person who in good faith makes a report or provides information to a government agency regarding animal neglect, cruelty, or abandonment from retaliation by a pet shop, pound, kennel, or releasing agency.

Patron - Ticer

[C]SB234 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

[C]SB594 Regulation of fertilizers. Prohibits localities from regulating the registration, packaging, labeling, sale, storage, distribution, use, or application of fertilizer.

Patron - Watkins

Alcoholic Beverage Control Act

Passed

[P]HB113 Alcoholic beverage control; purchasing alcoholic beverages for one to whom they may not be sold; suspension of driver's license. Provides that any person found guilty of purchasing alcoholic beverages for one to whom they may not be sold (i.e., a person intoxicated, interdicted or under-aged) shall have his license to operate a motor vehicle suspended for a period of not more than one year. Currently, suspension of a driver's license in these instances is discretionary. HB 1207 is incorporated into this bill.

Patron - Albo

[P]HB321 Alcoholic beverage control; wine and beer licenses; limited service hotel. Provides that with regard to a hotel classified by the Alcoholic Beverage Control Board as a limited service hotel, the ABC Board may authorize the sale and consumption of alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, for on-premises consumption in such rooms or areas, and without regard to the amount of gross receipts from the sale of food prepared and

consumed on the premises, provided that at least one meal is provided each day by the hotel to such guests.

Patron - Albo

[P]HB512 Alcoholic beverage control; wine and beer licenses; tastings. Provides that persons granted on-premises and on-and off-premises wine and beer licenses may conduct wine or beer tastings sponsored by the licensee for its customers for on-premises consumption. Such licensees may sell or give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the product being tasted. Additionally wine and beer wholesalers, farm wineries, wineries, and breweries may participate in the tastings held by the licensee, including the pouring of samples to any person to whom alcoholic beverages may be lawfully sold. Samples of wine shall not exceed two ounces per person. Samples of beer shall not exceed four ounces per person. The bill contains technical amendments.

Patron - Armstrong

[P]HB601 Alcoholic beverage control; state license taxes for wholesale wine licensees. Creates a separate state license tax category for wholesale wine licensees selling 30,000 gallons of wine or less per year. As a result the state license tax for all wholesale wine licensees is broken down as follows: \$185 for any wholesaler who sells 30,000 gallons of wine or less per year, \$930 for any wholesaler who sells more than 30,000 but not more than 150,000 gallons of wine per year, \$1,430 for any wholesaler who sells more than 150,000 but not more than 300,000 gallons of wine per year, and \$1,860 for any wholesaler who sells more than 300,000 gallons of wine per year. The bill also removes language held to be unconstitutional, including the privilege of self-delivery for certain retail licensees and certain privileges for brewery licensees.

Patron - Albo

[P]HB648 Alcoholic beverage control; operation of government stores by agents of the Alcoholic Beverage Control Board. Authorizes the ABC Board to appoint the holder of a distiller's license or its officers and employees as agents of the Board for the sale of spirits manufactured by the licensee at government stores established by the Board upon the distiller's licensed premises. Such agents shall sell the spirits in accordance with ABC law, Board regulations, and the terms of the agency agreement between the Board and the distiller. The bill also requires the distiller to have grown at least 51 percent of the agricultural products used for the manufacture of the spirits.

Patron - Scott, E.T.

[P]HB1208 Alcohol beverage control; home exemption. Requires a guest to be 21 years of age or older or to be accompanied by his parent, guardian, or spouse in order to be served alcohol in the home of another. This bill is identical to SB 396.

Patron - Moran

[P]HB1210 Alcohol beverage control; underage purchase or possession. Makes it a mandatory six-month suspension of the person's driver's license for a person age 18 or older to whom an alcoholic beverage may not lawfully be sold to purchase, consume or possess alcohol in violation of § 4.1-304. HB 114 is incorporated into this bill.

Patron - Moran

[P]HB1448 Alcoholic beverage control; wine and beer licenses; certain restaurant licenses. Provides that for facilities registered with the State Corporation Commission as

continuing care communities that are also licensed by the Board, any resident may, upon authorization of the licensee, keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas covered by the license.

Patron - Watts

[P]SB100 Alcoholic beverage control; alcohol vaporizing devices prohibited; penalty. Prohibits any person from purchasing, offering for sale, selling or using or offering for use any vaporized form of an alcoholic beverage produced by an alcohol vaporizing device, including licensees of the Alcoholic Beverage Control Board. Any person convicted of a violation of this section shall be guilty of a Class 1 misdemeanor. The bill defines alcohol vaporizing device as any device, machine, or process that mixes any alcoholic beverages with pure oxygen or other gas to produce a vaporized product for the purpose of consumption by inhalation.

Patron - Blevins

[P]SB327 Alcoholic beverage control; mixed beverage restaurant licenses. Provides that "other designated areas" where a mixed beverage restaurant licensee may sell and serve mixed beverages includes outdoor dining areas, whether or not contiguous to the licensed premises, provided such areas are under the control of the licensee and approved by the Board. Currently other designated areas must be on the premises of the restaurant.

Patron - Wagner

[P]SB386 Alcoholic beverage control; motor car sporting event license. Allows the Virginia Alcoholic Beverage Control Board to grant motor car sporting event licenses to allow for the consumption of lawfully acquired alcoholic beverages on the premises of the licensee during such events. Alcoholic beverages shall not be sold or charged for in any way by the licensee. This bill also provides for a \$130 state tax and a \$10 local tax for such license.

Patron - McDougle

[P]SB396 Alcohol beverage control; home exemption. Requires a guest to be 21 years of age or older or to be accompanied by his parent, guardian, or spouse in order to be served alcohol in the home of another. This bill is identical to HB 1208.

Patron - McDougle

[P]SB496 Alcoholic beverage control; authority of Alcoholic Beverage Control Board; issuance of mixed beverage licenses. Clarifies an ambiguity in the law concerning the issuance of mixed beverage licenses to establishments on property developed by an industrial development authority.

Patron - Puckett

[P]SB685 Alcoholic beverage control; permissible conduct by manufacturers and wine or beer wholesalers; tastings; service items and novelties. Authorizes manufacturers of alcoholic beverages and wine or beer wholesalers or their authorized representatives to conduct tastings under certain conditions as part of the privileges of their respective licenses. The bill requires a permit for the authorized representatives. The bill also authorizes (i) any manufacturer to sell service items bearing alcoholic beverage brand references to on-premises retail licensees, (ii) any employee of any alcoholic beverage manufacturer or wholesaler to distribute to retail licensees and their employees novelties and specialties valued at \$10 or less and that bear alcoholic beverage advertising, (iii) any retail on-premises wine or beer licensee, his employee or agent to offer for sale or sell for one price a flight of wines or beers of no more than five different wines or beers, and (iv) any retail on-premises beer, wine or beer, or mixed beverage

licensee, or their agents or employees to give samples of alcoholic beverages they are licensed to sell under certain circumstances. The bill also increases the samples of wine or beer a gourmet shop licensee may give from one to two ounces of wine and from two to four ounces of beer.

Patron - Williams

Failed

HB91 **Providing alcohol to persons less than 21 years of age.** Clarifies the exception to the rule that a person may not provide alcohol to another who is under the age of 21. The exception is made clear that a person may provide alcoholic beverages to underage members of his family while in his residence.

Patron - Brink

HB114 **Alcoholic beverage control; unlawful purchasing or possession of alcoholic beverages; mandatory suspension of driver's license.** Makes mandatory the suspension of a person's license to operate a motor vehicle in the Commonwealth upon conviction for (i) unlawful purchasing or possession of alcoholic beverages by an interdicted, intoxicated, or underaged person or (ii) using or attempting to use fake identification by an underaged person to purchase, possess, or consume alcoholic beverages. This bill was incorporated into HB 1210.

Patron - Albo

HB602 **Alcoholic beverage control; privileges of certain retail on-premises licensees.** Authorizes hotels, restaurants, clubs, and farm wineries (retail on-premises licensees) to permit a patron who has purchased a bottle of wine from the licensee for on-premises consumption to remove from the licensed premises the unconsumed portion of the wine upon the patron's departure to his private residence or other private accommodations provided that (i) the unconsumed portion of the wine remains in the original bottle, (ii) the seal of the bottle of wine is reattached in a reasonably secure manner by the licensee, and (iii) the bottle of wine is removed and transported in a manner consistent with Virginia law and Board regulations. The bill also provides that for the purposes of § 18.2-323.1, the definition of "open container" shall not include any bottle of wine resealed in the manner provided above.

Patron - Albo

HB649 **Alcoholic beverage control; creation of specialty gourmet shop license.** Creates the specialty gourmet shop license, which authorizes the licensee to (i) sell wine and beer in closed containers for off-premises consumption and to give to any person to whom wine or beer may be lawfully sold (a) a sample of wine, not to exceed five ounces by volume, or (b) a sample of beer, not to exceed five ounces by volume, such samples for on-premises consumption; and (ii) sell samples of wine or beer, with or without meals, for on-premises consumption in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the wine or beer being sampled. The bill provides that the monthly food sale requirement established by Board regulation shall be based on the total food sold by the licensee from the exercise of any privilege of this license. Additionally, the bill sets the state and local license tax for this new retail license.

Patron - Scott, E.T.

HB1087 **Alcoholic beverage control; transfer of licenses.** Allows for the transfer of an ABC license upon application by a bona fide purchaser of a licensed premises under certain conditions. Bona fide purchasers whose license transfer

application is granted by the Board shall, at the time for renewal of the license, meet all of the requirements for initial licensure. The bill provides that the ABC Board may not grant a license transfer to an applicant against whom there is pending in the courts or before the Board a charge for violation of the provisions of this title or Board regulations. Additionally, the Board may refuse to grant a license transfer for such causes as are specified in § 4.1-222.

Patron - Scott, J.M.

HB1207 **Alcohol beverage control; purchasing alcoholic beverages for underage persons.** Makes it a mandatory six-month driver's license suspension for any person who purchases alcohol for another person and at the time knows or has reason to know that such person is intoxicated or interdicted, or gives, provides, or assists in the provision of alcohol to a person knowing that such person is under 21 years of age. This bill was incorporated into HB 113.

Patron - Moran

HB1288 **Alcoholic beverage control; small wine producer distribution license.** Creates a new small producer distribution license that authorizes the licensee to sell and deliver or ship by common carrier the wine produced by the licensee, in accordance with Board regulations, in closed containers, to (i) persons licensed to sell the wine at retail for the purpose of resale, § 4.1-326 notwithstanding, (ii) the Board, and (iii) persons in Virginia to whom alcoholic beverages may be lawfully sold. The bill also provides that shipments of such wine by common carrier to a retail licensee shall be (a) made in containers marked "Contains Alcohol," (b) paid by the retail licensee in advance of the shipment, and (c) accompanied by an invoice in a form prescribed by the Board and that is available for examination by the common carrier. All deliveries of such wine by the licensee to persons in Virginia to whom alcoholic beverages may be lawfully sold shall be performed by the owner, or any agent, director, shareholder or employee of the licensee. The bill provides that, for purposes of § 4.1-234 and Chapter 6 (§ 58.1-600 et seq.) of Title 58.1, each delivery or shipment of wine by such licensee to a consumer or a retail licensee shall constitute a sale in Virginia. Licensees are required to collect the taxes due to the Commonwealth and remit any excise taxes monthly to the Board and any sales tax to the Department of Taxation. The bill defines "small wine producer" as any winery located outside the Commonwealth and licensed as such in the state where the winery is located and that is eligible for the federal tax credit pursuant to 27 CFR 24.278. The bill also grants these same privileges to certain winery and farm winery licensees. The bill sets the state license tax for this new license and requires the ABC Board to adopt emergency regulations to implement the provisions of the bill.

Patron - Saxman

HB1353 **Alcoholic Beverage Control Board; powers; sale of wine.** Authorizes the ABC Board to sell wines produced both in-state and out-of-state in ABC government stores. Currently the ABC may only sell Virginia farm winery wines in government stores.

Patron - Bell

SB326 **Alcoholic beverage control; retail on-premises wine or beer licensees; sale of tastings of wine or beer.** Authorizes any retail on-premises wine or beer licensee, his agent or employee to offer for sale or sell to any person to whom alcoholic beverages may be lawfully sold tastings of wine or beer conducted in accordance with § 4.1-221.1 for one price.

Patron - Wagner

[F]SB328 Alcoholic beverage control; gift of samples by licensees. Authorizes any retail on-premises wine or beer licensee, his agent or employee, to give a sample of wine or beer, not to exceed two ounces, to persons to whom alcoholic beverages may be lawfully sold for on-premises consumption, or any mixed beverage licensee, his agent or employee, to give a sample of (i) wine or beer, not to exceed two ounces or (ii) spirits not to exceed one-half ounce, to persons to whom alcoholic beverages may be lawfully sold for on-premises consumption provided that no more than two products shall be given.

Patron - Wagner

[F]SB680 Alcoholic beverage control; permissible conduct by manufacturers of alcoholic beverages and wine or beer wholesalers; tastings; service items and novelties. Authorizes manufacturers of alcoholic beverages and wine or beer wholesalers or their authorized representatives to conduct tastings under certain conditions as part of the privileges of their respective licenses. The bill also authorizes (i) any manufacturer of alcoholic beverages to sell service items bearing alcoholic beverage brand references to on-premises retail licensees and (ii) any employee of a manufacturer of alcoholic beverages or of a wine or beer wholesaler to distribute to retail licensees and their employees novelties and specialties valued at \$10 or less and which bear alcoholic beverage advertising. This bill is identical to SB 685.

Patron - Saslaw

Carried Over

[C]SB600 Alcoholic beverage tax. Increases the tax on alcoholic beverages by 3 percent with the revenues to be used for the operational support of volunteer rescue squads and fire-fighting organizations.

Patron - Colgan

Aviation

Failed

[F]HB298 Airport fees and charges. Limits authority to impose off-site fees.

Patron - Jones, S.C.

[F]SB195 Virginia Airports Revolving Fund; prepayment of loans from the Fund. Provides that the Virginia Resources Authority (VRA) may not include as a provision in a loan from the Fund any penalty for early payment. The bill would allow the Authority to charge and collect costs directly relating to the defeasance of principal and interest on obligations issued by the Authority. The bill would also prohibit VRA from collecting a prepayment penalty on any loan outstanding to a local government as of June 30, 2006.

Patron - Williams

[F]SB645 Airport fees and charges. Limits authority to impose off-site fees.

Patron - Watkins

Banking and Finance

Passed

[P]HB195 Industrial loan companies. Prohibits a foreign industrial loan company from establishing or maintaining an office in Virginia on the premises or property of the company's affiliate if the affiliate engages in retail commercial activities. The measure also prohibits a Virginia-chartered industrial loan association from having an affiliate that engages in retail commercial activities; however, the prohibition does not apply to an industrial loan association with an affiliate engaged in commercial activities as of January 1, 2006.

Patron - Kilgore

[P]HB324 Tax refund anticipation loans. Requires persons who facilitate tax refund anticipation loans to post their fees and related information and to provide a disclosure form. Borrowers are allowed to rescind such loans before the close of the next day of business following the date of the loan. Facilitators are prohibited from requiring customers to enter into a loan arrangement. Violations are prohibited practices under the Virginia Consumer Protection Act.

Patron - Morgan

[P]HB360 Bankers' banks. Authorizes bankers' banks to accept deposits from and make loans to (i) a bank in organization that has applied for insurance of deposits by a federal agency, (ii) officers, directors, and employees of such a bank in organization, (iii) persons referred to a bankers' bank by a financial institution or by a bank in organization that has applied for insurance of deposits by a federal agency, and (iv) other persons with the prior approval of the Commissioner of Financial Institutions and subject to such conditions as the Commissioner may impose.

Patron - Kilgore

[P]HB698 Mortgage brokers; dual compensation; penalties. Provides that a state bank or mortgage lender that, pursuant to an executed originating agreement with the Virginia Housing Development Authority (VHDA), acts as an originating agent of the VHDA in connection with a mortgage loan shall not be deemed to be acting as a mortgage broker with respect to such mortgage loan.

Patron - Suit

[P]HB1077 Construction loans by banks. Removes an obsolete reference to the maximum 40-year and two-month amortization period for loans secured by real estate. The requirement for minimum amortization periods in real estate loans was repealed in 2005.

Patron - Dudley

[P]SB529 Credit unions; charges on loans. Authorizes credit unions to impose finance charges and other charges and fees on open-end credit plans at such rates and in such amounts and manner as the credit union and the borrower may agree when payment is not timely received.

Patron - Newman

[P]SB530 Credit union offices. Provides that a credit union's notice to the Commissioner of Financial Institutions of its participation in a credit union service organization (CUSO) satisfies the requirement that notice be given of the establishment of an office at a shared service facility, if the CUSO has

notified the Commissioner of the establishment of the shared service facility.

Patron - Newman

[P]SB531 Credit unions; minors' accounts. Authorizes credit unions to take actions with respect to share accounts of a minor on the order of the minor. The minor's parent or guardian will not have the power to withdraw or transfer shares in such an account unless the minor has notified the credit union to accept the signature of the parent or guardian.

Patron - Newman

Failed

[F]HB225 Payday lending; rollovers; database. Requires the State Corporation Commission on or before July 1, 2007, 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. This bill was incorporated into HB 912.

Patron - Jones, D.C.

[F]HB626 Payday loans; term. Increases the minimum term of a payday loan from seven to 60 days. Provisions requiring the posting of fees for sample loans are amended to reflect the extended minimum term. This bill was incorporated into HB 912.

Patron - Johnson

[F]HB912 Payday loan act. Requires the State Corporation Commission on or before July 1, 2007, 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 (i) increases the minimum length of a payday loan from seven to 15 days; (ii) prohibits a payday lender from making a payday loan to a borrower if the borrower has another payday loan outstanding or within 48 hours following the borrower's payment of another payday loan; (iii) making a payday loan to a borrower if the proceeds of the payday loan will be used in whole or in part to repay an outstanding payday loan; (iv) prohibits a lender from instituting collection proceedings against a borrower until 60 days after the date of default; (v) prohibits a lender from engaging in any unfair, misleading, deceptive, or fraudulent acts or practices in the making or collecting of a payday loan; (vi) requires a lender, when collecting or attempting to collect a payday loan when the check given as security for such loan is dishonored, to comply with the provisions of the Fair Debt Collection Practices Act that apply to debt collectors; (vii) increases the maximum fine or penalty for a violation from \$1,000 to \$2,500; and (viii) provides that any provision of a written loan agreement that violates the Payday Loan Act is unenforceable against the borrower.

Patron - Oder

[F]HB1190 Mortgage loans; escrow accounts. Prohibits a lender making a one-to-four family residential dwelling mortgage loan from charging the borrower a separate fee for exercising an option to make payments for real estate taxes and insurance premiums directly, in lieu of establishing an escrow account.

Patron - Marshall, R.G.

[F]SB266 Identity theft; security freezes; penalty. Authorizes any consumer to freeze access to his credit report. If a consumer has placed a freeze on his credit report, a consumer reporting agency is prohibited from releasing the credit report, or any information in it, without the consumer's express authorization. The measure provides a means by which a consumer can release his report, permanently, temporarily, or to a specific third party. Consumer reporting agencies may charge a consumer up to \$10 for each freeze or removal. Certain disclosures are exempt from the freeze. A violation is a prohibited practice under the Consumer Protection Act.

Patron - Bell

Carried Over

[C]HB325 Motor vehicle title loans. Caps the rate of interest that may be charged on loans secured by a motor vehicle title at 36 percent per year.

Patron - Morgan

[C]HB330 Annual reporting of revenue from credit card affinity agreements. Requires each public four-year institution of higher education in the Commonwealth to report annually on its credit card affinity agreements and related arrangements, and to disclose the revenue received by the institution under such agreements.

Patron - Purkey

[C]HB619 Financial Institutions; pay day lenders. Repeals the Pay Day Loan Act.

Patron - O'Bannon

[C]HB1514 Motor vehicle equity loans; penalties. Establishes a system for licensing and regulating revolving lines of credit secured by equity in a motor vehicle. The maximum amount of a motor vehicle line of credit is \$10,000. Interest and fees may be imposed at such rates as may be agreed upon by the lender and borrower. Lenders are required to be licensed with the State Corporation Commission. A violation of the measure is a prohibited practice under the Consumer Protection Act. Violators are subject to civil and criminal penalties. Making unlicensed motor vehicle equity loans, or arranging or brokering motor vehicle equity loans, is punishable as a Class 1 misdemeanor.

Patron - Kilgore

[C]SB145 Mortgage loan servicing practices; penalties. Prohibits persons that service mortgage loans from taking certain actions with respect to mortgage loans, including failing to apply promptly to the loan payments made in accordance with the terms of the loan agreement and taking actions for the primary purpose of creating a default under the terms of a mortgage loan. A violation constitutes a Class 1 misdemeanor. The State Corporation Commission is authorized to conduct investigations. The measure does not apply to banks or savings institutions or their subsidiaries or affiliates.

Patron - Deeds

[C]SB598 Motor vehicle equity loans; penalties. Regulates motor vehicle equity loans, which are closed-end loans secured by an interest in a motor vehicle. The measure caps the interest on such loans at 20 percent per month for the first two months and 3 percent for the balance of the term. If such a loan is repaid in full within 48 hours, the loan shall not bear interest. The maximum term of such a loan is 12 months. The maximum amount of a motor vehicle equity loan is 50 percent of the value of the motor vehicle. Lenders are required to be licensed with the State Corporation Commission. A violation of the measure is a prohibited practice under the Consumer Protec-

tion Act. Violators are subject to civil and criminal penalties. Making unlicensed motor vehicle equity loans, or arranging or brokering motor vehicle equity loans, is punishable as a Class 1 misdemeanor.

Patron - Bell

Civil Remedies and Procedure

Passed

[P]HB115 Garnishment forms and summonses. Requires that garnishment summonses and forms contain language declaring if the garnishment is of wages, salary, or other compensation or if the garnishment is of some other property of the judgment debtor.

Patron - Albo

[P]HB244 Property; authority of sheriffs to store and sell personal property removed from certain leased or rented premises. Includes commercial property that has been leased or rented within the scope of the statute that allows a landlord, pursuant to an action of unlawful detainer or ejectment and after proper notice, to remove and place the personal property of the tenant into the public way.

Patron - Shannon

[P]HB436 Evidence of motor vehicle value. Provides that any vehicle valuation service regularly used and recognized in the automobile industry may be used as evidence of a vehicle's value and not just the National Automobile Dealers' Association "black" or "yellow" book.

Patron - Griffith

[P]HB443 Marriage and family therapists; professional counselors. Adds marriage and family therapists to the definition of "health care provider" under medical malpractice provisions, specifies that such therapists be licensed to receive immunity as a member of a substance abuse intervention team for health professionals and to give treatment under substance abuse insurance coverage provisions, and adds licensed marriage and family therapists and licensed professional counselors to the definition of "medical professional" for insurance information and privacy protection provisions.

Patron - Shuler

[P]HB888 Prisoner civil litigation; subpoenas; summary judgment; access to records. Requires that any subpoena for witnesses or documents be specifically authorized by a judge of the court in which the case is filed. The bill requires the court to exercise its discretion in determining the scope of the subpoena and allows the court to condition the subpoena on such terms as the court finds appropriate considering the burden placed on the object of the subpoena in relation to the needs of the case, the amount in controversy, and the importance of the issues at stake in the litigation. The bill also provides that a summary judgment motion may be made by any party after the commencement of a pro se civil action by a prisoner. The bill allows access to all records maintained by the Department of Corrections in the name of individual prisoners to counsel for the Commonwealth, an agency of the Commonwealth, a Commonwealth employee, or a private contractor providing services to the Department of Corrections in a pro se civil action brought by prisoner.

Patron - Kilgore

[P]HB889 Civil remedies; immunity from lead-based paint poisoning. Defines "lead-based paint maintenance"

under the immunity from liability statute for lead-based paint poisoning. The bill grants immunity to the owner or agent of residential property if the owner or agent who is responsible for lead-based paint maintenance discloses to the lessee the presence of any known lead-based paint and/or lead-based paint hazards about which the owner has actual knowledge. Such disclosure requirements continue through the tenancy if new information arises. Prior to the case in chief, the bill allows a hearing on responsive pleadings that assert such immunity.

Patron - Kilgore

[P]HB1009 Check 21 Evidence Act. Creates the Check Clearing for the 21st Century Evidence Act, which allows any check created pursuant to the federal Check Clearing for the 21st Century Evidence Act (provides for an official copy of a check) to be admissible in evidence to the same extent as the original check would be.

Patron - Hurt

[P]HB1023 Privileged communications. Provides that any document prepared in the pursuit of compliance with requirements or standards of an accreditation or certification body, including the Joint Commission on Accreditation of Healthcare Organizations, is privileged.

Patron - Hurt

[P]HB1110 Immunity of physicians for laboratory results and examinations. Creates a new Code section that provides that a physician is not liable for failure to review or act on results of laboratory tests or examinations that he did not request or authorize unless the physician is provided the report with a request for consultation, the physician assumes responsibility for the report, or the physician has reason to know that the report result is needed. The physician must additionally prove one of the following in order to be immune: (i) no physician-patient relationship existed; (ii) the physician received the results without a request for consultation; (iii) the results were not part of the physician's management of the patient; or (iv) interpreting the results would exceed the physician's scope of practice.

Patron - Athey

[P]HB1267 Effect of promise not to plead statute of limitations. Makes a written promise to not plead the statute of limitations valid when (i) it is made to avoid or defer litigation, (ii) it is not made contemporaneously with any other contract, and (iii) it is made for an additional term not longer than the applicable limitations period.

Patron - Janis

[P]HB1352 Laboratory results; physician immunity. Adds podiatry to the definition of physician under this section.

Patron - Bell

[P]HB1424 Failure to serve process. Provides that a defendant who has not been served within one year of the filing of a suit may file a motion to dismiss and if the court finds that the plaintiff did not exercise due diligence to have timely service, may dismiss the suit with prejudice. The bill also preserves the plaintiff's right to a non-suit prior to the entry of an order to dismiss. These provisions shall not pertain to cases involving asbestos.

Patron - Iaquinto

[P]HB1518 Fraudulent procurement of telephone records; penalty. Creates a Class 1 misdemeanor for the fraudulent procurement, sale, or receipt of telephone records. The misdemeanor involves (i) knowingly procuring, attempting to procure, soliciting, or conspiring with another to procure

a telephone record without authorization by fraudulent means; (ii) knowingly selling, or attempting to sell, a telephone record without authorization; or (iii) receiving a telephone record knowing that such record has been obtained without authorization by fraudulent means.

Patron - Albo

SB38 Agritourism activity liability. Limits the liability of persons engaged in the business of providing agritourism activities, which include activities carried out on a farm, ranch, or winery that allow members of the public to view or enjoy rural activities or natural activities and attractions. The immunity from liability applies only if the agritourism provider has posted a warning notice. Liability is not limited if the agritourism provider acts with negligence or willful or wanton disregard for the safety of the participant, has actual or imputed knowledge of a dangerous condition used in the activity and does not make the danger known to the participant, or intentionally injures the participant. In addition, the provider is required to plead the affirmative defense of assumption of risk of agritourism activity by the participant.

Patron - Reynolds

SB114 Courts; certain matters to be entered on the civil order book. Makes technical amendments clarifying that the former common-law order book is now known as the civil order book.

Patron - Marsh

SB402 Garnishment liens. Allows a writ of fieri facias to be applicable to newly acquired property for the same period of time that a wage garnishment is valid. In 2003 the return date for a wage garnishment was extended to 180 days but no change was made to allow a fieri facias to be extended from 90 to 180 days. Rule 3:2 of the Rules of Supreme Court provides that a writ is not returnable more than 90 days after its date unless a longer period is authorized by statute.

Patron - Hanger

SB543 Child and spousal support proceedings. Provides that in civil proceedings for the determination of child or spousal support, the court may allow one expert witness for each party to remain in the courtroom throughout the hearing upon the request of any party.

Patron - Stosch

Failed

HB27 Exemplary damages for persons injured by intoxicated drivers. Allows the award of exemplary damages in a civil case to a plaintiff or plaintiff's decedent injured or killed by the actions of a person convicted of DUI when the convicted person was charged with both unreasonable refusal to submit to a blood alcohol test and DUI, irrespective of the ability of the plaintiff to prove the civil defendant's blood alcohol content. Currently, a person convicted of DUI is subject to exemplary damages in such a civil case only when his blood alcohol content is proven to be 0.15 percent or more or he is convicted of unreasonable refusal.

Patron - Bryant

HB289 Admissibility of expressions of sympathy. States that expressions of sympathy are inadmissible in any civil action if they are made to the injured party or a family member. Current law provides that such expressions are inadmissible in wrongful death and medical malpractice cases only.

Patron - Cox

HB303 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.

HB506 Jury trial of right; who deemed parties. Provides that for purposes of a jury trial only named plaintiffs, defendants, and third-party defendants are to be deemed parties, although insurers which file pleadings and take other actions under uninsured motorist provisions may also request a jury.

Patron - Armstrong

HB719 Notice to all parties of additional nonsuits. Requires that all parties must be properly notified if additional nonsuits are granted by the court.

Patron - McQuigg

HB720 Admissibility of criminal pleas in civil cases; Alford pleas. Makes Alford pleas in criminal cases inadmissible in civil actions.

Patron - McQuigg

HB721 Garnishment proceedings; garnishee's answer to summons. Requires the garnishee to mail the answer to a summons to the judgment creditor or, if the judgment creditor is represented by counsel, to the judgment creditor's counsel.

Patron - McQuigg

HB807 Civil cases; expert opinion testimony. Incorporates the current version of Federal Rule of Evidence 702 into the Code of Virginia for civil cases. In 2000, Federal Rule of Evidence 702 was amended in response to the United States Supreme Court decision in *Daubert v. Merrell Dow Pharmaceuticals*, 509 U.S. 579 (1993), which directed the court to analyze the importance of expert testimony based on specified factors and gave rise to the "Daubert" pre-trial hearing used to judge the admissibility of expert testimony outside the presence of a jury. Additionally, the bill adds a relevance requirement to the admissibility of opinion testimony by experts.

Patron - Fralin

HB1191 Action for wrongful death; pre-born child. Creates a cause of action for the wrongful death of a pre-born child.

Patron - Marshall, R.G.

HB1234 Discovery available in misdemeanor cases in district court. Provides that the parties in a misdemeanor prosecution in a district court shall have the right to subpoena evidence via subpoena duces tecum in accordance with Rule 3A:12(b) of the Rules of the Supreme Court.

Patron - Melvin

HB1285 Exposure to asbestos, silica, or products containing asbestos or silica. Prevents a person from bringing an action for exposure to asbestos, silica, or products containing asbestos or silica unless they have the type of cancer that is specific to those products or that person makes a prima facie showing that the physical ailment is related to exposure to asbestos or silica. The changes explicitly lay out the type of medical evidence necessary to prove a physical ailment is related to asbestos or silica exposure and states that no action may be brought for fear of developing cancer from exposure. Adds a scope of liability section that caps damages for noneconomic loss at \$250,000, unless the plaintiff has mesothelioma, in which case the noneconomic loss damages are capped at

\$500,000. Also requires, even in cases that are active at the time of enactment, the plaintiff to file a report containing evidence of the medical condition related to asbestos or silica exposure.

Patron - Fralin

[F]HB1337 Civil immunity; retired law-enforcement officer. States that a retired law enforcement officer, not acting in the scope of his employment, has civil immunity for actions he may take in the response to an emergency or to thwart the commission of a crime.

Patron - Bell

[F]HB1560 Tolling of limitations; civil matter arising from criminal prosecution. Provides that the statute of limitations will not run while a criminal prosecution of a party is ongoing, if the cause of action arises out of the criminal prosecution. Also, prohibits the prosecuted party from bringing the action during the criminal proceeding.

Patron - Bell

[F]SB68 Distribution of punitive damages to the Literary Fund. Requires that any punitive damages awarded in the Commonwealth be distributed to the Literary Fund and that no attorneys' fees may be had on that portion of a civil award.

Patron - Chichester

[F]SB135 Civil procedure; persons exempt from liability. Exempts from liability first responders who, in good faith and without compensation, render emergency care or assistance, whether or not in the locality of his employment as a first responder, to any injured or ill person, at the scene of an accident, fire, or life threatening emergency, or en route therefrom to any hospital, medical clinic or doctor's office.

Patron - O'Brien

[F]SB166 Service of process; personal service on agent. Requires personal service where a natural person is sued in such person's capacity as a registered agent, officer, director, trustee, administrator, or other representative of an entity recognized by law. This bill is a recommendation of the Committee on District Courts.

Patron - Quayle

[F]SB171 Ex parte affidavit or written statement. Provides that in a personal injury or wrongful death case the witness' ex parte affidavit or written statement (other than a deposition) and extrajudicial voice recording, is not admissible for any purpose. Under current law the prohibition against use is for the purpose of contradicting the witness in the case.

Patron - Quayle

[F]SB339 Attorney-issued subpoenas. Requires a sheriff to serve an attorney-issued subpoena even if it is not issued within the time frame if there is a court order. Under current law a sheriff is not required to serve an attorney-issued subpoena that is not issued at least five days prior to the date production of evidence, a record or attendance is desired. This bill is a recommendation of the Boyd Graves Conference.

Patron - Obenshain

[F]SB509 Special damages for intentional injury to real property. Provides for special damages, including the costs of repair, expert witnesses, and attorney fees in situations where a person acts willfully, intentionally, or with careless disregard and damages, mutilates, defaces, or injures another person's interest in real property.

Patron - Puckett

[F]SB629 Employment of illegal aliens; cause of action. Provides that a business has a cause of action against any other entity in the same business if the other entity employs or employed persons it knew or should have known were illegal aliens who are ineligible for employment in the United States. In addition to economic damages, the plaintiff may recover \$500 for each such illegal alien employed by the defendant.

Patron - Cuccinelli

[F]SB660 Immunity for physicians. Extends immunity to any physician receiving an unsolicited report of a test or examination for any failure to review or to take any action in response to any report of the results of any laboratory test or other examination that such physician neither requested nor authorized in writing.

Patron - McDougle

Carried Over

[C]HB950 Attorney fees deducted from Commonwealth medical liens. Clarifies that in actions where a Commonwealth medical lien is asserted, the attorney fees shall be deducted from the lien total and not the total amount recovered, if the attorney distributes such fees to the injured person.

Patron - Joannou

[C]HB1176 Actions against parents for conduct of a minor. Amends statute to allow a cause of action against a parent or parents of a minor for personal injuries inflicted willfully and maliciously by that minor. Currently a cause of action only exists for damages inflicted to property.

Patron - Rapp

[C]HB1221 Distribution of award; wrongful death action. Provides that if a person dies testate, and a wrongful death action lies following the death of such person, an award pursuant to the same shall be distributed in accordance with the provisions of the will.

Patron - Barlow

[C]HB1559 Civil immunity; witnesses in a criminal case. Provides that no person shall be liable in a civil action for any misidentification of a person made in the course of a criminal investigation of an alleged criminal sexual assault in violation as long as the misidentification was made with the good faith belief in its veracity and authenticity.

Patron - Bell

[C]SB338 Privileged communications with professionals; civil proceedings. Provides that certain professionals (practitioners of the healing arts, ministers, priests, rabbis, accredited practitioners of religious organizations or denominations, licensed professional counselors, clinical social workers and psychologists), when testifying in civil matters, shall not be permitted to disclose confidential information communicated in a professional capacity. There are exceptions for request or consent of the client and various other circumstances. Under current law these Code sections address situations where the professional is required to disclose information and do not apply when a professional voluntarily discloses information. This bill is a recommendation of the Boyd Graves Conference.

Patron - Obenshain

Commercial Code / Negotiable Instruments

Passed

HB193 Negotiable instruments; enforcement and satisfaction. Establishes the date from which the six-year limitations period on actions to enforce a right under a deposit account or a certificate of deposit starts to toll. The measure will become effective on January 1, 2007, and will be effective retroactively. However, a person with a cause of action that accrued after January 1, 1997, shall have until January 1, 2013, or until the end of the six-year period specified in the measure, whichever is longer, to bring an action to enforce the bank's obligations. The measure also provides that a person does not act in good faith when tendering a check in full satisfaction of an obligation under a loan if the check is for less than the full amount due and the check is tendered to a person without knowledge of a dispute concerning the loan.

Patron - Kilgore

Commonwealth Public Safety

Passed

HB208 Fire Services Board; payment of per diem. Provides that members of the Fire Services Board shall receive compensation for the performance of their duties. Funding for the compensation and costs of expenses of the members is to be provided from the Fire Programs Fund established pursuant to § 38.2-401.

Patron - Cox

HB255 Line of Duty Act; mandatory training. Requires the Secretary of Public Safety to develop training guidelines to be distributed to agencies and localities with employees covered by the Line of Duty Act. Each agency or locality shall be required to provide training concerning the Act to its eligible law-enforcement and public safety officers. The training will not count towards in-service credit requirements for law-enforcement officers.

Patron - Cosgrove

HB848 Department of Forensic Science; powers and duties. Shifts certain powers and duties from the Forensic Science Board to the Department of Forensic Science, including the receipt, administration and use of funds. This bill is identical to SB 563.

Patron - Albo

HB1036 Campus safety. Requires the Department of Criminal Justice Services to develop training standards for campus security officers and to provide technical support and assistance to campus police departments and campus security departments. The bill has an effective date of July 1, 2007. This bill incorporates HB 154.

Patron - Hamilton

HB1333 Sex Offender Registry; penalties. Adds first offense child pornography possession and burglary with the intent to commit certain felony sex offenses as new Registry offenses if committed after July 1, 2006. Criminal homicide in conjunction with contributing to the delinquency of a child

or child abuse is also added as a new Registry offense. The bill modifies the registration of a person convicted of murdering a child so that registration will be required if the victim is under 15 years of age and if the minor victim is 15 or older and the murder is related to a registrable sex offense. The bill adds burglary to the list of offenses, if committed twice, that are deemed sexually violent offenses. The bill places murder on an equal footing with sexually violent offenses for purposes of registration. Persons convicted of sex offenses in a foreign country will be required to register. The bill makes a second or subsequent conviction for failing to register as a sex offender a Class 6 felony and a second or subsequent conviction of failing to register as a violent sex offender a Class 5 felony.

Patron - Bell

HB1409 Domestic violence victim fund; name change; funding. Changes the name of the fund to Sexual & Domestic Violence Victim Fund.

Patron - Crockett-Stark

HB1417 Confidentiality of presentencing investigation reports. Provides that presentencing investigation reports compiled by local probation officers for general district courts are to remain confidential and are exempt from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

Patron - Brink

HB1418 Line of Duty Act; payment of benefits. Increases from \$75,000 to \$100,000 the amount for which a beneficiary of a deceased person whose death occurred while in the line of duty as the direct or proximate result of the performance of his duty is eligible to receive.

Patron - Suit

HB1579 Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board; membership. Amends the membership of the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board to include two members of the House of Delegates, to be appointed by the Speaker of the House, and one member of the Senate, to be appointed by the Senate Committee on Rules. This changes the membership of the Board from seven members to 10 members.

Patron - Cline

SB515 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, 1966.

Patron - Puckett

SB560 Campus safety. Requires the Department of Criminal Justice Services to develop training standards for campus security officers and to provide technical support and assistance to campus police departments and campus security departments. The bill has an effective date of July 1, 2007.

Patron - Stolle

SB563 Department of Forensic Science; powers and duties. Shifts certain powers and duties from the Forensic Science Board to the Department of Forensic Science, including the receipt, administration and use of funds. This bill is identical to HB 848.

Patron - Stolle

Failed

HB592 Law-enforcement officers; language programs. Requires the Department of Criminal Justice Services to advise and assist law-enforcement agencies in developing programs and incentives to encourage law-enforcement officers

ers to learn languages in addition to English, including allocating funds for such programs and incentives.

Patron - Lohr

[F]HB703 Payment for bailee recovery. Provides that when a bailee is recovered by a law-enforcement agency, the bail bondsman who posted bond shall reimburse the law-enforcement agency for the costs of recovery.

Patron - Hogan

[F]HB777 Law-Enforcement Officers Procedural Guarantee Act. Makes several changes as to the process and procedures afforded to officers under the procedural guarantee act, clarifying several existing rights and setting forth specific procedures for the questioning of officers and the conduct of a disciplinary hearing.

Patron - Albo

[F]HB799 Sex Offender Registry; automatic notification. Requires the State Police to notify any school or child-care facility of the registration or reregistration of a sex offender within a 10-mile radius of the facility or school. The Department of Social Services and the Department of Education shall provide the State Police with a list of the locations of all such facilities and schools. The notification will be made via electronic means, unless the facility or school does not have capabilities to receive electronic notification and registers to receive written notification. This bill was incorporated into HB 984.

Patron - Fralin

[F]HB985 Sex Offender and Crimes Against Minors Registry; offenses requiring registration. Requires a person who is convicted of criminal homicide in conjunction with causing or encouraging acts rendering children delinquent or abused or abusing and neglecting children to register with the Sex Offender and Crimes Against Minors Registry. The registration will only be required if the offenses arise out of the same incident. This bill was incorporated into HB 984.

Patron - Sherwood

[F]HB991 Revocation of probation or parole of registered sex offenders who fail to reregister. Provides that the court shall revoke the probation or parole, as applicable, of any person convicted of failing to register or reregister as a sex offender. This bill was incorporated into HB 984.

Patron - Shannon

[F]HB1012 Sex offender registration. Adds to the list of those offenses requiring registration as a sex offender use of a communications system, including a computer or computer network, to engage a juvenile in a sex offense. The bill also redefines sexually violent offense to include a first offense of production of child pornography rather than a second or subsequent offense thereof, as is current law. This bill was incorporated into HB 984.

Patron - Hurt

[F]HB1181 Department of Criminal Justice Services; canine unit certification. Requires the Department of Criminal Justice Services to certify all canine units used by law-enforcement agencies in the Commonwealth. The bill sets forth procedures for certifying canine units for narcotics detection, explosives detection, and patrol.

Patron - Carrico

[F]HB1264 Reregistration of sex offenders; penalty. Requires sex offender registrants to reregister in person with the local law-enforcement agency annually on June 15 and, if violent sex offenders, quarterly on September 15, December

15, March 15, and June 15. Currently, the requirements are "annually" and "every 90 days," respectively, registration in person is not required, and is done with the State Police. This bill was incorporated into HB 984.

Patron - Janis

[F]HB1441 Public safety; definition of law-enforcement officer. Includes within the definition any investigator of the Department of Corrections who is designated by the Director of the Department to have police power.

Patron - Landes

[F]SB211 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, 2007. 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, 2006, 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]SB316 Sex Offender and Crimes Against Minors Registry; penalties. Makes numerous changes to Registry provisions. First offense child pornography possession and burglary with the intent to commit certain felony sex offenses will be new Registry offenses if committed after July 1, 2006. The sex offender website will include persons convicted of all registrable sex offenses committed after July 1, 2006, not just persons convicted of violent sex offenses as under current law. The bill modifies the registration of a person convicted of murdering a child; registration will be required if the victim is under 15 years of age and if the minor victim is 15 or older and the murder is related to a registrable offense. Persons convicted in a foreign country will be required to register. Sex offenders will have three days to register or reregister after an address change rather than 10 and have to reregister for any employment change. Sex offenders moving into the Commonwealth will have three days to register instead of 10, as will nonresident visitors, workers and college students who are subject to registration requirements. The State Police will be required to physically verify or cause to be physically verified registration information within the first 30 days of the initial registration or change of address and semi-annually each year thereafter. Persons who have to register for murder of a minor will be required to reregister every 90 days, the same as a violent sex offender. In addition, when a sex offender is convicted of failing to register, he will be required to reregister more frequently (violent sex offenders monthly instead of every 90 days and sex offenders 180 days instead of 12 months). The duration of registration for sex offenders who have been convicted of failing to register is extended as they will no longer be permitted to get off of the registry in 10 years from the date of registration, but instead the requirement will be 10 years from the date of their last conviction for failing to register. In addition, murder of a minor will require lifetime registration. Sex offenders convicted of failing to register will no longer be permitted to petition for relief for three years from the date of registration,

but can petition five years from the date of their last conviction for failure to register. The bill makes a second or subsequent conviction for failing to register as a sex offender a Class 6 felony and requires GPS monitoring and makes a second or subsequent conviction of failing to register as a violent sex offender or murderer a Class 5 felony and requires mandatory GPS monitoring. Procedures to be used by correctional institutions and juvenile facilities to obtain registration information from sex offenders under their custody are made more comprehensive, and faster timelines for transmission of information to the State Police are added. An offender will be required to submit to having a DNA sample taken (if not already taken) and to being photographed by a law-enforcement agency every two years. Failure to register is added to the offenses for which conviction bars loitering within 100 feet of a school. Persons convicted of such offenses after July 1, 2006, will also be prohibited from loitering within 100 feet of a child day program. Persons convicted of certain sex offenses will be prohibited from working on the grounds of a school or day care center and will be prohibited from residing within 500 feet of a school or day care center. Local school boards are required to ensure that schools within the division are registered to receive electronic notice of sex offenders within that school division and to develop and implement policies to provide information to parents regarding registration of sex offenders and the availability of information on the Registry. Public and private two- and four-year institutions of higher education are required to electronically transmit enrollment information to the State Police for comparison with the Virginia Criminal Information Network and National Crime Information Center Convicted Sexual Offender Registry. The Department of Motor Vehicles is required to electronically transmit application information and change of address information for the same purpose. The bill makes it a Class 4 felony to provide false information to obtain a driver's license with the intent to use it as proof of residency for sex offender registration purposes. The bill also exempts the provisions of the Registry from the Freedom of Information Act and the Government Data Collection and Dissemination Practice Act and the Virginia Information Technologies Agency. The Department of Criminal Justice Services is required to advise and initiate training standards for criminal justice agencies and state, local and regional employees who work with the Registry. This bill was incorporated into SB 559.

Patron - Howell

[F]SB320 Sex Offender and Crimes Against Minors Registry; penalties. Requires all sex offenders to reregister every 90 days. Under current law only violent sex offenders register every 90 days, and others register once per year. The bill further requires that anyone who is required to register, not just those incarcerated for a registrable offense, must register prior to release from jail or prison and requires that the State Police be notified of the registration on or before the date of the prisoner's discharge rather than within seven days as under current law. This bill was incorporated into SB 559.

Patron - Deeds

[F]SB350 Sex offender registration. Adds to the list of those offenses requiring registration as a sex offender use of a communications system, including a computer or computer network, to engage a juvenile in a sex offense. The bill also redefines sexually violent offense to include a first offense of production of child pornography rather than a second or subsequent offense thereof, as is current law. This bill was incorporated into SB 559.

Patron - Howell

[F]SB375 Sex offender registration. Adds to the list of offenses for which registration is required the use of a communications system to facilitate taking indecent liberties with chil-

dren where, during an undercover investigation, a law-enforcement officer represents that he is under the age of 18. This bill was incorporated into SB 559.

Patron - McDougle

[F]SB622 Department of Criminal Justice Services; use of private security business fees. Clarifies that the licensing, certification, and registration fees charged by the Department of Criminal Justice services to private security services businesses may only be used for the purposes set forth in Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1 of the Code of Virginia.

Patron - Martin

[F]SB636 Line of Duty Act. Creates the Line of Duty Disability Fund and funds it by imposing an additional \$50 cost for certain traffic violations. The Fund is to be used to pay the costs of continued health benefits coverage provided to employees and their families under the Line of Duty Act (the Act). The bill also provides that any local employee who meets the definition of a deceased or disabled person under the Act who was disabled on or after January 1, 1972, not otherwise already receiving the continued health insurance coverage benefit under this section, shall be entitled to the continued health insurance coverage benefit beginning July 1, 2006. This bill was incorporated into SB 393.

Patron - Quayle

[F]SB657 Overtime compensation for state law-enforcement employees. Clarifies that the current overtime compensation provisions for law-enforcement employees applies to state law-enforcement employees.

Patron - Cuccinelli

Carried Over

[C]HB1336 Law-enforcement officers; training related to sexual assault cases. Requires that officers receive training related to sexual assault and sets forth minimum guidelines for what such training must include.

Patron - Bell

[C]HB1387 Line of Duty Act. Creates the Line of Duty Disability Fund and funds it by imposing an additional \$50 cost for certain traffic violations. The Fund is to be used to pay the costs of continued health benefits coverage provided to employees and their families under the Line of Duty Act (the Act). The bill also provides that any local employee who meets the definition of a deceased or disabled person under the Act who was disabled on or after January 1, 1972, not otherwise already receiving the continued health insurance coverage benefit under this section, shall be entitled to the continued health insurance coverage benefit beginning July 1, 2006.

Patron - Callahan

[C]SB697 Law-Enforcement Officers Procedural Guarantee Act. Makes several changes as to the process and procedures afforded to officers under the procedural guarantee act, clarifying several existing rights and setting forth specific procedures for the questioning of officers and the conduct of a disciplinary hearing.

Patron - Cuccinelli

Conservation

Passed

HB47 Douthat State Park pilot program. Repeals Chapter 45 of the Acts of Assembly of 1992 which authorized the Department of Conservation and Recreation to develop a pilot program keeping Douthat State Park open throughout the year and evaluate such a program for other state parks. This act is no longer necessary as all Virginia state parks that are open are open throughout the year. Repeal of this act is recommended by the Virginia Code Commission.

Patron - Landes

HB104 Scenic river. Designates the 37-mile segment of the Meherrin River that lies within Brunswick County a state scenic river. This bill is identical to SB 527.

Patron - Wright

HB260 Hunting or trapping in state forests. Increases the fees to obtain a hunting permit or a trapping permit in a state forest from \$10 to \$15.

Patron - Abbitt

HB341 Confederate cemeteries and graves. Increases the number of graves cared for by the Stonewall Confederate Memorial Association from 180 to 2,112.

Patron - Sherwood

HB421 Solid waste management; permits-by-rule. Requires that permits for proposed solid waste management facilities or facility expansions be subject to analysis by the Director of the potential human health, environmental, transportation infrastructure, and transportation safety impacts and needs and an evaluation of comments by the host local government, other local governments and interested persons. The application for such permit must include certification from the locality that the new or expanded facility is consistent with the regional solid waste management plan or that the plan is in the process of being revised. Additionally, the bill requires that applications for permits-by-rule include a certification by the locality that the facility is consistent with the regional and local solid waste management plans.

Patron - Bulova

HB447 Mercury switches in motor vehicles. Requires the removal of mercury switches in certain motor vehicles prior to their demolition. The bill authorizes the Virginia Solid Waste Management Board to adopt regulations concerning the criteria and standards for removal of mercury switches. This bill is identical to SB 88.

Patron - Ware, R.L.

HB448 Litter control and recycling grants. Changes the formula for allocating litter control and recycling grants. The bill would increase the percentage of grants awarded to localities from the current 75 percent to 90 percent. The 20 percent of grants allocated to statewide and regional litter prevention recycling educational programs will be reduced to 5 percent and will be awarded to localities and nonprofits for litter prevention and recycling. Up to 5 percent of the litter prevention and recycling grants will be allocated for administrative expenses.

Patron - Ware, R.L.

HB554 Burn pits. Requires the Department of Environmental Quality to develop the policies and procedures nec-

essary to allow the burning of vegetative waste at landfills that have ceased accepting waste but have not been released from postclosure care requirements. The policies and procedures are to include measures that will protect public health and the environment.

Patron - Saxman

HB596 Dam and flood assistance fund. Reconstitutes the current Flood Prevention and Protection Assistance Fund into the new Dam Safety, Flood Prevention and Protection Assistance Fund. The new fund will be used to make loans and grants to local governments and loans to private entities to finance the cost of implementing projects to prevent, reduce, or mitigate damages caused by flooding, to upgrade dams or impounding structures, and to fund flood prevention studies. The Virginia Resources Authority would administer and manage the fund, determining the interest rate and terms and conditions of any loan from the Fund in accordance with a memorandum of understanding with the Director of the Department of Conservation and Recreation. The language establishing the Fund is modeled after language creating the Virginia Resources Authority, the Virginia Water Facilities Revolving Fund, and the Virginia Water Supply Revolving Fund. This bill is identical to SB 624.

Patron - Sherwood

HB597 Dam safety; penalties. Provides the Virginia Soil and Water Conservation Board and the Department of Conservation with the enforcement tools needed to ensure the safety of Virginia's dams, and includes due process procedures to protect dam owners. The Department is given the authority to monitor and inspect any alteration or construction of the dam. The bill imposes a Class 3 misdemeanor penalty on an owner who knowingly (i) operates, constructs, or alters a dam without the approval of the Department, or (ii) obstructs, hinders, or prevents the Virginia Soil and Water Conservation Board, or its agents from performing their dam safety duties. The Board also has the option of imposing civil penalties, not to exceed \$25,000, for violations of the Dam Safety Act. The moneys collected from the imposition of civil penalties will be deposited in the Flood Prevention and Protection Assistance Fund.

Patron - Sherwood

HB647 Solid waste management plans. Establishes a new regimen for credits that can be used in meeting a solid waste planning unit's recycling rate. Currently, a credit of one ton for each ton of recycling residue generated and deposited in a landfill, not to exceed one-fifth of the 25 percent requirement, is allowed in calculating the planning unit's recycling rate. This bill would not change the credit for recycling residue but, in addition, would extend a two percentage point credit for source reduction programs implemented within the planning unit, a ton-for-ton credit for solid waste material that is reused, and a ton-for-ton credit for any nonmunicipal solid waste material that is recycled. The current requirement that a planning unit maintain a minimum 25 percent recycling rate is reduced for less densely populated planning units or those with high unemployment rates. The bill stipulates that a planning unit not meeting its mandated recycling rate cannot be the sole reason for the denial of a permit or permit amendment for a new sanitary landfill, incinerator, or waste-to-energy facility. This bill is identical to SB 57.

Patron - Scott, E.T.

HB684 Erosion control and stormwater definitions. Provides definitions of terms in the Erosion and Sediment Control and Stormwater Management Acts that clarify what are

acceptable flow rates from storm runoff at sites where land development projects are occurring.

Patron - Rust

[P]HB804 Virginia Recreational Facilities Authority quorum. Reduces the number of members that constitutes a quorum for the Virginia Recreational Facilities Authority from 10 to seven.

Patron - Fralin

[P]HB1055 Air emission controls. Establishes a phased schedule for electric generating units in Virginia to reduce their emissions of sulfur dioxide, nitrogen oxide, and mercury. The Air Pollution Control Board is charged with promulgating the regulations that require specific numerical reductions in each pollutant. The bill allows regulated facilities to participate in the EPA administered cap and trade system; however, the Board can prohibit facilities in nonattainment areas from purchasing allowances in order to meet their NOx and SO2 obligations. The bill also requires the Board to adopt the Federal Clean Air Mercury Rule as well as adopt a state-specific rule for mercury. Under the state specific rule, smaller electric generating units would be able to participate in the trading program. The medium size systems (American Electric Power) would not be able to demonstrate compliance under the state-specific rule by purchasing credits, but would be (i) allowed to obtain credits from facilities within their system and within 200 km of the Virginia border and (ii) able to sell excess credits. Although large systems (Dominion Resources) would not be able to demonstrate compliance under the state-specific rule by purchasing credits, they would be able to sell excess credits and would be able to use credits from Virginia facilities within their system to demonstrate compliance. Dominion Resources would be required to demonstrate early reductions in NOx during 2007 and 2008, and these reductions can be banked or sold and used to demonstrate compliance in 2009. The Board is prohibited from imposing anything more stringent than the federal Maximum Achievable Control Technology rule for coke ovens for air toxics and steel smelters that accept scrap metal from automobile recycling subject to the mercury switch recycling program. Under the bill, the Department of Environmental Quality is required to conduct a detailed assessment of mercury deposition in Virginia to determine whether there is justification to undertake additional measures to control mercury emissions in Virginia. The Department's findings and recommendations are to be reported to the committees of oversight no later than October 15, 2008. This bill is identical to SB 651.

Patron - Reid

[P]HB1133 Air quality regulations. Allows retailers to sell existing inventories of consumer products that become the subject of restrictive regulation.

Patron - Cline

[P]HB1291 Historic landmarks. Clarifies that anything listed on the Virginia Landmarks Register is by definition a landmark. Thus, when used in reference to properties that have been registered, the term "landmark" includes a wide range of resources such as historic buildings, structures, objects, sites, and districts.

Patron - Saxman

[P]HB1454 Wetlands mitigation banks. Allows any person who has created and operates an approved wetlands mitigation bank in multiple jurisdictions to annually file erosion and sediment control specifications for wetlands mitigation projects with the Virginia Soil and Water Conservation Board. The Board has 60 days to approve the specifications. If no action is taken within 60 days the specifications are deemed

approved. Projects that are not covered by general specifications will have to comply with the local erosion and sediment control program. This bill will not become effective unless a specific appropriation has been approved in the general appropriation act to support this activity.

Patron - Scott, E.T.

[P]SB52 Lease for Occoneechee State Park. Amends the 2004 Acts of Assembly to provide a two-year extension (until July 1, 2008) for the authority granted to the Department of Conservation and Recreation to amend a lease with the Secretary of the Army for the purpose of providing additional facilities, not to be operated by the Department, at Occoneechee State Park in Mecklenburg County.

Patron - Ruff

[P]SB57 Solid waste recycling rates. Establishes a new regimen for credits that can be used in meeting a solid waste planning unit's recycling rate. Currently, a credit of one ton for each ton of recycling residue generated and deposited in a landfill, not to exceed one-fifth of the 25 percent requirement, is allowed in calculating the planning unit's recycling rate. This bill would not change the credit for recycling residue but, in addition, would extend a two percentage point credit for source reduction programs implemented within the planning unit, a ton-for-ton credit for solid waste material that is reused, and a ton-for-ton credit for any nonmunicipal solid waste material that is recycled. The current requirement that a planning unit maintain a minimum 25 percent recycling rate is reduced for less densely populated planning units or those with high unemployment rates. The bill stipulates that a planning unit not meeting its mandated recycling rate cannot be the sole reason for the denial of a permit or permit amendment for a new sanitary landfill, incinerator, or waste-to-energy facility. This bill is identical to HB 647.

Patron - Reynolds

[P]SB82 Solid waste containers. Establishes specifications for the structural integrity of containers carrying nonhazardous solid waste on vessels operating in Virginia waters. The bill contains a specific water tightness test that these containers will have to meet.

Patron - Watkins

[P]SB88 Mercury switches in motor vehicles. Requires the removal of mercury switches in certain motor vehicles prior to their demolition. The bill authorizes the Virginia Waste Management Board to adopt regulations concerning the criteria and standards for removal of mercury switches. This bill is identical to HB 447.

Patron - Watkins

[P]SB274 Stormwater management; civil penalty. Requires localities located in Tidewater and those that are classified as an MS4 under the federal Clean Water Act to adopt a local stormwater management program in accordance with a schedule established by the Virginia Soil and Water Conservation Board. The locality is to adopt its stormwater program between 12 and 18 months after the effective date of the Board's regulation that establishes local program criteria and delegation procedures. Under current law these localities are to adopt a program by July 1, 2006. Any locality that isn't in Tidewater or classified as an MS4 can choose to administer its own program (seek delegation) within six months following the effective date of the regulation. The bill also increases the maximum fine for violation of the provisions of the stormwater law from a civil penalty of \$25,000 to \$32,500.

Patron - Whipple

[P]SB401 Department of Historic Resources; care of Confederate cemeteries and graves; Sons of Confederate Veterans - Virginia Division. Replaces the Oakwood Confederate Cemetery Trust, Inc. with the Sons of Confederate Veterans - Virginia Division, as the organization to receive funds from the Department of Historic Resources for the care of Confederate graves in Oakwood Cemetery, located in Richmond, Virginia.

Patron - Hanger

[P]SB409 Purchase of development rights. Authorizes the Virginia Land Conservation Foundation to award moneys from the Virginia Land Conservation Fund for purchase of development rights programs.

Patron - Hanger

[P]SB415 Prescribed burning. Extends the period in which prescribed burns of woods, brush, leaves, or other flammable material can occur. Currently, a prescribed burn can occur between February 15 and March 1. This bill will allow a prescribed burn to occur from February 15 through April 30.

Patron - Hanger

[P]SB462 Preservation of state-owned properties. Requires the Department of Historic Resources to develop a biennial report on the stewardship of state-owned properties. The report is to include a priority list of the Commonwealth's most significant state-owned properties, which are threatened with the loss of historic integrity or function, that are on or eligible for the Virginia Landmarks Register. The report is to be disseminated to affected state agencies. Each agency that owns property included in the report is required to consult with the Department within 60 days of receiving the report and decide on the possible designation of unlisted properties as well as determine the feasibility of upgrading threatened historic properties.

Patron - Devolites Davis

[P]SB527 Scenic river. Designates the 37-mile segment of the Meherrin River that lies within Brunswick County a state scenic river. This bill is identical to HB 104.

Patron - Ruff

[P]SB624 Dam and flood assistance fund. Reconstitutes the current Flood Prevention and Protection Assistance Fund into the new Dam Safety, Flood Prevention and Protection Assistance Fund. The new fund will be used to make loans and grants to local governments and loans to private entities to finance the cost of implementing projects to prevent, reduce, or mitigate damages caused by flooding, to upgrade dams or impounding structures, and to fund flood prevention studies. The Virginia Resources Authority would administer and manage the fund, determining the interest rate and terms and conditions of any loan from the Fund in accordance with a memorandum of understanding with the Director of the Department of Conservation and Recreation. The Director of Conservation and Recreation would make the decision on how the moneys in the Fund would be disbursed. The language establishing the Fund is modeled after language creating the Virginia Resources Authority, the Virginia Water Facilities Revolving Fund, and the Virginia Water Supply Revolving Fund. This bill is identical to HB 596.

Patron - Bell

[P]SB644 Water Quality Improvement Fund disbursements. Allows new or expanding publicly owned treatment works that are not defined as significant dischargers, but are subject to the State Water Control Board's new nutrient control requirements and will have to install nutrient removal

technology, similar to the significant dischargers, to apply for matching grant moneys from the Water Quality Improvement Fund. Currently, only those plants that are defined as significant dischargers are eligible to receive grants from the Fund. The bill also authorizes the Department of Environmental Quality to utilize the Fund for design and installation of nutrient removal technologies. Currently, grants to sewage treatment facilities are allocated for two uses, with the larger portion used for biological nutrient removal facilities and other appropriate nutrient removal technologies, and the smaller portion being used for only state-of-the-art facilities. The bill would remove this state-of-the-art restriction on the smaller portion.

Patron - Watkins

[P]SB651 Air emission controls. Establishes a phased schedule for electric generating units in Virginia to reduce their emissions of sulfur dioxide, nitrogen oxide, and mercury. The Air Pollution Control Board is charged with promulgating the regulations that require specific numerical reductions in each pollutant. The bill allows regulated facilities to participate in the EPA administered cap and trade system; however, the Board can prohibit facilities in nonattainment areas from purchasing allowances in order to meet their NOx and SO2 obligations. The bill also requires the Board to adopt the Federal Clean Air Mercury Rule as well as adopt a state-specific rule for mercury. Under the state specific rule, smaller electric generating units would be able to participate in the trading program. The medium size systems (American Electric Power) would not be able to demonstrate compliance under the state-specific rule by purchasing credits, but would be (i) allowed to obtain credits from facilities within their system and within 200 km of the Virginia border and (ii) able to sell excess credits. Although large systems (Dominion Resources) would not be able to demonstrate compliance under the state-specific rule by purchasing credits, they would be able to sell excess credits and would be able to use credits from Virginia facilities within their system to demonstrate compliance. Dominion Resources would be required to demonstrate early reductions in NOx during 2007 and 2008, and these reductions can be banked or sold and used to demonstrate compliance in 2009. The Board is prohibited from imposing anything more stringent than the federal Maximum Achievable Control Technology rule for coke ovens for air toxics and steel smelters that accept scrap metal from automobile recycling subject to the mercury switch recycling program. Under the bill, the Department of Environmental Quality is required to conduct a detailed assessment of mercury deposition in Virginia to determine whether there is justification to undertake additional measures to control mercury emissions in Virginia. The Department's findings and recommendations are to be reported to the committees of oversight no later than October 15, 2008. This bill is identical to HB 1055.

Patron - Puckett

Failed

[F]HB14 Silviculture practices. Allows local government to fully regulate silviculture activity for land when the owner, or his agent, submits an application for a rezoning, conditional use permit, special use permit, or preliminary subdivision plan approval to convert from an agricultural or rural to a residential, commercial or industrial use. Currently local governments are limited in the regulation of silviculture practices until after the change in zoning or use occurs.

Patron - Cole

[F]HB345 Dam safety; penalties. Provides the Virginia Soil and Water Conservation Board and the Department of

Conservation with the enforcement tools needed to ensure the safety of Virginia's dams, and includes due process procedures to protect dam owners. The bill exempts Department records on the operation of certain dams from disclosure under the Freedom of Information Act. It makes it illegal once a dam is designated as unsafe for an owner to refuse entry to state employees for the purpose of inspecting the dam or taking corrective action. The Department is given the authority to monitor and inspect any alteration or construction of the dam. The bill imposes Class 3 misdemeanor penalties as well as civil penalties for violations of the Dam Safety Act. The moneys collected from the imposition of civil penalties will be deposited in the Flood Prevention and Protection Assistance Fund.

Patron - Sherwood

[F]HB402 Virginia Invasive Species Council. Extends the sunset date of the Virginia Invasive Species Council from July 1, 2006, to July 1, 2011.

Patron - Marsden

[F]HB411 Reducing nutrient discharges. Requires every publicly owned sewage treatment facility serving a population of 55,000 or greater to meet its nutrient loading allocation for limiting its discharge of nitrogen and phosphorus by July 1, 2010. The facilities have the option of installing nutrient treatment technology or participating in the nutrient credit exchange program.

Patron - Marshall, R.G.

[F]HB754 Grandfathering unlined landfills. Allows landfills operating under a permit issued prior to March 15, 1993, to continue to accept trash until reaching their vertical limit only if the landfill has not closed or ceased accepting waste after October 9, 1993. Currently there is no requirement that the grandfathered area of the landfill be in continuous use since October 1993 to accept waste.

Patron - McEachin

[F]HB814 Uniform environmental covenant. Authorizes the Department of Environmental Quality to enter into environmental covenants with interest holders in real property that restrict the use of the real property. The covenants are intended to survive transfers of ownership interests in the land or operations of law that may otherwise terminate the covenant. The bill spells out the recordation process and notice to subsequent holders of interest. Prior held interests are not affected by the covenant.

Patron - May

[F]HB1193 Impact fees. Grants impact fee authority to localities with designated Chesapeake Bay Preservation areas. The authority includes impact fees for roads, schools and public safety. "Impact fee" is defined as a charge or assessment imposed against new development in order to generate revenue to fund or recover the costs of public facilities necessitated by and attributable to the new development. The value of any dedication, contribution, or construction from the developer for off-site road improvements, public safety facility improvements, and school facility improvements within the service area shall be treated as a credit against the impact fee.

Patron - Marshall, R.G.

[F]HB1471 Mercury emission controls. Prohibits the State Air Pollution Control Board from imposing mercury emission controls that (i) are more stringent than the federal Clean Air Mercury Rule or (ii) would be imposed earlier than necessary for Virginia to comply with the federal Rule. The bill also prohibits the Board from adopting any regulation or agreement that might restrict a facility's (source's) participation in

the national mercury trading program. This bill was incorporated into HB 1055.

Patron - Saxman

[F]HB1519 Water bodies with perennial flow. Requires localities under the jurisdiction of the Chesapeake Bay Preservation Act to use the U.S. Geological Survey's designation of water bodies with perennial flow as the basis for delineating (i) the required components of Resource Protection Areas and (ii) the required stream components of Resource Protection Areas.

Patron - Marshall, R.G.

[F]SB238 Land conservation. Changes the formula for allocating moneys from the Virginia Land Conservation Fund. Currently, 75 percent of the Fund is allocated to four uses, with farmlands and forest preservation combined as one use and 25 percent is transferred to the Open-Space Lands Preservation Trust Fund. Under this bill 90 percent would be allocated to five uses, with farmlands preservation and forest preservation being separate categories and 10 percent transferred to the Open-Space Fund. In addition, the amount used to secure easements is reduced.

Patron - Ticer

[F]SB242 Reductions of air emissions. Establishes a phased schedule for all electric generating units in Virginia to reduce their emissions of sulfur dioxide, nitrogen oxide, and mercury. The Air Pollution Control Board is charged with promulgating the regulations that require specific numerical reductions in each pollutant. The bill also requires each electric generating unit that is located within 1,000 meters of an occupied dwelling or body of water to complete a modeling analysis assessing the effects of emissions from the facility on the surrounding area. This analysis is to be submitted to the Department of Environmental Quality, which shall review each report. The Department is required to implement a strategy to achieve reductions in mercury emissions. The Department also is to conduct an analysis of the issues related to development and implementation of standards and programs to control emissions of CO₂ from stationary sources, which is to be submitted to the legislative oversight committees and the Board by November 1, 2008. This bill was incorporated into SB 651.

Patron - Ticer

Carried Over

[C]SB413 Recordation taxes; transfer to Virginia Water Quality Improvement Fund. Provides that \$100 million of recordation taxes collected each year shall be transferred to the Virginia Water Quality Improvement Fund. The Comptroller shall credit the \$100 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

Contracts

Passed

[P]HB701 Motor carrier transportation contracts; indemnification clauses. Declares that clauses in motor carrier transportation contracts that purport to indemnify or hold harmless either party from or against liability for loss or damage resulting from the negligence or intentional acts or omis-

sions of the other party are against public policy, void, and unenforceable. Such contracts do not include the Uniform Intermodal Interchange and Facilities Access Agreement or other agreements providing for the interchange, use or possession of intermodal chassis, containers or other intermodal equipment. This bill is identical to SB 669.

Patron - Hogan

[P]SB669 Motor carrier transportation contracts; indemnification clauses. Declares that clauses in motor carrier transportation contracts that purport to indemnify or hold harmless either party from or against liability for loss or damage resulting from the negligence or intentional acts or omissions of the other party are against public policy, void, and unenforceable. Such contracts do not include the Uniform Intermodal Interchange and Facilities Access Agreement or other agreements providing for the interchange, use or possession of intermodal chassis, containers or other intermodal equipment. This bill is identical to HB 701.

Patron - Ruff

Carried Over

[C]SB104 Credit cards; universal defaults. Prohibits a credit card issuer from increasing the interest rate or imposing a fee on a credit card account based on the cardholder's failure to make timely payment on another credit card account or other reasons not directly related to the cardholder's credit card account with the issuer.

Patron - Marsh

Corporations

Passed

[P]HB609 Professional corporations; directors. Clarifies that if a professional corporation's board of directors is eliminated or its make-up or manner of selection is modified by agreement, only individuals or entities licensed or otherwise authorized to render such professional services shall supervise and direct the provision of the professional services rendered by the corporation. However, the supervision and direction of a professional corporation of architects, professional engineers, or land surveyors may be provided by individuals employed by the corporation who are not duly licensed to render such professional service if two-thirds of the persons providing the supervision and direction are duly licensed to render the professional service. A similar exception applies to corporations rendering the services of certified landscape architects.

Patron - O'Bannon

[P]HB860 Business entities; post-assessment filings. Allows the State Corporation Commission to file or issue a document or certificate with respect to a domestic and foreign stock and nonstock corporation, limited liability company, business trust, or limited partnership, notwithstanding the entity's failure to pay all fees, fines, penalties, and interest due to the Commission, if the entity's obligation is the payment of an annual registration fee and the document or certificate is to be issued or filed with an effective date that is prior to the registration fee's due date. The measure also includes technical amendments.

Patron - Hargrove

[P]HB887 Mergers and reinstatements of corporations. Provides exceptions to the requirements for (i) the filing

of an authenticated copy of an instrument of merger on behalf of a qualified foreign corporation when the merger includes a Virginia entity for which articles of merger are filed and (ii) the approval of a merger by the shareholders of a survivor whose shares do not vary by more than 20 percent. These exceptions were removed in 2005. A corporation shall not be deemed to be in good standing if, among other criteria, an order of reinstatement prohibiting a domestic corporation from engaging in business until it changes its corporate name is issued and in effect. Other provisions clarify that the term "articles of incorporation" includes articles of consolidation, serial designation, reduction, and correction; provide that a certificate of good standing will not be issued to a reinstated Virginia corporation that is required to change its name before transacting business; and make several technical amendments.

Patron - Kilgore

[P]HB952 Professional corporations; employee stock ownership plans. Authorizes a professional corporation to issue shares of its stock to, and authorizes its shareholders to transfer shares to, the trustees of an eligible employee stock ownership plan. An eligible employee stock ownership plan is a plan with trustees who are licensed to render the professional service for which the corporation is organized and that prohibits an individual not licensed to render the professional service from owning, or being issued, shares in the professional corporation. However, professional corporations rendering the services of certified public accountants, architects, engineers, land surveyors, certified landscape architects or certified interior designers may have employee stock ownership plans that permit individuals who are not duly licensed to render such service or legally authorized to use such title, as appropriate, to render these services to participate in the plan if the minimum percentages of equity interest required for stock ownership generally are satisfied. This bill is identical to SB 108.

Patron - Joannou

[P]SB78 Virginia Stock Corporation Act; short form mergers to form holding companies. Establishes a procedure by which a constituent corporation may merge an indirect subsidiary into itself, or merge itself into an indirect subsidiary, to form a holding company. The process may be accomplished without approval of shareholders of the constituent corporation or the directors or shareholders of the indirect subsidiary if specified conditions are met.

Patron - Watkins

[P]SB108 Professional corporations; employee stock ownership plans. Authorizes a professional corporation to issue shares of its stock to, and authorizes its shareholders to transfer shares to, the trustees of an eligible employee stock ownership plan. An eligible employee stock ownership plan is a plan with trustees who are licensed to render the professional service for which the corporation is organized and that prohibits an individual not licensed to render the professional service from owning, or being issued, shares in the professional corporation. However, professional corporations rendering the services of certified public accountants, architects, engineers, land surveyors, certified landscape architects or certified interior designers may have employee stock ownership plans that permit individuals who are not duly licensed to render such service or legally authorized to use such title, as appropriate, to render these services to participate in the plan if the minimum percentages of equity interest required for stock ownership generally are satisfied. This bill is identical to HB 952.

Patron - Stosch

[P]SB477 Limited liability companies. Provides for the issuance of a certificate of organization upon the filing of articles of organization. The measure also provides for (i) the exe-

cution of documents by an organizer when there are no members or managers and (ii) the filing by a domestic limited liability company of articles of cancellation and the Commission's issuance of a certificate of cancellation. The due date for the payment of the annual registration fee is extended from September 1 to October 1, after which the notice of impending cancellation will be issued. Other changes are technical amendments intended to clarify statutory provisions applicable to limited liability companies.

Patron - Colgan

[P]SB547 Limited liability companies and limited partnerships; domestication. Establishes a procedure by which a foreign limited liability company may become a domestic limited liability company. The provisions establishing the procedure for domestication of a foreign limited liability company become effective on November 1, 2006. The measure also provides procedures for publishing notice of the dissolution of a limited liability company or limited partnership, and for serving a summons upon a limited liability company. The measure revises numerous provisions to update references to business entities and give limited liability companies the same rights as are provided to other forms of business entities.

Patron - Stosch

[P]SB587 Renewal of reservation of name. Requires that an application to renew a reservation of the name of a non-stock corporation, limited liability company, business trust, or limited partnership be filed within the 45-day period preceding the expiration of reservation.

Patron - Miller

[P]SB592 Corporations; registered investment companies. Authorizes the board of directors of an open-end management investment company to classify unissued shares into classes or into series within a class or to reclassify unissued shares of a class into one or more classes or series within one or more classes. Registered investment companies are exempted from provisions that limit the authority of a corporation's board of directors to increase or decrease the number of directors. Directors of open-end management investment companies who are not defined as an "interested person" under the Investment Company Act are deemed to be independent and disinterested when taking any action as a director. The directors of an open-end management company registered under the Investment Company Act are authorized, unless the articles of incorporation provide otherwise, to amend the articles to increase or decrease the aggregate number of shares or classes or series of shares without shareholder action.

Patron - Watkins

Failed

[F]HB600 Securities registered in joint names. Clarifies that corporate securities held as tenants by the entireties with the right of survivorship shall be owned by a husband and wife.

Patron - Albo

[F]HB1386 Securities Act; agent registration exemption. Exempts individuals offering securities of Virginia cooperatives from the Virginia Securities Act's agent registration requirements. Securities of Virginia cooperatives currently are exempt from the Act's security registration requirements.

Patron - Lohr

Carried Over

[C]HB1570 Business entities; certification of legal status; penalty. Requires that an individual executing a document to be filed with the State Corporation Commission pertaining to a corporation, limited liability company, business trust, limited partnership, or general partnership execute and submit a sworn and notarized affidavit certifying that the individual and every other individual identified in the document as an officer, director, shareholder, manager, member, partner, trustee, employee, or agent, as appropriate, of the business entity is either (i) a citizen of the United States, (ii) a legal permanent resident of the United States, or (iii) a conditional resident alien of the United States. The individual shall submit valid documentary evidence that the individual and every other individual so identified have such status. A violation is a Class 1 misdemeanor.

Patron - Reid

Counties, Cities and Towns

Passed

[P]HB78 Reconstruction and restoration of certain damaged or destroyed nonconformities. Provides that if a building is damaged or destroyed by a natural disaster, the zoning ordinance may require that such building be repaired, rebuilt or replaced to eliminate or reduce the nonconforming features to the extent possible, without the need to obtain a variance. If such building cannot be repaired, rebuilt or replaced except to restore it to its original nonconforming condition, the owner shall have the right to do so.

Patron - Suit

[P]HB93 Subdivision and zoning ordinances; environmental site assessments. Allows localities to include in their subdivision or zoning ordinances provisions for requiring and considering Phase I environmental site assessments based on the anticipated use of the property proposed for the subdivision or development and Phase II environmental site assessments, if the locality deems such to be reasonably necessary, based on findings in the Phase I assessment. A reasonable fee may be charged for the review of such environmental assessments. Such ordinances may also include provisions for requiring disclosure and remediation of contamination and other adverse environmental conditions of the property prior to approval of subdivision and development plans. The bill also provides that the residential property disclosure statement provided by the owner of residential real property to a purchaser include disclosure of adverse environmental site conditions. This bill is identical to SB 224.

Patron - Suit

[P]HB141 Impact fees for transportation. Adds Fauquier and Spotsylvania Counties to those localities authorized to impose impact fees for transportation and inserts a reference to the 1990 Census so as to narrow the potential application of that clause to Stafford County only. Also, an outdated provision is deleted.

Patron - Cole

[P]HB147 Powers of service districts. Provides that a locality creating a service district may contribute, from its general fund, an appropriate amount of funds to pay for certain authorized governmental services. The bill also allows a governing body creating a service district to accept the allocation,

contribution, or reimbursement of funds from any locality for the costs, expenses, and charges incident to the acquisition, construction, reconstruction, maintenance, alteration, improvement, expansion, and the operation or maintenance of any facilities and services in the district. Currently, the nonexhaustive list of available sources from which such governing body may accept the allocation, contribution, or reimbursement of funds extends only to persons, authorities, transportation districts, and state and federal agencies. This bill incorporates HB 149.

Patron - Cole

HB148 Stormwater regulation. Provides that income derived from stormwater control program service charges shall be dedicated special revenue and may be used only to pay or recover costs for specified purposes, including the improvement or maintenance of dams, whether publicly or privately owned, that serve to control stormwater. This bill incorporates HB 268.

Patron - Cole

HB206 Powers of service districts. Expands the powers of service districts to include the accumulation and setting aside of annual tax revenue collected for road construction for such reasonable period of time as is necessary to finance such construction.

Patron - Cox

HB308 Violations of zoning ordinance; penalties. Raises the maximum civil penalty for an initial summons from \$100 to \$200. The maximum civil penalty for second and subsequent violations of the zoning ordinance rises from \$250 to \$500.

Patron - Rust

HB370 Regulation of firearms by counties; hunting. Amends existing provisions related to regulation of firearms along public highways by clarifying that the provisions apply to hunting.

Patron - Carrico

HB456 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) adequate or sufficient 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; or (iv) 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 - Rust

HB535 Water and sewer liens. Adds Manassas Park to those localities that have authority to provide that charges for water or sewer service may be a lien on the real estate served.

Patron - Parrish

HB550 Fees for solid waste disposal by counties. Adds Highland County to the list of counties that have the authority to (i) levy penalty and interest on the fee for solid waste disposal and (ii) provide discounts for older and disabled persons on the fee for solid waste disposal. This bill is identical to SB 407.

Patron - Saxman

HB686 Sidewalks. Allows localities to include in their subdivision ordinances provisions requiring the dedication for public use of a right-of-way for, and the construction of, a sidewalk on certain lots that are adjacent to an existing sidewalk.

Patron - Brink

HB709 Waste disposal; civil penalty. Allows the City of Roanoke to impose a civil penalty without further notice for the non-removal of waste containers after the third notice.

Patron - Ware, O.

HB771 Initiating Condemnation. Requires localities to hold a public hearing prior to adopting an ordinance or resolution initiating a condemnation. Other political subdivisions are also required to hold a public hearing prior to initiating a condemnation.

Patron - Armstrong

HB781 Rights of residents and employees to contact elected officials. Provides that every local government employee has the right to express opinions to state or local elected officials on matters of public concern. Retaliation based upon a local government employee's exercise of such right is unlawful. This measure tracks the language in § 2.2-2902.1 that is applicable to state employees. In addition, the bill provides that certain local auditors shall be responsible for administering a telephone hotline, and a website, if cost-effective, through which local employees and residents may report incidences of fraud, waste, or abuse in the administration of local government. Accordingly, auditors are authorized to inform local employees of the hotline through a variety of measures. Furthermore, the auditors are required to investigate authentic allegations of fraud, waste, or abuse.

Patron - Albo

HB822 Donations by libraries. Allows local public libraries to make donations of materials that are to be discarded from their collections to nonprofit organizations.

Patron - May

HB915 Vacant and abandoned buildings. Provides that the City of Newport News may, by ordinance, require screening for certain vacant or abandoned retail or commercial properties. This bill is identical to SB 199.

Patron - Oder

HB918 Board of zoning appeals; variances. Provides that the property upon which a property owner has been granted a variance shall be treated as conforming; however, the use or the structure permitted by the variance may not be expanded.

Patron - Oder

HB919 Subdivision ordinance; easements. Modifies the timing for transfer of easements from a developer to a franchised cable television operator or telephone service provider. Existing language that refers to conveyance by reference on the final plat is amended to require conveyance within 30 days after a written request by the cable operator.

Patron - Oder

HB955 Eminent domain; unincorporated churches. Includes "unincorporated churches" with regard to certain eminent domain provisions. Religious corporations are included under current law.

Patron - Joannou

HB999 **Grievance procedure; Albemarle County utilizing an administrative hearing officer rather than panel.** Allows Albemarle County to utilize an administrative hearing officer rather than a three-member panel to hear cases involving employee grievances.

Patron - Toscano

HB1002 **Salary procedure for members of Arlington County Board and School Board.** Provides that the procedure for determining the salary, reimbursements, and expenses allowed to each member of the Arlington County Board shall be the same procedure that exists for other counties in the Commonwealth. In addition, the bill provides the procedures by which the elected Arlington County School Board may set its members' salaries and grant itself fringe benefits, expenses, and reimbursements and sets a maximum salary of \$25,000.

Patron - Englin

HB1021 **Board of zoning appeals decisions.** Provides that the findings and conclusions of the board of zoning appeals on questions of fact are presumptively correct. The bill also directs the circuit court to hear any arguments on questions of law de novo.

Patron - Hurt

HB1027 **Expenses incurred in responding to DUI or other traffic incidents.** Authorizes a locality to provide, by ordinance, that a person convicted of violating a DUI or other traffic statute shall be liable for restitution at the time of sentencing to the locality, or a responding law enforcement or volunteer fire or rescue squad, for reasonable expenses incurred by such locality, or responding law enforcement or volunteer fire or rescue squad when providing an appropriate emergency response to any accident or incident related to such violation. Currently, the Code authorizes a locality to provide that a person convicted of violating a DUI or other traffic statute shall be liable in a separate civil action for such reasonable expenses incurred.

Patron - Hurt

HB1073 **Conditional zoning.** Provides that localities may accept proffered conditions once a public hearing has begun if the amended proffers do not materially affect the overall proposal.

Patron - Dudley

HB1144 **Additional method for subdivision of a lot for conveyance to a family member.** Allows a locality to include in its subdivision ordinance provisions permitting a single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the property owner, if (i) the property has been owned for at least 15 consecutive years by the current owner or member of the immediate family and (ii) the property owner agrees to place a restrictive covenant on the subdivided property that would prohibit the transfer of the property to a nonmember of the immediate family for a period of 15 years. The locality may require that the subdivided lot is no more than one acre and otherwise meets any other express requirement contained in the Code of Virginia or imposed by the local governing body.

Patron - Orrock

HB1171 **Removal of certain local board and commission members.** Provides that a local governing body may remove, without limitation, any member of a local industrial development authority, planning commission, or wetlands

board who misses any three meetings in a row, or any four meetings in any 12-month period.

Patron - Rapp

HB1187 **Electric authorities.** Amends the Electric Authorities Act. An electric authority created by the Town of Elkton in which the Town is the authority's sole member is (i) subject to taxation only to the extent that the Town is subject to such taxation; (ii) subject to the provisions of the Virginia Personnel Act and the Virginia Public Procurement Act in the exercise of any power conferred under the Electric Authorities Act to the extent that such provisions would have applied to the Town of Elkton in the exercise of such power directly; and (iii) authorized to distribute electric energy for retail sale within the geographic area that was served as of January 1, 2006, by the Town of Elkton. In addition, the bill provides that the provisions of the Virginia Electric Utility Restructuring Act shall not apply to, or impair the exclusive territorial rights of, an authority created by the Town of Elkton in which the Town is the authority's sole member. This bill is identical to SB 406.

Patron - Landes

HB1192 **Cash proffers; road improvements.** Allows localities to award a contract to certain entities that are willing to construct a more extensive road improvement utilizing cash proffers of others as well as other available funds, upon a written determination by the governing body stating the basis for awarding one construction contract to extend the limits of the road improvement. This bill is identical to SB 681.

Patron - Marshall, R.G.

HB1214 **High grass and weeds; civil penalty.** Permits the City of Williamsburg to require that owners of occupied property cut grass, weeds and other foreign growth on the property and if a property owner, after reasonable notice, fails to do so the City may cut such grass, weeds or other foreign growth and the cost and expenses thereof shall be chargeable to and paid by the owner of the property.

Patron - Barlow

HB1326 **Buildings that significantly threaten public safety.** Provides that localities may take action to prevent unauthorized access to buildings that significantly threaten public safety within seven days of reasonable written notice.

Patron - Ware, O.

HB1356 **Mutual aid agreements.** Allows all sheriffs to enter into mutual aid agreements. Current provisions apply only to sheriffs with primary law-enforcement authority. This bill incorporates HB 1189.

Patron - Bell

HB1372 **Disclosures in land use proceedings.** Provides an exception to the disclosure requirements in land use proceedings where the board of supervisors is the applicant and the application property involves more than 10 parcels under different ownership. The bill also clarifies that with respect to amendments of a zoning ordinance, the disclosure requirements apply only to zoning map amendments.

Patron - Hull

HB1375 **Preliminary plats.** Requires certain preliminary plats to be forwarded to the appropriate state agency for review within 10 business days of receipt by the locality.

Patron - Hull

HB1396 **Authority to cut grass.** Adds Hanover County to the list of 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. Hanover County may, 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 - Hargrove

HB1435 Zoning; agricultural districts; farm wineries. Provides that localities may not require that a special exception or special use permit be obtained for the processing of wine by licensed farm wineries. Also, no locality may adopt any requirements for special exceptions or special use permits relating to licensed farm wineries that would be more restrictive than its requirements in effect as of January 1, 2006. Further, any special exception or special use permit in effect as of January 1, 2006, shall remain in effect until July 1, 2007, unless such exception or permit is either no longer required by the locality or is amended to be less restrictive. Other provisions are also included that are generally intended to temporarily preserve the status quo while the Secretary of Agriculture and Forestry undertakes a study of issues surrounding the farm winery industry. The results of such study are to be reported to the 2007 Session of the General Assembly.

Patron - Albo

HB1404 Licensing and regulation of cable television systems. Establishes a new procedure by which cable operators may obtain authorization to operate cable systems in localities. The new procedure provides for localities to grant ordinance cable franchises as an alternative to negotiated cable franchises. Ordinance cable franchises may be requested by certificated providers of telecommunications services with previous consent to use a locality's rights-of-way, after requesting to negotiate a cable franchise agreement. Upon receipt of an application for an ordinance cable franchise, the locality shall adopt necessary ordinances within 120 days. A locality granting an ordinance franchise may, if it currently has fewer than three public, educational or governmental (PEG) channels, obtain up to three PEG channels from all cable operators. A locality that has approved a cable franchise in the 12 months preceding July 1, 2006, is exempted from provisions of this measure until an existing franchise expires. This bill is identical to SB 706.

Patron - Griffith

HB1506 Proffered cash payments. Provides that a locality may accept proffered conditions if such locality has had population growth of five percent or more from the next-to-latest to latest decennial census year, based on population reported by the United States Bureau of the Census. In addition, the bill provides that a zoning ordinance may include and provide for the voluntary proffering in writing, by the owner, of reasonable conditions, including the payment of cash for any off-site road or transportation improvement that is adopted as an amendment to the required comprehensive plan and incorporated into the capital improvements program. The bill further provides that a locality may utilize any cash payments proffered for any road or transportation improvement that is incorporated into the capital improvements program as its matching contribution under the present revenue-sharing fund program for highway systems in certain counties. This bill incorporates HB 1520.

Patron - Athey

HB1513 Coordination of state and local transportation planning. Provides that prior to adoption of any comprehensive plan or amendment the locality shall submit such plan or amendment to the Department of Transportation for review and comment. The Department shall provide written

comment on the proposed plan or amendment within 90 days of receipt thereof. Also, upon submission to a locality of an application for rezoning, the locality shall submit such application to the Department of Transportation within 10 business days of receipt thereof. Such application shall include a traffic impact statement if required by the locality by ordinance. Within 45 days of its receipt of such application, the Department shall either (i) provide written comment on the rezoning application, or (ii) schedule a meeting, to be held within 60 days of its receipt of the application, with the local planning commission or other agent and the applicant to discuss potential modifications to the application to address any concerns or deficiencies. Furthermore, upon submission to a locality of a subdivision plat or a site plan or plan of development, the locality shall submit such plat or plan to the Department of Transportation in accordance with § 15.2-2260 within 10 business days of receipt of the plat or plan. The bill also provides that a local comprehensive plan may include the designation of new and expanded transportation facilities and recommendations that support the planned development of the territory covered by the plan. This bill incorporates HB 1609 and is identical to SB 699.

Patron - Frederick

HB1521 Comprehensive plans and official maps; road improvements. Requires that the comprehensive plan shall be general in nature, in that it shall designate the general or approximate location, character, and extent of each road and transportation improvement shown on the plan. The bill also requires that the comprehensive plan include an official map that shall show road and transportation improvements, including the cost of such road and transportation improvements, which are sufficient to meet the current and future needs of residents in the locality while considering the current and future needs of the planning district within which the locality is situated. The bill further provides that the comprehensive plan may include, but need not be limited to, the designation of a system of community service facilities such as sports playing fields and the designation of areas for various types of public and private development and use such as active and passive recreation. In addition, the local planning commission shall, in the preparation of a comprehensive plan, survey and study road and transportation improvements and the costs thereof. Furthermore, the comprehensive plan shall recommend methods of implementation, which may include, but need not be limited to, a recreation and sports resource map. This bill incorporates HB 1529.

Patron - Marshall, R.G.

HB1525 Vacant building registration. Allows the Town of Pulaski, in conservation and rehabilitation districts, to require the owner of a building that has been vacant for a continuous period of 12 months to register such building and charge a fee not to exceed \$25. Failure to register may result in a civil penalty. The current provisions apply only to cities.

Patron - Crockett-Stark

HB1528 Capital improvement programs. Provides that a capital improvement program shall include estimates of cost of each road and transportation improvement adopted as an amendment to a locality's comprehensive plan.

Patron - Hamilton

HB1537 Condemnation; sport shooting ranges. Provides that any sport shooting range operating or approved for construction in the Commonwealth, which upon condemnation relocates to another site in the same locality, shall not be subject to any noise control standard more stringent than those in effect when the sport shooting range was originally

approved for construction or began operating, whichever was earlier.

Patron - Saxman

P HB1554 Virginia Residential Property Disclosure Act; Notice of historic district. Provides that the disclosure and disclaimer forms required under the Virginia Residential Property Disclosure Act contain a notice to purchasers that the property is located in a historic district if the owner has knowledge of such designation. Otherwise, the notice shall advise purchasers to exercise whatever due diligence prior to settlement.

Patron - Spruill

P SB51 Voluntary settlements among localities; effective date. Mandates that voluntary agreements that provide for municipal annexation shall take effect, in the absence of a stipulated date, on the first day of the month following court validation of the voluntary agreement. The Code currently provides for such agreements to take effect on January 1 of the year set forth in the agreement.

Patron - Ruff

P SB95 Cluster development. Exempts property located in an Air Installation Compatible Use Zone from a requirement for administrative approval by a locality of certain types of cluster development.

Patron - Blevins

P SB164 Powers of waste and water authorities. Clarifies the powers of waste and water authorities regarding cost reserves and expenditures for operating capital. A second enactment clause validates certain previous acts by such authorities.

Patron - Quayle

P SB199 Vacant and abandoned buildings. Provides that the City of Newport News may, by ordinance, require screening for certain vacant or abandoned retail or commercial properties. This bill is identical to HB 915.

Patron - Williams

P SB224 Subdivision ordinances; site assessments; remediation. Allows localities to include in their subdivision or zoning ordinances provisions for requiring and considering Phase I environmental site assessments based on the anticipated use of the property proposed for the subdivision or development and Phase II environmental site assessments, if the locality deems such to be reasonably necessary, based on findings in the Phase I assessment. A reasonable fee may be charged for the review of such environmental assessments. Such ordinances may also include provisions for requiring disclosure and remediation of contamination and other adverse environmental conditions of the property prior to approval of subdivision and development plans. The bill also provides that the residential property disclosure statement provided by the owner of residential real property to a purchaser include disclosure of adverse environmental site conditions. This bill is identical to HB 93.

Patron - Quayle

P SB273 Arlington County Affordable Dwelling Unit ordinance; permitting certain densities in the comprehensive plan. Authorizes Arlington County to provide in its comprehensive plan for the physical development within the County for densities of development ranging between a floor area ratio (FAR) of 1.0 (1.0 FAR) and a floor area ratio of 10.0 (10.0 FAR) or greater in some or all parts of the county. The bill authorizes the County to establish affordable housing contributions from developers as a condition of the governing

body's approval of a special exception application for residential, commercial, or mixed-use projects with a density equal to or greater than 1.0 FAR. Under the bill, the provisions of the ordinance would allow the developer to provide on-site Affordable Dwelling Units, off-site Affordable Dwelling Units, or a cash contribution to the County's affordable housing fund in lieu of providing the units.

Patron - Whipple

P SB283 Arts and cultural districts. Adds the Town of Chincoteague to those localities that may by ordinance establish within their boundaries an arts and cultural district for the purpose of increasing awareness and support for the arts and culture in the locality. Each locality may provide incentives for the support and creation of arts and cultural venues in the district.

Patron - Rerras

P SB371 Optional provisions of a subdivision ordinance; Fairfax County. Provides that if an owner or developer has not met all previous land development obligations in accordance with all development agreements with the locality as determined by the governing body or its designated administrative agency for the previous seven years, then (i) a personal, corporate, or property bond may be disallowed by the governing body as security for such facilities, and in such event, security for such facilities shall be restricted to a certified check, cash escrow, or a letter of credit that meets certain requirements; and (ii) the governing body may require that the allowance for estimated administrative costs, inflation, and potential damage to existing roads or utilities be greater than 25 percent of the estimated construction costs, but not exceed 50 percent of the estimated construction costs. Furthermore, the bill provides that if the subdivider or developer has not met all previous land development obligations in accordance with all development agreements with the locality as determined by the governing body or its designated administrative agency for the previous seven years prior to a written request for partial release, the cumulative amount released may be equal to no less than 80 percent of the original amount for which the bond, escrow, letter of credit, or other performance guarantee was taken.

Patron - Saslaw

P SB373 Transfer of development rights. Allows localities to provide for the transfer of development rights from a parcel of property located in the locality to another parcel of property located elsewhere in the locality.

Patron - Watkins

P SB374 Clustering of single-family dwellings. Deletes certain optional provisions regarding the clustering of single-family housing and reinserts those provisions as mandatory provisions of zoning or subdivision ordinances for counties and cities that had a population growth rate of 10 percent or more from the next-to-latest to latest decennial census year. Such localities shall provide in their zoning or subdivision ordinances, applicable to a minimum of 40 percent of the unimproved land contained in residential and agricultural zoning district classifications, standards, conditions, and criteria for the clustering of single-family dwellings and the preservation of open space developments. In establishing such standards, conditions, and criteria, the localities may include any provisions they determine appropriate to ensure quality development, preservation of open space, and compliance with their comprehensive plan and land use ordinances.

Patron - Watkins

P SB406 Electric authorities. Amends the Electric Authorities Act. An electric authority created by the Town of

Elkton in which the Town is the authority's sole member is (i) subject to taxation only to the extent that the Town is subject to such taxation; (ii) subject to the provisions of the Virginia Personnel Act and the Virginia Public Procurement Act in the exercise of any power conferred under the Electric Authorities Act to the extent that such provisions would have applied to the Town of Elkton in the exercise of such power directly; and (iii) authorized to distribute electric energy for retail sale within the geographic area that was served as of January 1, 2006, by the Town of Elkton. In addition, the bill provides that the provisions of the Virginia Electric Utility Restructuring Act shall not apply to, or impair the exclusive territorial rights of, an authority created by the Town of Elkton in which the Town is the authority's sole member. This bill is identical to HB 1187.

Patron - Hanger

[P]SB407 Fee for solid waste disposal. Adds Highland County to those counties that have certain additional authority with regard to the collection of such fees, including the ability to levy penalties for late payments. This bill is identical to HB 550.

Patron - Hanger

[P]SB467 Williamsburg Area Transit Authority. Establishes a local transportation authority in the Williamsburg area. The Authority shall prepare a regional transit plan for all or portions of those areas located within the City of Williamsburg, the County of James City, such portions of York County as its governing body desires to have covered, and the areas owned or operated by the College of William and Mary and the Colonial Williamsburg Foundation, to include, but not necessarily be limited to, transit improvements of regional significance.

Patron - Norment

[P]SB479 Water and sewer liens. Adds Manassas Park to those localities that have authority to provide that charges for water or sewer service may be a lien on the real estate served.

Patron - Colgan

[P]SB511 Virginia Regional Industrial Facilities Act. Adds Planning District 2 to those planning districts that may create a regional industrial facility authority with two or more localities rather than three or more localities.

Patron - Puckett

[P]SB514 Maintenance of certain private roads in Dickenson County. Adds Dickenson County to an existing provision allowing county maintenance of private roads serving certain cemeteries.

Patron - Puckett

[P]SB548 Virginia Regional Industrial Facilities Act. Clarifies that members of the board may be appointed for as many terms as the governing body desires.

Patron - Reynolds

[P]SB681 Cash proffers; road improvements. Allows localities to award a contract to certain entities that are willing to construct a more extensive road improvement utilizing cash proffers of others as well as other available funds, upon a written determination by the governing body stating the basis for awarding one construction contract to extend the limits of the road improvement. This bill is identical to HB 1192.

Patron - Colgan

[P]SB699 Coordination of state and local transportation planning. Provides that prior to adoption of any comprehensive plan or amendment the locality shall submit such plan

or amendment to the Department of Transportation for review and comment. The Department shall provide written comment on the proposed plan or amendment within 45 days of receipt thereof. Also, upon submission to a locality of an application for rezoning, the locality shall submit such application to the Department of Transportation within five days of receipt thereof. Such application shall include a traffic impact statement if required by the locality by ordinance. Within 30 days of its receipt of such application, the Department shall either (i) provide written comment on the rezoning application, or (ii) schedule a meeting, to be held within 60 days of its receipt of the application, with the local planning commission or other agent and the applicant to discuss potential modifications to the application to address any concerns or deficiencies. Furthermore, upon submission to a locality of a subdivision plat or a site plan or plan of development, the locality shall submit such plat or plan to the Department of Transportation in accordance with § 15.2-2260 within five days of receipt of the plat or plan. The bill also provides that a local comprehensive plan may include the designation of a planned system of new and expanded transportation facilities including, but not limited to, roads and highways and commuter rail lines, where appropriate. This bill incorporates SB 724 and is identical to HB 1513.

Patron - Houck

[P]SB706 Licensing and regulation of cable television systems. Establishes a new procedure by which cable operators may obtain authorization to operate cable systems in localities. The new procedure provides for localities to grant ordinance cable franchises as an alternative to negotiated cable franchises. Ordinance cable franchises may be requested by certificated providers of telecommunications services with previous consent to use a locality's rights-of-way, after requesting to negotiate a cable franchise agreement. Upon receipt of an application for an ordinance cable franchise, the locality shall adopt necessary ordinances within 120 days. A locality granting an ordinance franchise may, if it currently has fewer than three public, educational or governmental (PEG) channels, obtain up to three PEG channels from all cable operators. A locality that has approved a cable franchise in the 12 months preceding July 1, 2006, is exempted from provisions of this measure until an existing franchise expires. This bill is identical to HB 1404.

Patron - Stolle

[P]SB720 Highway user fees. Provides that, when the capacity of any system of state highways or a portion thereof is expanded by construction or reconstruction, the Commonwealth Transportation Commissioner may enter into agreements with localities, authorities, and transportation districts to establish highway user fees for highways that the localities, authorities, and transportation districts maintain. The bill also allows any locality to establish highway user fees for highways that are not part of any system of state highways when such highway's capacity is expanded by construction or reconstruction.

Patron - Wagner

Failed

[F]HB139 Condemnation authority outside locality's boundaries. Requires localities condemning property outside their boundaries to first obtain consent from the locality in which the property is located.

Patron - Cole

[F]HB142 Zoning ordinances; group homes of six or fewer. Authorizes local governments to adopt zoning ordinances considering a residential facility in which no more than

six mentally ill, mentally retarded, or developmentally disabled persons reside, with one or more resident counselors or other staff persons, as residential occupancy by a single family. Any group home licensed prior to July 1, 2006, for occupancies of greater than six will be authorized to continue to operate pursuant to the zoning ordinance in effect at the time of its establishment.

Patron - Cole

HB149 Powers of service districts. Allows a governing body or bodies creating a service district to accept the allocation, contribution, or funds of, or to reimburse from, any locality for the costs, expenses, and charges incident to the acquisition, construction, reconstruction, maintenance, alteration, improvement, expansion, and the operation or maintenance of any facilities and services in the district. Currently, the nonexhaustive list of available sources from which such governing body or bodies may accept the allocation, contribution, or funds of, or reimbursements from, extends only to persons, authorities, transportation districts, and state and federal agencies. This bill was incorporated into HB 147.

Patron - Cole

HB178 Number of deputy sheriffs. Requires the number of full-time deputies appointed by the sheriff of a county or city to be fixed by the Compensation Board at not less than 10 deputies.

Patron - McEachin

HB190 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, or by any entity regulated by the State Corporation Commission, 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. This bill was incorporated into HB 94.

Patron - Marshall, R.G.

HB266 Ticket scalping. Defines "resell for profit" for purposes of local ordinances that prohibit resale of tickets to certain public events.

Patron - Hargrove

HB268 Stormwater regulation. Provides that income derived from stormwater control program service charges shall be dedicated special revenue and may be used only to pay or recover costs for specified purposes, including the enlargement or improvement of dams, whether publicly or privately owned, that serve to control stormwater. This bill was incorporated into HB 148.

Patron - Cole

HB283 Fees for water services. Clarifies that water services are treated the same as sewer services with regard to fees and charges.

Patron - Marshall, D.W.

HB337 Plats. Clarifies the definition of "plat," adds a definition for "preliminary plat," and provides that if approval is required from a state agency, localities are required to forward a preliminary plat to the appropriate state agencies within five days.

Patron - Orrock

HB380 Vacant building registration. Increases the vacant building annual registration fee from \$25 to \$100.

Patron - Dance

HB408 Eminent domain; definition of public uses. Provides a definition of public uses and specifies instances in which the condemnation of real property may be used by a public entity to convey such property to a nongovernmental person or entity. Under the bill, "public uses" shall not include the use of eminent domain authority to condemn property if the intent is to increase or enhance tax revenues unless the increased or enhanced tax revenues are merely incidental when compared to the benefits that will accrue to the public. This bill was incorporated into HB 94.

Patron - Marshall, R.G.

HB515 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. This bill was incorporated into HB 94.

Patron - Armstrong

HB694 Virginia Baseball Stadium Authority. Expands the authority to include all professional sports and changes the name of the authority to the Virginia Sports Facility Authority.

Patron - Suit

HB705 Local regulation; hunting and discharge of firearms. Prohibits a locality from regulating hunting or the discharge of firearms.

Patron - Hogan

HB710 Buildings that significantly threaten public safety. Provides that localities may take action to secure buildings that significantly threaten public safety within seven days of reasonable written notice.

Patron - Ware, O.

HB817 Affordable housing ordinances. Adds the Town of Leesburg to existing provisions that allow certain localities to provide for an affordable housing dwelling unit program. The program shall address housing needs, promote a full range of housing choices, and encourage the construction and continued existence of moderately priced housing by providing for optional increases in density in order to reduce land costs for such moderately priced housing.

Patron - May

HB820 Impact fees. Expands the existing road impact fee provisions to include school improvements and extends the applicability of such provisions from Northern Virginia localities to all localities. "Impact fee" is defined as a charge or assessment imposed against new development in order to generate revenue to fund or recover the costs of public facilities necessitated by and attributable to the new development. The value of any dedication, contribution or construction from the developer for off-site road improvements and school facility improvements within the service area shall be treated as a credit against the impact fee. Also, an obsolete sunset clause is deleted.

Patron - May

HB881 Cable service; franchises; competition.

Establishes franchising procedures that authorize eligible video providers, which include certificated providers of telecommunications services with previous consent to use the public rights-of-way, to provide cable service and other video service. Upon compliance with the requirements established by this measure, (i) the previous consent granted to an eligible video provider to use the public rights-of-way for telecommunications services is deemed a franchise authorizing it to use the rights-of-way to provide cable service and (ii) eligible video providers are granted a 15-year franchise. However, in order to hold the franchise, an eligible video provider shall file a certification at least 30 days prior to offering cable service in which it undertakes to comply with specific requirements. After the certification is filed, the locality has 120 days to pass any required ordinances to regulate the provision of cable service. Localities may grant cable operators that obtained franchises prior to the enactment of this measure consent to obtain a franchise under the provisions applicable to eligible video providers after considering certain criteria. The grant of a franchise or the renewal of a franchise does not obligate an eligible video provider to provide cable service throughout the locality or in any specific territory within the locality. This bill was incorporated into HB 1404.

Patron - Kilgore

HB914 Vacant and abandoned buildings. Provides that the City of Newport News may, by ordinance, require screening, landscaping, or other improvements for certain vacant or abandoned retail or commercial properties.

Patron - Oder

HB924 Eminent domain; public use. Redefines public use to exclude public purposes such as an increase in tax revenue or an increase in jobs. This bill was incorporated into HB 94.

Patron - Landes

HB956 Condemnation; public uses. Defines "public uses" as embracing uses of property where, following its acquisition by exercise of the power of eminent domain, (i) the ownership, possession, occupation, and enjoyment of the property shall be by the Commonwealth or by a political subdivision thereof or (ii) the public at large shall have the legal right to use the property, including use of the property by a public utility that is accountable to the public in its use of the property. Article I, Section 11 of the Constitution authorizes the General Assembly to define "public uses" for which property may be acquired by exercise of the power of eminent domain. An existing section defining "public uses" as embracing all uses necessary for public purposes is repealed.

Patron - Joannou

HB962 Costs of blight abatement. Authorizes localities to place a lien on blighted properties repaired or acquired by the locality to recover interest at the annual rate of six percent on the cost of improvements made by the locality to bring such property in compliance with applicable building codes or the cost of disposing of the property. Currently, localities are authorized to charge simply the costs, but not any interest thereon, of blight abatement to the property owner.

Patron - Bulova

HB1070 Transportation District Act of 1964; local taxation. Provides that the governing bodies comprising the transportation district may agree to impose a local tax to be used exclusively by the district in order to accomplish its purposes. Prior to becoming effective, the tax shall be approved by two successive governing bodies of each locality, with an inter-

vening election occurring between the votes of the governing bodies. The tax need not be approved by voter referendum.

Patron - Hall

HB1189 Mutual aid agreements. Allows all sheriffs to enter into mutual aid agreements. Current provisions apply only to sheriffs with primary law-enforcement authority. This bill was incorporated into HB 1356.

Patron - Landes

HB1224 Permitted provisions in zoning ordinances. Clarifies that a locality may provide in its zoning or subdivision ordinance standards, conditions, and criteria for the dispersal of business establishments of persons engaged in any of the following businesses: (i) cashing checks, drafts, or money orders for compensation; (ii) making payday loans to any consumer residing in the Commonwealth; and (iii) lending money secured by a bailment of a certificate of title to a motor vehicle or by a security interest in a motor vehicle.

Patron - Jones, D.C.

HB1278 Eminent domain; definition of public use. States that public uses shall not include the taking of private property for the primary purpose of or tax revenue enhancement. This bill was incorporated into HB 94.

Patron - Iaquinto

HB1318 Adequate water resources. Permits localities to adopt reasonable provisions allowing the locality to deny or delay subdivision approval or issuance of a building permit or deny a rezoning request if the locality demonstrates that public facilities related to the provision of water are inadequate to support the services that will be required by a proposed subdivision or zoning classification. The locality shall base such determination on its water supply plan as approved by the Department of Environmental Quality and on-demand projections in such plan.

Patron - Wittman

HB1341 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. This bill was incorporated into HB 94.

Patron - Bell

HB1371 Condemnation proceedings; political subdivisions. Makes provisions that are applicable to localities also applicable to all other political subdivisions.

Patron - Hull

HB1373 Urban county executive form of government; commission on human rights. Adds "sexual orientation" as prohibited discrimination in a county with the urban county executive form of government (Fairfax County).

Patron - Hull

HB1414 Violations of ordinances; civil penalties. Provides that the attorney for the county, city, or town in which a violation of an ordinance occurs may enforce such ordinance by a civil action to recover a civil penalty of not more than \$1,000 per violation. Any such civil penalty shall be paid into the general fund of such county, city, or town.

Patron - Hargrove

HB1422 Cash proffers; purchase of development rights programs. Provides that a locality that has established a purchase of development rights program may include in its zoning ordinance provisions for the voluntary proffering in writing, by the owner, of reasonable conditions, which shall include the payment of cash to the locality for local purchase of development rights that will be dedicated as easements for conservation, open space, or other purposes pursuant to the Open-Space Land Act. No such proffer shall be accepted by a locality; however, if the owner has already proffered dedication of such easements to that locality. For purposes of this bill, development rights means the level and quantity of development permitted by the zoning ordinance expressed in terms of housing units per acre, floor area ratio, or equivalent local measure.

Patron - Wittman

HB1476 Funding to localities for state mandates. Allows a locality upon request to the General Assembly to receive funding for new state mandates when the Consumer Price Index published by the U.S. Department of Commerce is more than the increase in the assessed value of private real estate in the locality.

Patron - McEachin

HB1520 Proffered cash payments. Provides that a locality may accept proffered conditions if such locality has had population growth of five percent or more from the next-to-latest to latest decennial census year, based on population reported by the United States Bureau of the Census. In addition, the bill provides that a zoning ordinance may include and provide for the voluntary proffering in writing, by the owner, of reasonable conditions, including the payment of cash for any off-site road or transportation improvement that is adopted as an amendment to the required comprehensive plan and incorporated into the capital improvements program. The bill further provides that a locality may utilize any cash payments proffered for any road or transportation improvement that is incorporated into the capital improvements program as its matching contribution under the present revenue-sharing fund program for highway systems in certain counties. This bill was incorporated into HB 1506.

Patron - Marshall, R.G.

HB1522 Subdivision ordinances; payment of pro rata share. Adds "roads" to existing provisions that allow localities to create development districts for paying the pro rata share of sewer, water, or drainage facilities.

Patron - Ware, R.L.

HB1523 Property conveyance. Authorizes the City of Hampton to convey any portion of the real property known as the Carousel Site to a nonmunicipal entity.

Patron - Ward

HB1529 Comprehensive plans and official maps; road improvements. Requires that the comprehensive plan shall be general in nature, in that it shall designate the general or approximate location, character, and extent of each road and transportation improvement shown on the plan. The bill also requires that the comprehensive plan include an official map that shall show road and transportation improvements, including the cost of such road and transportation improvements, which are sufficient to meet the current and future needs of residents in the locality while considering the current and future needs of the planning district within which the locality is situated. In addition, the local planning commission shall, in the preparation of a comprehensive plan, survey and study road and transportation improvements and the costs thereof. The local planning commission, in localities where no official map

exists or where an existing official map is incomplete, shall make, or cause to be made, a map showing the location of every road and transportation improvement and any cost thereof. This bill was incorporated into HB 1521.

Patron - Hamilton

HB1542 Transfer of development rights. Authorizes localities as part of their zoning ordinances to provide for transfer of development rights from one parcel of land to another parcel of land, thereby increasing the density of development on one parcel while restricting development on the other parcel.

Patron - Sickles

HB1594 Local government taxing authority. Equalizes municipal and county taxing authority by granting a county the same authority available to a municipality through the uniform charter powers if such county contributes 2 percent or more toward the costs of construction or improvement of the urban system highway or street construction projects within the county.

Patron - Hull

HB1606 Subdivision ordinances; payment of pro rata share. Adds "roads" to existing provisions that allow localities to create development districts for paying the pro rata share of sewer, water, or drainage facilities.

Patron - Ware, R.L.

HB1608 Comprehensive plan. Adds recreational and sports opportunities as factors to be considered by a locality in the preparation of its comprehensive plan. The characteristics and conditions of existing recreational and sports facilities and future needs shall be studied as part of such preparation. Also, sports facilities and playing fields are incorporated among those items that a locality may include in its long-range recommendations.

Patron - Valentine

HB1609 Zoning; traffic impact. Requires localities to prepare and consider a traffic impact analysis prior to approving zoning amendments. This bill was incorporated into HB 1513.

Patron - McQuigg

HB1610 Zoning; road capacity. Allows a locality to deny or modify a request for rezoning when the existing and future transportation network, which will serve the proposed development, is inadequate to handle the anticipated transportation impact of the proposed development.

Patron - Marshall, R.G.

SB111 Violations of zoning ordinance; penalties. Raises the maximum civil penalty for an initial summons from \$100 to \$200. The maximum civil penalty for second and subsequent violations of the zoning ordinance rises from \$250 to \$500. Also, a series of specified violations arising from the same operative set of facts shall not result in civil penalties that exceed a total of \$10,000, rather than the current total of \$5,000.

Patron - Howell

SB131 Eminent domain; economic development. Provides that in any instance in which a substantial purpose of a condemnation is economic development, a locality must demonstrate that the condemnation is related to the redevelopment of an area that is at least two-thirds blighted. This bill was incorporated into SB 394.

Patron - O'Brien

SB181 Conditional use permits. Provides that the governing body of a locality may impose a condition upon any special use permit issued after July 1, 2006, relating to retail alcoholic beverage licensees that provides that such special use permit shall be subject to an automatic review by the governing body upon a change in possession, a change in the owner of the business, or a transfer of majority control of the business entity.

Patron - Locke

SB225 Road impact fees. Adds the City of Suffolk to those localities authorized to impose road impact fees. Also, an outdated sunset clause is deleted.

Patron - Quayle

SB236 Certain local government ordinances requiring preservation of trees during the development process. Provides that certain Northern Virginia localities may, by ordinance, require preservation of trees on development sites to meet tree canopy requirements in proportion to predevelopment canopy. This bill also allows certain Northern Virginia localities to increase the amount of tree canopy required 20 years after development on residential sites. This bill is identical to SB 246.

Patron - Ticer

SB246 Certain local government ordinances requiring preservation of trees during the development process. Provides that certain Northern Virginia localities may, by ordinance, require preservation of trees on development sites to meet tree canopy requirements in proportion to predevelopment canopy. This bill also allows certain Northern Virginia localities to increase the amount of tree canopy required 20 years after development on residential sites. This bill is identical to SB 236.

Patron - Ticer

SB336 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. This bill was incorporated into SB 394.

Patron - Obenshain

SB459 Disclosures in land use proceedings. Requires members of boards of supervisors who have received a gift or donation having a value greater than \$99, either singularly or in the aggregate, to make full public disclosure at or before any proceeding involving a proposed amendment to the comprehensive plan if such gift or donation was given by an interested party, including the title owner, contract purchaser, lessee, and developer of any affected land, to the proposed comprehensive plan amendment. This bill also requires board members to disclose if such gift or donation was made by a trustee, attorney, agent, real estate broker, immediate family or household member, or close financial associate of any interested party. Currently, board members must only make full public disclosure at or before a land use proceeding if the gift or donation given by an interested party has a value greater than \$100, and the land use proceeding involves an application for a special exception, variance, or amendment of a zoning ordinance.

Patron - Devolites Davis

SB483 High grass and weeds; civil penalty. Allows localities within Planning District Number 23 (Hampton Roads) to require, by ordinance, the cutting of excessive weeds and grass on occupied properties.

Patron - Norment

SB576 Ticket scalping ordinances. Provides that a locality may issue an ordinance providing that it is unlawful for any person, firm or corporation to resell for more than the (i) actual retail price or (ii) the price shown on the face, if any, any ticket for admission to any sporting event, theatrical production, lecture, motion picture or any other event open to the public. Currently, a locality may prohibit reselling such a ticket at a "profit."

Patron - McDougle

SB631 Condemnation; "public use" defined. Defines "public uses," as mentioned Article I, Section 11 of the Constitution of Virginia, as the possession, occupation, and enjoyment of land by the general public or by public agencies, or the use of land for the creation or functioning of public utilities. In addition, the bill provides that public benefits or potential public benefits, including economic or private development, or an increase in the tax base, tax revenues, employment, or general economic health, do not constitute a public use. Furthermore, the proposed amendment makes it a judicial question whether private property is being condemned for a permissible public use. This bill was incorporated into SB 394.

Patron - Cuccinelli

SB640 Regulation of dance halls. Eliminates an exception to local dance hall regulatory authority that exempted certain restaurants having a dance floor with an area not exceeding 10 percent of the total floor area of the establishment.

Patron - Reynolds

SB648 Virginia Indoor Clean Air Act; smoking in restaurants; 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 new smoking prohibitions are provided for (i) private homes, private residences, and private automobiles, and home-based businesses, unless used in conjunction with a licensed child care, adult day care, or health care facility; (ii) certain private functions held in public facilities; (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) specialty tobacco stores; and (v) tobacco manufacturers. Signs stating "Warning: Smoking Permitted" must be posted by the proprietor of any exempt building or area when smoking is allowed; however, signs are not required on private homes, private residences, private vehicles, or home-based businesses, unless such private homes, private residences, private vehicles, or home-based businesses are used in conjunction with a licensed child care, adult day care, or health care. 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 smoking 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 will enforce the smoking restrictions and conduct an education program on the

health benefits of avoiding exposure to secondhand smoke. The bill sets out relevant definitions and notes that any proprietor of a building or area excepted from the law 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; and that the new article must not be construed to permit smoking where it is otherwise prohibited by the proprietor of any restaurant, establishment, building, or area or by other applicable law.

Patron - Bell

[F]SB673 Benefits coverage; employees and retired employees of localities. Provides that any locality that self-funds a health insurance program for their officers and employees may extend coverage under such program by any other class of persons as may be mutually agreed upon by the locality and the policyholder.

Patron - Whipple

[F]SB707 Cable service; franchises; competition. Establishes franchising procedures that authorize eligible video providers, which include certificated providers of telecommunications services with previous consent to use the public rights-of-way, to provide cable service and other video service. Upon compliance with the requirements established by this measure, (i) the previous consent granted to an eligible video provider to use the public rights-of-way for telecommunications services is deemed a franchise authorizing it to use the rights-of-way to provide cable service and (ii) eligible video providers are granted a 15-year franchise. However, in order to hold the franchise, an eligible video provider shall file a certification at least 30 days prior to offering cable service in which it undertakes to comply with specific requirements. After the certificate is filed, the locality has 120 days to pass any required ordinances to regulate the provision of cable service. Localities may grant cable operators that obtained franchises prior to the enactment of this measure consent to obtain a franchise under the provisions applicable to eligible video providers after considering certain criteria. The grant of a franchise or the renewal of a franchise does not obligate an eligible video provider to provide cable service throughout the locality or in any specific territory within the locality. This bill was incorporated into SB 706.

Patron - Stosch

[F]SB724 Zoning; traffic impact. Requires localities to prepare and consider a traffic impact analysis prior to approving zoning amendments. This bill was incorporated into SB 699.

Patron - Quayle

Carried Over

[C]HB183 Condemnation; offer to repurchase. Provides that if a condemnor has acquired a fee simple interest in property by exercise of its power of eminent domain and subsequently fails to use the property for the declared public use for which it was condemned within three years of being vested with the title to such property, the condemnor shall offer, within 30 days following such determination, to sell such property to the former owner. The offer to sell shall be made by the condemnor at the price paid by the condemnor to the former owner plus interest at the annual rate of six percent; provided that the condemnor may increase the price by the fair market value of the condemnor's improvements, determined at the time the offer to sell is made. If a condemnor has acquired a fee simple interest in property by exercise of its power of eminent domain and subsequently fails to use the property for the

declared public use for which it was condemned within 15 years of being vested with the title to such property, the condemnor shall offer, within 30 days following such determination, to sell such property to the former owner. The offer to sell shall be made by the condemnor at the fair market value of the property and improvements at the time of the offer.

Patron - Marshall, R.G.

[C]HB307 Zoning violations; penalties. Raises the maximum misdemeanor penalty for a zoning violation from \$1,000 to \$2,000. The misdemeanor maximum penalty for failure to remove or abate a zoning violation within the time period established by the court also increases from \$1,000 to \$2,000. Each 10-day period during which a zoning violation continues after the conviction or court-ordered abatement period has ended shall constitute a separate offense punishable by a fine of not less than \$100 nor more than \$2,500.

Patron - Rust

[C]HB704 County ordinances; discharge of firearms and hunting. Provides that a county may prohibit by ordinance hunting, the discharge of firearms, and the discharge of arrows from bows within one-half mile of a subdivision or in an area so heavily populated as to make hunting dangerous. However, no ordinance regulating the discharge of firearms or bows may be more restrictive than an ordinance concerning hunting. Any ordinance adopted after January 1, 1995 concerning the discharge of firearms or hunting that is more restrictive than the provisions of the act is invalid.

Patron - Hogan

[C]HB747 Regulation of parasail operators. Requires the Director of DPOR to regulate parasail operators. Any regulations adopted by the Director shall be consistent with the operating standards and guidelines of the Professional Association of Parasail Operators.

Patron - Purkey

[C]HB861 City of Martinsville; city reversion. Requires voter approval before the city can revert to town status.

Patron - Marshall, D.W.

[C]HB931 Tourism Financing Development Authority. Allows localities to create a Tourism Financing Development Authority. The authority shall have the power to issue bonds and establish a revolving loan fund or loan guarantee program to help carry out its powers and promote establishment of tourism infrastructure. Certain transient occupancy taxes may also be used for purposes of the authority.

Patron - Nutter

[C]HB1200 Population brackets. Replaces population brackets and other descriptions found in the Code of Virginia with locality names.

Patron - Landes

[C]HB1225 Comprehensive plan; smart growth policies; state funding. Requires localities to incorporate specified smart growth policies into their comprehensive plans. State funding is tied to such policies.

Patron - Jones, D.C.

[C]HB1420 Compensation Board; considerations for fixing salaries and staffing levels for certain sheriffs. Requires the Compensation Board to include in its allocation formula the effect of additional enforcement and safety needs of localities that (i) have bodies of water of 20,000 acres or more located wholly or partially within their jurisdiction and (ii) provide boating enforcement pursuant to a cooperative

enforcement agreement with the Department of Game and Inland Fisheries.

Patron - Dudley

[C]HB1438 Permitted provisions in zoning ordinances; penalties. Authorizes a zoning ordinance to provide that any violation of limitations on occupancy of a residential dwelling unit shall be a Class 1 misdemeanor punishable by a fine of not less than \$10 nor more than \$2,500 and/or confinement in jail for not more than 12 months. The zoning ordinance may additionally provide that each day of such violation shall constitute a separate offense. Furthermore, the zoning ordinance may provide that in the case of a failure to remove or abate a violation of residential occupancy limitations within the time period established by the court, a court may order the violator to be confined in jail for not more than 12 months.

Patron - Sickles

[C]HB1497 City of Martinsville; city reversion. Requires approval from the Henry County voters before the city can revert to town status.

Patron - Marshall, D.W.

[C]SB432 Compensation Board. Adds two members to the Board who will be appointees of the House of Delegates and the Senate of Virginia. The gubernatorial appointee is required to be a former constitutional officer who may serve for up to six years.

Patron - Devolites Davis

[C]SB695 Local control over operation of boats. Provides that no locality or other political subdivision shall adopt or enforce any ordinance, resolution, or motion governing the operation of any watercraft, boat, or vessel other than those expressly authorized by statute. Any local ordinance, resolution, or motion adopted prior to July 1, 2006, governing the operation of any watercraft, boat, or vessel, other than those expressly authorized by statute, is invalid.

Patron - Hanger

[C]SB713 Affordable housing dwelling unit programs; ordinances. Provides that a locality may, in its zoning ordinance establishing an affordable housing dwelling unit program, exempt nonprofit organizations that develop housing for low- and moderate-income persons from subdivision provisions that impair such organizations' ability to subdivide land. In addition, owners of multifamily dwelling units are required to provide notice to the housing authority having an area of operation in which they are situated of their intent to sell or transfer ownership of such unit(s). Failure to provide the notification will not be the basis for invalidation of any sale, but may subject the terms of the sale to special review by the locality or the attorney for the locality to ensure that such sale has not resulted in a violation of any law by the transferring owner.

Patron - Marsh

7th (Newport News); 14th (Henrico); 19th (Fairfax and Fairfax County); and 26th (Harrisonburg, Winchester, Frederick, Clarke, Warren, Shenandoah, Page, and Rockingham). This bill is a recommendation of the Committee on District Courts. This bill is identical to SB 391.

Patron - Albo

[P]HB126 Juvenile detention hearings. Provides that if the juvenile and domestic relations district court does not sit within the county or city where the charge is pending on the day following the day the child is taken into custody and there is no ability to hold the hearing electronically the judge may conduct the hearing in another county or city. The bill also states that the attorney for the Commonwealth, the attorney for the child and the parents may appear electronically. The introduced bill was a recommendation of the Committee on District Courts.

Patron - Kilgore

[P]HB368 Hearing for involuntary commitment of a minor; admissibility of state recommendations. States that state mental health facility recommendations are admissible during an involuntary commitment hearing of a minor. The bill also amends the current law by stating that the minor's hearing is to be scheduled by the juvenile and domestic relations district court where the minor is located, as opposed to where the minor resides.

Patron - Carrico

[P]HB692 Juvenile confidentiality; gang exception. Provides that where the consideration of public safety requires, gang-related information pertaining to others, obtained from an investigation or supervision of a juvenile affiliated with a criminal street gang can be released by the Department of Juvenile Justice or a court service unit to a law-enforcement agency investigating criminal street gang activity. This bill is identical to SB 129.

Patron - Marsden

[P]HB812 Requirements for appeal; appeal bond. Removes the requirement that a plaintiff post a bond in order to appeal a judgment in cases where the defendant has not asserted a counterclaim.

Patron - Fralin

[P]HB847 Gang information; juvenile records. Requires the Departments of Corrections and Juvenile Justice to collect information on individuals identified as gang members and transmit it to the Commonwealth's Attorneys' Services Council. The Council will disseminate the information to attorneys for the Commonwealth. The bill also specifies that law-enforcement agencies, school administrations and probation offices are included as entities that may examine certain juvenile records held by the Department of Juvenile Justice if there is a court order determining that they have a legitimate interest. The bill also says that the court order may be granted if the person, agency, or institution has a legitimate interest in the juvenile. Under current law the interest is limited to the case or in the work of the court. In addition, the Department of Juvenile Justice will be allowed to release the social reports and records of a child to certain law enforcement employees for the purpose of investigating criminal street gang activity. This bill is identical to SB 561.

Patron - Albo

[P]HB903 Parent convicted of certain crimes; custody and visitation. Provides that a child's parent or legal guardian can petition the court to enjoin an offending parent from petitioning the court for custody and visitation for up to ten years if the offending parent is convicted of sexual assault or murder of

Courts Not of Record

Passed

[P]HB62 Number of district court judges. Increases the number of general district court judges by one in each of the following districts: 19th (Fairfax and Fairfax County); 20th (Loudoun, Rappahannock, Fauquier); and 27th (Galax, Radford, Pulaski, Wythe, Carroll, Montgomery, Floyd, Giles, Bland, and Grayson). The bill also increases the number of juvenile court judges by one in each of the following districts:

a child of the parent, a child residing with the parent or the other parent of the child, if doing so is in the best interest of the child. The court must appoint a guardian ad litem for the child.

Patron - Iaquinto

[P]HB1007 Filing time for child custody reports. Requires that a child custody report prepared pursuant to § 16.1-273 be furnished to all attorneys representing parties in the matter 10 days prior to the hearing instead of five days.

Patron - Hurt

[P]HB1017 Intake; alcohol-related offenses; juveniles. Clarifies the juvenile intake process where it is unnecessary to file a petition for the refusal to take a blood or breath test for alcohol-related offenses to make it consistent with implied consent statutes. This is a recommendation of the Committee on District Courts.

Patron - Hurt

[P]HB1046 Reporting certain juveniles to the Immigration and Customs Enforcement Agency. Provides that a juvenile intake officer shall report to the United States Immigration and Customs Enforcement Agency a juvenile who is the subject of a petition alleging he committed a violent juvenile felony and who the intake officer has probable cause to believe is in the United States illegally.

Patron - Reid

[P]HB1201 Courts not of record; jurisdiction of small claims court. Increases from \$2,000 to \$5,000 the ceiling of the jurisdictional amount of a small claims court.

Patron - Moran

[P]HB1237 Designation of district and circuit judges. Allows the Chief Justice to designate an active or retired judge to provide judicial assistance to another district or circuit if, in his opinion, the administration of justice so requires. Current law allows such designations only due to congestion in the court's work.

Patron - Melvin

[P]HB1325 Juveniles; administrative support order. Allows the Department of Social Services to establish the amount of the support obligation by the parents when a child is committed to the custody of the Department of Juvenile Justice, and allows the Department of Juvenile Justice to collect child support from the parents from the date it receives the child.

Patron - Caputo

[P]SB113 Fees collected by clerks; customary bank charges. Allows for the deduction of customary bank fees without first having to submit an invoice to the Executive Secretary's Office for payment. Entries reflecting the payment of these fees will still be entered into the Financial Management System. This is a recommendation of the Committee on District Courts.

Patron - Marsh

[P]SB120 Protective orders. Provides that a respondent may be ordered to restore or may be enjoined from terminating a necessary utility service to the residence that the petitioner has been granted exclusive possession of. The respondent can also be ordered to pay deposits to connect or restore necessary utility services if the respondent was required to provide alternative housing for the petitioner. The bill also allows for any other relief necessary for the protection of the petitioner and family or household members of the petitioner.

Patron - Howell

[P]SB129 Juvenile gang affiliations; release of information. Provides that the Department of Corrections or locally operated court service unit may release any information relating to gang-related activity, obtained from an investigation of a juvenile affiliated with a criminal street gang to any State Police, local police department, or sheriff's office. The exchange of information shall be for the purpose of an investigation into criminal street gang activity. This bill is identical to HB 692.

Patron - O'Brien

[P]SB298 Constitutional challenges. Provides that in any criminal or traffic case in a court not of record, if the court rules that a statute or local ordinance is unconstitutional, it shall upon motion of the Commonwealth, stay the proceedings and transmit the case to the circuit court for a determination of constitutionality. If the circuit court rules that the statute or local ordinance is unconstitutional, the Commonwealth may appeal such interlocutory order to the Court of Appeals and thereafter to the Supreme Court; however, if the circuit court rules that the statute or local ordinance is constitutional, the circuit court shall remand the case to the court not of record for trial consistent with the ruling of the circuit court. The bill also provides that a pretrial appeal may be taken by the Commonwealth in any criminal case from an order of a circuit court dismissing a warrant, information, summons, delinquency petition, or indictment, on the ground that a statute on which the order is based is unconstitutional.

Patron - Cuccinelli

[P]SB379 District court; parties not represented by counsel. Provides that parties in a civil case not represented by counsel must make written notification of an address change if they have made an appearance in the case. There is no requirement in current law that such parties shall have made an appearance. This bill is a recommendation of the Committee on District Courts.

Patron - McDougle

[P]SB391 Number of district court judges. Increases the number of general district court judges by one in each of the following districts: 19th (Fairfax and Fairfax County); 20th (Loudoun, Rappahannock, Fauquier); and 27th (Galax, Radford, Pulaski, Wythe, Carroll, Montgomery, Floyd, Giles, Bland, and Grayson). The bill also increases the number of juvenile court judges by one in each of the following districts: 7th (Newport News); 14th (Henrico); 19th (Fairfax and Fairfax County); and 26th (Harrisonburg, Winchester, Frederick, Clarke, Warren, Shenandoah, Page, and Rockingham). This bill is a recommendation of the Committee on District Courts. This bill is identical to HB 62.

Patron - Stolle

[P]SB561 Gang information; juvenile records. Requires the Departments of Corrections and Juvenile Justice to collect information on individuals identified as gang members and transmit it to the Commonwealth's Attorneys' Services Council. The Council will disseminate the information to attorneys for the Commonwealth. The bill also specifies that law-enforcement agencies, school administrations and probation offices are included as entities that may examine certain juvenile records held by the Department of Juvenile Justice if there is a court order determining that they have a legitimate interest. The bill also says that the court order may be granted if the person, agency, or institution has a legitimate interest in the juvenile. Under current law the interest is limited to the case or in the work of the court. In addition, the Department of Juvenile Justice will be allowed to release the social reports and records of a child to certain law enforcement employees

for the purpose of investigating criminal street gang activity. This bill is identical to HB 847 and incorporates SB 151 and SB 351.

Patron - Stolle

[P]SB656 Registration of new student. Requires a parent, guardian, or other person having control or charge of a child of school age to provide to a public school, upon registration of a student, information concerning certain criminal convictions or delinquency adjudications. When the registration results from foster care placement, the information shall be furnished by the local social services agency or licensed child-placing agency that made the foster care placement.

Patron - Rerras

Failed

[F]HB1033 Juvenile sentencing. Allows juveniles who are transferred to circuit court for trial as adults to be sentenced by a jury and specifies that the jury sentence is a recommendation and the court retains the power to sentence as a juvenile offender if the judge so chooses.

Patron - Hurt

[F]HB1169 Recording of interrogations of juveniles. Provides that statements made by a juvenile criminal defendant are presumed inadmissible in a court unless reliably recorded. The presumption may be overcome if the statement is otherwise reliable and was recorded out-of-state or by a federal officer.

Patron - Eisenberg

[F]SB149 Protective orders. Requires that prohibited acts under any protective orders be specifically described in the order and that the prohibited acts include that the respondent not be in the alleged victim's or petitioner's physical presence. The bill also provides if the expiration of a protective order occurs at a time that the court is not in session, the expiration shall be extended until 5 p.m. of the next business day that the court which issued the order is in session. This is currently the law for emergency protective orders only.

Patron - Deeds

[F]SB210 Mental health courts; pilot program. Directs the Office of the Executive Secretary of the Supreme Court to establish by January 1, 2007, no less than two and no more than five mental health courts in Virginia for nonviolent offenders with serious mental illnesses.

Patron - Edwards

[F]SB235 Domestic violence victims; personal addresses confidential. Requires the Statewide Facilitator for Victims of Domestic Violence in the Office of the Attorney General to establish a program to protect victims of domestic violence by authorizing the use of designated addresses for such victims. This bill is contingent upon appropriation of funds.

Patron - Ticer

[F]SB290 Psychiatric Inpatient Commitment of Minors Act; special justices. Makes it clear that retired judges, substitute judges, and special justices are authorized to perform hearings under the Act and to receive compensation therefor.

Patron - Cuccinelli

[F]SB351 Juveniles; release of information. Allows the Department of Juvenile Justice to release the social, medical, psychiatric, or psychological reports and records of a child to

certain law enforcement employees for the purpose of investigating criminal street gang activity. This bill was incorporated into SB 561.

Patron - Howell

[F]SB672 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

Carried Over

[C]HB712 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 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.

Patron - McQuigg

[C]SB340 Removal to circuit court. Standardizes the removal of cases from district court to circuit court. Among other things, the bill removes term "affidavit of substantial defense" and replaces it with motions and requires a hearing on the motion to remove. The application of the simplified admission of medical records is extended to all cases removed to circuit court, not just those where the claim does not exceed the jurisdictional amount set forth in 17.1-77. This bill is a recommendation of the Boyd-Graves Conference.

Patron - Obenshain

[C]SB585 Kinship care services. Allows children who are placed in kinship care and their caregivers access to all foster care services.

Patron - Miller

Courts of Record

Passed

[P]HB63 Number of circuit court judges. Adds a fifth circuit court judge to the Third Judicial Circuit (Portsmouth). This bill is identical to SB 388.

Patron - Albo

[P]HB68 Courts Technology Fund; creation. Creates a special non-reverting fund to be administered by the Supreme Court of Virginia funded by (i) a \$5 increase from July 1, 2006 through December 31, 2006 in clerks' fees for civil case filings in the district and circuit courts and a \$10 increase thereafter, (ii) doubling the filing fee in the Court of Appeals and the Supreme Court to \$50, and (iii) a \$14 increase in the Supreme

Court fee for a law license certificate and a certificate of qualification. Money in the Fund is to be allocated at the direction of the Supreme Court of Virginia to staff, advance, update, maintain, replace, repair and support the telecommunications and technology systems of the judicial system. Revenues raised in support of the Fund shall not be used to supplant current funding to the judicial branch. This bill is identical to SB 157.

Patron - Callahan

[P]HB312 Courts of record; certain fees. Maintains the current fee collected in civil actions for Legal Aid Services.

Patron - Albo

[P]HB432 Election and terms of members of the State Corporation Commission (SCC) and the Workers' Compensation Commission. Adds flexibility into the schedule for the election of members of the SCC and Worker's Compensation Commission so that the members do not have to be elected by February 1. SCC members would begin their term whenever they are elected and serve for the unexpired term. Workers' Compensation Commission members would begin their term that would start whenever they are elected as is the case for judges elected by the General Assembly.

Patron - Griffith

[P]HB563 Posting of court records on a website; personal information; sunset. Removes the sunset provision prohibiting certain information from being posted on a court-controlled website. The Compensation Board policies shall require court clerks to certify that proposed technology improvements of their land records will provide remote access to land records on or before July 1, 2007. If a court clerk provides remote access to land records on or before July 1, 2007, the clerk may then apply to the Compensation Board for an allocation from the Technology Trust Fund. The bill also requests the Virginia Information Technologies Agency to develop methods for the redaction of social security numbers from electronic land record documents and to submit a project budget to the Compensation Board for approval.

Patron - Nixon

[P]HB1238 Emergency sessions of the Supreme Court of Virginia. Allows the Supreme Court during a state of emergency to convene at such time, in such location, and for such purposes as is necessary for the efficient and effective administration of justice and, in such circumstances, allows the justices to preside through the use of technology in order to satisfy the quorum requirement.

Patron - Melvin

[P]SB156 Court of Appeals; chief judge; additional compensation. Increases the additional compensation of the chief judge of the Court of Appeals from \$1,000 to \$3,000 per year.

Patron - Norment

[P]SB157 Courts Technology Fund; creation. Creates a special non-reverting fund to be administered by the Supreme Court of Virginia funded by (i) a \$5 increase until December 31, 2006, on certain civil case filings and a \$10 increase thereafter on these and other civil case filings in the district and circuit courts, (ii) doubling the filing fee in the Court of Appeals and the Supreme Court to \$50, and (iii) a \$14 increase in the Supreme Court fee for a law license certificate and a certificate of qualification. Money in the Fund is to be allocated at the direction of the Supreme Court of Virginia to staff, advance, update, maintain, replace, repair and support the telecommunications and technology systems of the judicial system. Revenues raised in support of the Fund shall not be used to supplant

current funding to the judicial branch. This bill is identical to HB 68.

Patron - Norment

[P]SB388 Number of circuit court judges. Adds a fifth circuit court judge to the Third Judicial Circuit (Portsmouth). This bill is identical to HB 63.

Patron - Stolle

Failed

[F]HB379 Assessment for courthouse construction, renovation or maintenance. Increases from \$2 to \$12 the allowable assessment for local governments on civil, criminal and traffic filings and removes the cap of \$4 when assessed in conjunction with a law library fee.

Patron - Dance

[F]HB778 Duty of clerk to record writings; title insurance. Requires that deeds conveying or encumbering not more than four residential dwelling units contain the title insurance underwriter, the insurance policy number, or a statement that there is no title insurance in effect.

Patron - Albo

[F]HB819 Appointment of magistrates. Provides that a retired magistrate is eligible to serve as a substitute magistrate.

Patron - May

[F]HB859 Crimes; death penalty. Abolishes the death penalty for all Class 1 felonies committed on or after July 1, 2006.

Patron - Hargrove

[F]HB934 Courts of record; assessment for courthouse construction. Increases from \$2 to \$10 the part of the costs for filing civil actions, and thereby increases from \$4 to \$14 the total for the assessment for courthouse construction and for the acquisition of books and equipment for local law libraries.

Patron - Nutter

[F]HB951 Sentencing guideline modifications. Requires the advice and consent of the General Assembly before any modification to the discretionary sentencing guidelines proposed in the Sentencing Commission's annual report becomes effective. Currently, the Commission's modifications automatically become effective on the next July 1 unless otherwise provided by law.

Patron - Joannou

[F]HB1019 Judicial Inquiry and Review Commission; depositions; discovery. Grants the Supreme Court the authority to adopt rules governing discovery in Commission proceedings in which a judge has been charged formally with misconduct. Such rules would be enforced by the Circuit Court of the City of Richmond.

Patron - Hurt

[F]HB1020 Judicial Inquiry and Review Commission; membership. Restricts the General Assembly to electing members of the Commission to those recommended by the Supreme Court.

Patron - Hurt

[F]HB1468 Substitute and retired judges' per diem. Increases the per diem for substitute and retired judges and retired members of the State Corporation Commission and the Virginia Workers' Compensation Commission from \$200 to

\$250 when such judges or members sit as substitutes or under recall, and \$100 to \$125, for judges who sit for half days or less.

Patron - Jones, S.C.

[F]SB142 Indexing by tax map reference number; filing corrective deed; civil penalty. Requires the filing of a corrective deed or other instrument recorded if it is found to contain an incorrect tax map reference number or numbers, or PIN. Failure to do so subjects the person or other entity to a civil penalty not to exceed \$250.

Patron - Deeds

[F]SB389 Judicial Inquiry and Review Commission; membership. States that at the request of the General Assembly, the Supreme Court may recommend candidates for election to the Commission.

Patron - Stolle

Carried Over

[C]SB383 Posting and availability of certain information on the Internet; prohibitions. Repeals the sunset on the restrictions set out for personal information posted on a court website and broadens the restrictions to apply to records within a secure remote access system established for land records. Such restrictions include prohibiting the posting of any document that contains (i) an actual signature, (ii) a social security number, (iii) a date of birth identified with a particular person, (iv) the maiden name of a person's parent so as to be identified with a particular person, (v) any financial account number or numbers, or (vi) the name and age of any minor child. The bill also repeals the stated intent of the General Assembly that all clerks provide secure remote access to land records on or before July 1, 2006.

Patron - McDougale

[C]SB390 Judicial Inquiry and Review Commission; depositions; discovery. Grants the Supreme Court the authority to adopt rules governing discovery in Commission proceedings in which a judge has been charged formally with misconduct. Any discovery dispute will be resolved by the Circuit Court of the City of Richmond or, if a judge in the City of Richmond is the judge who has been formally charged, a circuit court judge not from the City of Richmond.

Patron - Stolle

[C]SB466 Fees for clerks, sheriffs, etc. Provides that clerks, sheriffs and other officers may not receive payment out of the state treasury for services rendered in cases of political subdivisions or municipal corporations of the Commonwealth. This prohibition currently applies to cases of the Commonwealth.

Patron - Norment

Crimes and Offenses Generally

Passed

[P]HB41 DUI punishment. Clarifies that additional punishment for two offenses of DUI is applicable to any second offense occurring within five years after any prior offense, rather than a second offense occurring within five years after a first offense.

Patron - Albo

[P]HB45 Elimination of capital punishment for minors; penalty. Restricts the death penalty to those who are 18 years of age or older at the time of the capital offense. Currently, the age requirement to receive the death penalty is 16 years of age or older at the time of the offense. This change is being made in response to the case of *Roper v. Simmons*, 543 U.S. 551 (2005), decided March 1, 2005, in which the U.S. Supreme Court held that the Eighth and Fourteenth Amendments forbid the execution of offenders who were under the age of 18 at the time of the crime. This bill is identical to SB 362.

Patron - Callahan

[P]HB70 Assault and battery; school bus drivers; penalty. Adds school bus drivers and bus driver aides to the protected class of persons who are not deemed guilty of assault and battery for incidental or minor contact with a student in an attempt to maintain order.

Patron - Orrock

[P]HB102 Third offense driving on a suspended license; penalty. Makes a third offense in ten years of driving on a license that has been suspended, revoked or restricted because of a DUI-related offense a Class 6 felony. It is currently a Class 1 misdemeanor. The implementation of the bill is contingent on an appropriation of general funds.

Patron - Cosgrove

[P]HB153 Labeling of foods as kosher or halal; penalty. Prohibits the willful selling of food or food product labeled or displayed for sale representing the food or food product as kosher or halal without indicating the authority for such designation or providing a toll-free number or website to access the information. Violation of this section is a Class 3 misdemeanor. The bill also repeals the section regulating the sale of kosher meat and meat preparations in accordance with orthodox Hebrew religious requirements. This bill is identical to SB 349.

Patron - Alexander

[P]HB372 Disorderly conduct; funerals, etc.; penalty. Punishes the disruption of a funeral or memorial service as disorderly conduct, a Class 1 misdemeanor.

Patron - Carrico

[P]HB514 Evidence in civil and criminal DUI cases. Provides that copies of records relating to any breath test conducted pursuant to a DUI prosecution shall be admissible provided such copies are authenticated as true copies either by the custodian thereof or by the person to whom the custodian reports.

Patron - Armstrong

[P]HB525 Charitable gaming. Adds definitions of conduct, management, and operation and revises several existing definitions. Minors may no longer play bingo with parental consent, but may play only if accompanied by a parent or guardian. The bill allows a qualified organization to accept debit cards, and provides that certain employees of the Department of Charitable Gaming are law-enforcement officers. The bill allows a private security services business to provide security for bingo games. Increases the allowance for a single door prize from \$25 to \$50 and allows \$250 in cumulative door prizes in any one session. Increases the remuneration which may be paid to bingo callers from \$50 to \$100. Differentiates between the management or operation of a charitable game and the conduct of a game for the purposes of criminal convictions and places more restrictions on participation by persons with criminal convictions. Increases the fee for a supplier permit

from \$500 to \$1,000. The bill provides that conversion of funds derived from charitable gaming is punishable as larceny. Allows the dissemination of criminal history record information to the Department of Charitable Gaming for the conduct of investigations.

Patron - Suit

HB588 Crimes; brandishing a machete; penalty. Makes it illegal to brandish a machete, with a 12 inch blade or longer, with intent to intimidate, and includes such offense as one of the predicate criminal acts that defines street gang activity. The penalty for a violation of this section is a Class 1 misdemeanor, or if the violation occurs on or within 1,000 feet of any public, private, or religious school, a Class 6 felony. The bill makes an exception for excusable or justifiable self-defense. This bill is identical to SB 183.

Patron - Watts

HB752 Drug treatment courts. Establishes a drug treatment court in the City of Newport News. This bill is identical to SB 367.

Patron - BaCote

HB775 Criminal street gang; definitions; penalty. Expands the definition of predicate criminal act under crimes by gangs to include threats to bomb (§ 18.2-83) and receiving money for procuring a person for prostitution (§ 18.2-356). This bill is identical to SB 473.

Patron - Albo

HB846 Sex crimes; penalties. Requires a mandatory minimum term of confinement of 25 years for the following offenses where the offender is more than three years older than the victim and the crime is committed at the same time as or after the commission of an abduction, burglary, or aggravated malicious wounding: sexual intercourse with a child under 13 years of age, sodomy of a child under 13 years of age, and object sexual penetration of a child under 13 years of age. The bill also provides that for those offenses and for abduction with intent to defile and abduction of a child under 16 years of age for immoral purposes if the term of confinement is less than life imprisonment, the judge shall impose, in addition to any active sentence, a suspended sentence of no less than 40 years and that the suspended sentence shall be suspended (subject to revocation) for the remainder of the defendant's life. Where the conviction is for sexual intercourse, sodomy, or object sexual penetration involving a child under 13 years of age, any probationary period must include at least three years of active supervision under a postrelease supervision program operated by the Department of Corrections with a minimum of three years of electronic GPS (Global Positioning System) monitoring. In any case where a defendant is convicted of abduction, rape, carnal knowledge of a child between 13 and 15 years of age, sodomy, object sexual penetration, aggravated sexual battery, or indecent liberties, and some portion of the sentence is suspended, the period of suspension must be at least equal to the statutory maximum period for which the defendant might originally have been sentenced to be imprisoned and the defendant must be placed on probation for that period of suspension. The bill also provides that any person three years older than the victim convicted of rape, forcible sodomy or object penetration of a child under 13 in the commission of or at the same time as an abduction, burglary or aggravated malicious wounding is prohibited from working on the property of a school or day care center, subject to a Class 6 felony.

Patron - Albo

HB984 Sex Offender and Crimes Against Minors Registry; penalties. Makes numerous changes to Registry provisions. First offense child pornography possession and bur-

glary with the intent to commit certain felony sex offenses will be new Registry offenses if committed after July 1, 2006. The sex offender website will include persons convicted of all registrable sex offenses committed after July 1, 2006, not just persons convicted of violent sex offenses as under current law. The bill modifies the registration of a person convicted of murdering a child; registration will be required if the victim is under 15 years of age and if the minor victim is 15 or older and the murder is related to a registrable offense. Persons convicted in a foreign country will be required to register. Sex offenders and persons convicted of murder will have three days to register or reregister after an address change rather than 10 and have to reregister for any employment change. Sex offenders moving into the Commonwealth will have three days to register instead of 10, as will nonresident visitors, workers and college students who are subject to registration requirements. The State Police, or the Department of Corrections if a person is under Department of Corrections control or on community supervision will be required to physically verify or cause to be physically verified registration information within the first 30 days of the initial registration or change of address and semi-annually each year thereafter. Persons who have to register for murder of a minor will be required to reregister every 90 days, the same as a violent sex offender. In addition, when a sex offender is convicted of failing to register, he will be required to reregister more frequently (violent sex offenders monthly instead of every 90 days and sex offenders 180 days instead of 12 months). The duration of registration for sex offenders who have been convicted of failing to register is extended as they will no longer be permitted to get off of the registry in 10 years from the date of registration, but instead the requirement will be 10 years from the date of their last conviction for failing to register. In addition, murder of a minor will require lifetime registration. Sex offenders convicted of failing to register will no longer be permitted to petition for relief for three years from the date of registration, but can petition five years from the date of their last conviction for failure to register. The bill makes a second or subsequent conviction for failing to register as a sex offender a Class 6 felony and requires GPS monitoring and makes a second or subsequent conviction of failing to register as a violent sex offender or murderer a Class 5 felony and requires mandatory GPS monitoring. Procedures to be used by correctional institutions and juvenile facilities to obtain registration information from sex offenders under their custody are made more comprehensive, and faster timelines for transmission of information to the State Police are added. An offender will be required to submit to having a DNA sample taken (if not already taken) and to being photographed by a law-enforcement agency every two years. Failure to register is added to the offenses for which conviction bars loitering within 100 feet of a school. Persons convicted of such offenses after July 1, 2006, will also be prohibited from loitering within 100 feet of a child day program. Persons convicted of certain sex offenses will be prohibited from working or volunteering on the grounds of a school or day care center and will be prohibited from residing within 500 feet of a school or day care center. Local school boards are required to ensure that schools within the division are registered to receive electronic notice of sex offenders within that school division and to develop and implement policies to provide information to parents regarding registration of sex offenders and the availability of information on the Registry, and are required to develop protocols governing the release of children to persons who are not their parent. The Virginia Council for Private Education is required to provide the State Police with the location of and e-mail address for every accredited private school in the Commonwealth. Public and private two- and four-year institutions of higher education are required to electronically transmit information about applicants accepted for enrollment at each institution to the State Police for comparison with the Virginia Criminal Information

Network and National Crime Information Center Convicted Sexual Offender Registry. The Department of Motor Vehicles is required to electronically transmit application information and change of address information for the same purpose. The bill makes it a Class 4 felony to provide false information to obtain a driver's license with the intent to use it as proof of residency for sex offender registration purposes. The bill also exempts the provisions of the Registry from the Freedom of Information Act and the Government Data Collection and Dissemination Practice Act and the Virginia Information Technologies Agency. The Department of Criminal Justice Services is required to advise and initiate training standards for criminal justice agencies and state, local and regional employees who work with the Registry. This bill incorporates HBs 205, 247, 271, 561, 799, 985, 988, 991, 993, 1012, 1015, and 1264.

Patron - Sherwood

[P]HB1013 False identification cards; penalty. Provides that the provisions of the Code section criminalizing the manufacture, sale, etc., or possession of fictitious, facsimile or simulated official licenses or identifications does not preclude an election to prosecute under § 18.2-172 (forgery), except to prosecute for forgery or uttering of such license or identification card or facsimile thereof as proof of age. This bill is identical to SB 345.

Patron - Hurt

[P]HB1014 Internet payment for sexually explicit material; penalty. Provides that any person who intentionally operates an Internet website for the purpose of facilitating the payment for access to sexually explicit visual material that utilizes or has as a subject a person under the age of 18 years is guilty of a Class 4 felony. This bill is identical to SB 348.

Patron - Hurt

[P]HB1016 Assault and battery. Elevates an assault and battery from a Class 1 misdemeanor to a Class 6 felony if the victim is a judge in any Virginia court, if the official was engaged in his public duties. The bill defines "judge" as any justice or judge including a judge designated under § 17.1-105, a judge under temporary recall under § 17.1-106, or a judge pro tempore under § 17.1-109, any member of the State Corporation Commission, or of the Virginia Workers' Compensation Commission, and any judge of a district court or any substitute judge of a district court. Under current law the enhanced penalty applies to law-enforcement officers, correctional officers and firefighters and lifesaving, rescue and emergency medical squad members who are engaged in the performance of their public duties as such.

Patron - Hurt

[P]HB1040 Sale of pseudoephedrine by pharmacist; limits on purchase of pseudoephedrine; penalty. Provides that no person shall offer methamphetamine precursor drugs (ephedrine and pseudoephedrine) for retail sale except from behind the counter or with other comparable restrictions. The bill also provides that no more than nine grams of pseudoephedrine may be sold to one person. The penalty for violation of these provisions is a Class 1 misdemeanor. This bill is identical to SB 146.

Patron - Kilgore

[P]HB1042 Causing the death of another while engaging in a vehicle race; penalty. Provides that if a person causes the death of another person while engaging in a vehicle race in a manner so gross, wanton and culpable as to show a reckless disregard for human life, he is guilty of a felony punishable by a term of confinement of not less than one nor more

than 20 years, one year of which is a mandatory minimum term of confinement.

Patron - Kilgore

[P]HB1049 Birth certificates; fraudulent use; penalty. States that the provisions of § 18.2-204.1 shall not preclude prosecution under any other statute.

Patron - Reid

[P]HB1066 Child abuse and neglect; sex offenders; penalties. Provides that it is child abuse or neglect when a child is knowingly left alone in the same dwelling with a person to whom the child is not related by blood or marriage and who the parent knows has been convicted of an offense against a minor for which registration is required as a violent sexual offender, under circumstances that create a substantial risk of physical or mental injury.

Patron - Watts

[P]HB1106 Possession of concealed weapons; possession in private vehicles. Provides that the prohibition against carrying concealed weapons does not apply when a person is carrying such a weapon in his place of abode or the curtilage thereof. In addition, the bill creates a new exemption to the general prohibition against carrying concealed weapons by allowing a person who may lawfully possess a firearm to carry a handgun in a private motor vehicle or boat if the handgun is locked in a container or compartment in the vehicle or vessel.

Patron - Athey

[P]HB1141 Identity theft; penalties. Imposes a Class 6 felony for an identity theft violation if five or more persons' identifying information was obtained in the same transaction or occurrence and a Class 5 felony where 50 or more persons' identifying information was obtained in the same transaction or occurrence. The bill does not change provisions of current law that identity theft is a Class 1 misdemeanor unless there is a financial loss greater than \$200 in which case the penalty is a Class 6 felony. This bill is identical to SB 460.

Patron - Cline

[P]HB1230 Tattooing or body piercing; penalty. Increases the penalty for tattooing or body piercing minors without parental consent or without medical supervision and for tattooing or body piercing without complying with health and safety requirements and disclosure provisions from a Class 2 misdemeanor to a Class 1 misdemeanor. Currently the Class 1 misdemeanor applies only to a second violation of the statute.

Patron - Jones, D.C.

[P]HB1263 Interfering with emergency use of telephone; penalty. Provides that if a person maliciously interrupts telephone communication with the intent to prevent another person from summoning emergency assistance, he is guilty of a Class 1 misdemeanor.

Patron - Janis

[P]HB1338 Punishment for sexual battery; penalty. Removes language in the Code section defining and punishing sexual battery, a Class 1 misdemeanor, which is identical to language in the section defining and punishing aggravated sexual battery, a felony.

Patron - Bell

[P]HB1339 Crimes; conviction of third offense peeping; penalty. Makes it a Class 6 felony for a third or subsequent conviction for an offense under the peeping or spying section. The bill also requires that any person convicted within 10 years of three or more designated misdemeanors shall regis-

ter under the Sex Offender and Crimes Against Minors Registry.

Patron - Bell

[P]HB1347 Punishment for distributing, manufacturing, etc., drugs; penalty. Imposes a five-year mandatory term of imprisonment for a third or subsequent conviction of any Schedule I or II drug sale or distribution. The bill also imposes a five-year mandatory minimum term of imprisonment for manufacturing, selling, giving, distributing or possessing with intent to manufacture 100 grams of heroin, 500 grams of cocaine, 250 grams of cocaine base, 1,000 grams of marijuana, or 10 grams of methamphetamine. The mandatory minimum is not applicable if the person has no prior record, did not use violence, was not the leader of the drug operation, and cooperates fully with the prosecution. The bill also imposes a five-year mandatory minimum term of imprisonment for a third or subsequent felony offense for the sale, gift, distribution or possession with intent to sell, give or distribute marijuana. This bill is identical to SB 553.

Patron - Bell

[P]HB1403 Sale of violent or sexually explicit video games; penalty. Specifies that the sale, rental, loan or commercial display of a sexually explicit video or computer game to a juvenile is a Class 1 misdemeanor.

Patron - Ingram

[P]HB1469 Certificate of analysis; availability to defendant when entered into evidence. Provides that if, upon proper request made by counsel of record for the accused, a copy of a certificate of analysis is not mailed or delivered by the clerk or attorney for the Commonwealth to counsel of record for the accused in a timely manner, the defendant shall be entitled to continue the hearing or trial.

Patron - Griffith

[P]HB1507 Department of Charitable Gaming; renewal of permits. Provides that if a renewal application is received 45 days or more prior to the expiration of a permit, the permit shall continue to be effective until such time as the Department has taken final action.

Patron - Orrock

[P]HB1540 Attempt to poison; waterworks; penalty. Provides that any person who administers or attempts to administer any poison or destructive substance in a waterworks with the intent to kill or injure another person is guilty of a Class 3 felony.

Patron - Dudley

[P]HB1577 Concealed handgun permits. Eliminates the ability of a locality to require an applicant for a concealed handgun permit to submit fingerprints as part of the renewal of an existing permit. The bill modifies the current law provision that a court may disqualify an applicant from receiving a concealed handgun permit based upon specific acts that indicate that the applicant would use a weapon unlawfully or negligently by adding a disqualifying conviction and allowing the personal knowledge of a deputy sheriff, police officer or assistant Commonwealth's Attorney to be the basis for the specific acts alleged by the sheriff, chief of police, or Commonwealth's Attorney. The bill adds a definition of personal knowledge and defines it as knowledge of a fact that a person has himself gained through his own senses or knowledge that was gained by a law-enforcement officer or prosecutor through the performance of his official duties. A permit holder who changes his address must notify the issuing court of his change of address within 30 days. The bill provides a 90-day grace period for a member of the armed forces to renew his concealed handgun

permit if the permit expired during an active-duty military deployment. During the 90-day period, which begins when the person returns from deployment, the permit holder would be required to carry written documentation of the start and end dates of the deployment. The bill requires the Department of State Police, in consultation with the Supreme Court on the development of the application for a concealed handgun permit, to include a reference to the Virginia Supreme Court website address or the Virginia Reports on the application. Concealed handgun permits would no longer have to be renewed every five years if the Virginia State Police receive an appropriation sufficient to conduct a criminal background check on all valid concealed handgun permits annually. The bill creates a Class 6 felony for any person who knowingly is in possession of a revoked concealed handgun permit while in possession of a concealed handgun. This bill incorporates HBs 167, 424, 769, 830, 1401, and 1578.

Patron - Cline

[P]SB22 Protection of infants. Adds a requirement that a baby that is delivered to a qualifying hospital or rescue squad in order for the parent to have an affirmative defense to prosecution for abuse or neglect be delivered in a manner that is reasonably calculated to ensure the child's safety. The 2003 "safe haven" legislation provided that when a parent voluntarily delivers a child no older than 14 days to a hospital or rescue squad, the parent will have an affirmative defense to prosecution for abuse or neglect, if the abuse or neglect prosecution is based solely upon having left the baby at such facility.

Patron - Lucas

[P]SB26 Teacher aides, school bus drivers, and school bus aides; limited exception to simple assault or assault and battery. Adds teacher aides, school bus drivers, and school bus aides to the list of school personnel provided a limited exception to charges of simple assault or assault and battery while acting in the course and scope of their official capacity when using: (i) incidental, minor or reasonable physical contact or other actions designed to maintain order and control; (ii) reasonable and necessary force to quell a disturbance or remove a student from the scene of a disturbance that threatens physical injury to persons or damage to property; (iii) reasonable and necessary force to prevent a student from inflicting physical harm on himself; (iv) reasonable and necessary force for self-defense or the defense of others; or (v) reasonable and necessary force to obtain possession of weapons or other dangerous objects or controlled substances or associated paraphernalia that are upon the person of the student or within his control. This bill is identical to HB 70.

Patron - Houck

[P]SB146 Sale of methamphetamine precursor drugs ephedrine and pseudoephedrine; penalty. Provides that no person shall offer methamphetamine precursor drugs (ephedrine and pseudoephedrine) for retail sale except from behind the counter or with other comparable restrictions. No more than three packages may be sold. No more than nine grams may be sold. The seller is also required to record the purchaser's name and the date of purchase. The purchaser must present photo identification and sign the purchase log. The log may not be revealed except to law enforcement. The log is to be kept for one year, after which the requirement expires under state law. A violation of this provision is a Class 1 misdemeanor. This bill incorporates SB 314 and SB 554 and is identical to HB 1040.

Patron - Deeds

[P]SB183 Brandishing a machete; penalty. Makes it illegal to point, hold or brandish a machete or any weapon with an exposed blade 12 inches or longer with intent to intimidate.

The punishment is a Class 1 misdemeanor unless the offense occurs on or within 1000 feet of school property, in which case it is a Class 6 felony. This bill is identical to HB 588.

Patron - Puller

SB291 Human trafficking; extortion; penalty. Creates a Class 5 felony for extorting money, property or other pecuniary benefit by threatening to report a person as being illegally present in the United States. This bill incorporates SB 505.

Patron - Cuccinelli

SB299 Mandatory minimum punishment for DUI. Clarifies that in no case shall mandatory minimum punishments for DUI cumulate so as to exceed the statutory maximum punishment for a Class 1 misdemeanor or, in the case of a third or subsequent offense, for a Class 6 felony.

Patron - Cuccinelli

SB345 False identification cards; penalty. Provides that the provisions of the Code section criminalizing the manufacture, sale, etc., or possession of fictitious, facsimile or simulated official licenses or identifications does not preclude an election to prosecute under § 18.2-172 (forgery), except to prosecute for forgery or uttering of such license or identification card or facsimile thereof as proof of age. This bill is identical to HB 1013.

Patron - Obenshain

SB348 Sexually explicit material; aiding and abetting Internet payment; penalty. Provides that any person who intentionally operates an Internet website for the purpose of facilitating the payment for access to sexually explicit visual material that utilizes or has as a subject a person under the age of 18 years is guilty of a Class 4 felony. This bill is identical to HB 1014.

Patron - Howell

SB349 Labeling of foods as kosher or halal; penalty. Prohibits the willful selling of food or food product labeled or displayed for sale representing the food or food product as kosher or halal without indicating the authority for such designation or providing a toll-free number or website to access the information. Violation of this section is a Class 3 misdemeanor. The bill also repeals the section regulating the sale of kosher meat and meat preparations in accordance with orthodox Hebrew religious requirements. This bill is identical to HB 153.

Patron - Howell

SB362 Elimination of capital punishment for minors; penalty. Restricts the death penalty to those who are 18 years of age or older at the time of the capital offense. Currently, the age requirement to receive the death penalty is 16 years of age or older at the time of the offense. This change is being made in response to the case of *Roper v. Simmons*, 543 U.S. 551 (2005), decided March 1, 2005, in which the U.S. Supreme Court held that the Eighth and Fourteenth Amendments forbid the execution of offenders who were under the age of 18 at the time of the crime. This bill is identical to HB 45.

Patron - Ticer

SB367 Drug treatment courts. Establishes a drug treatment court in the City of Newport News. This bill is identical to HB 752.

Patron - Locke

SB460 Identity theft; penalties. Imposes a Class 6 felony for an identity theft violation if five or more persons'

identifying information was obtained in the same transaction or occurrence and a Class 5 felony where 50 or more persons' identifying information was obtained in the same transaction or occurrence. The bill does not change provisions of current law that punish identity theft as a Class 1 misdemeanor unless there is a financial loss greater than \$200, in which case the penalty is a Class 6 felony. This bill is identical to HB 1141.

Patron - Devolites Davis

SB473 Criminal street gangs; penalty. Expands the definition of predicate criminal act under crimes by criminal street gangs to include threats to bomb (§ 18.2-83) and receiving money for procuring person for prostitution (§ 18.2-356). This bill incorporates SB 136 and is identical to HB 775.

Patron - Norment

SB497 Virginia Insurance Fraud Act; penalties. Sets forth the appropriate venue for violations of § 18.2-178 (obtaining money or signature through false pretenses) and § 18.2-186 (false statement to obtain property or credit). The trial may be in any county or city where any act performed in furtherance of the offense occurred, or in the city or county in which the defendant resided at the time of the offense.

Patron - Puckett

SB524 Drug-free daycare zones; penalty. Amends the 1,000 foot drug-free school zone law to include licensed child day centers.

Patron - Newman

SB552 Destruction of human biological evidence; penalty. Makes it a Class 6 felony for a clerk of court or other public official to willfully violate a court order entered pursuant to § 19.2-270.4:1, relating to storage, preservation and retention of human biological evidence in a felony case.

Patron - Stolle

SB553 Punishment for distributing, manufacturing, etc., drugs; penalty. Imposes a five-year mandatory term of imprisonment for a third or subsequent conviction of any Schedule I or II drug sale or distribution. The bill also imposes a five-year mandatory minimum term of imprisonment for manufacturing, selling, giving, distributing or possessing with intent to manufacture 100 grams of heroin, 500 grams of cocaine, 250 grams of cocaine base, 1,000 grams of marijuana, or 10 grams of methamphetamine. The mandatory minimum is not applicable if the person has no prior record, did not use violence, was not the leader of the drug operation, and cooperates fully with the prosecution. The bill also imposes a five-year mandatory minimum term of imprisonment for a third or subsequent felony offense for the sale, gift, distribution or possession with intent to sell, give or distribute marijuana. This bill is identical to HB 1347.

Patron - Stolle

SB559 Sex offenders; registration, civil commitment and mandatory minimums; penalties. Amends provisions related to the Sex Offender and Crimes Against Minors Registry and the civil commitment of sexually violent predators and increases penalties for certain sex crimes. First offense child pornography possession and burglary with the intent to commit certain felony sex offenses will be new Registry offenses if committed after July 1, 2006. The sex offender website will include persons convicted of all registrable sex offenses, not just persons convicted of violent sex offenses as under current law. The bill modifies the registration of a person convicted of murdering a child; registration will be required if the victim is under 15 years of age and if the minor victim is 15 or older and the murder is related to a registrable sexual offense. Persons convicted in a foreign country will be required