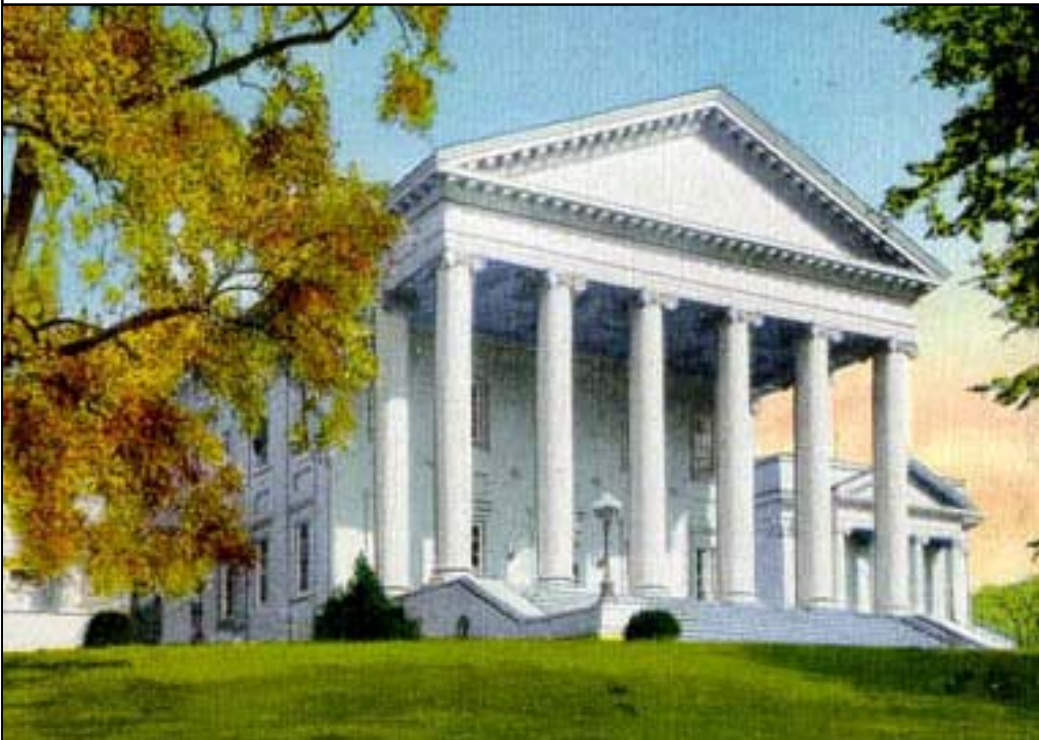


# VIRGINIA GENERAL ASSEMBLY



## 2006 SESSION SUMMARY

## **Published by the Division of Legislative Services**

The summaries that appear in this publication were prepared by the attorneys and research associates of the Division of Legislative Services.

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*The Division of Legislative Services acknowledges the assistance of the staff of the Division of Legislative Automated Systems, particularly the following individuals:*

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# Preface

This publication presents a summary of legislation considered by the Virginia General Assembly at the 2006 Session. Bill summaries are arranged by subject areas corresponding to the appropriate titles in the Code of Virginia. Noncodified bills of a substantive nature are also contained under their proper subject headings. Within each heading, the material is further separated into *Passed*, *Failed*, and *Carried Over* categories. (The General Assembly sometimes incorporates provisions from several bills in one substitute bill. Thus a bill may have failed, but all or some of its provisions have been "incorporated" in another bill. The summary for the bill will so note.) Bills affecting more than one title are printed under the dominant subject area of the legislation.

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

The major substantive provisions of each measure are summarized. The appropriate bill number and patron are also noted so that one can obtain further information, if needed. A researcher should refer to the enrolled bill, the appropriate chapter of the 2006 Acts of Assembly, or the Legislative Information System on the Internet (<http://leg1.state.va.us/lis.htm>) for detailed information on legislation.

These summaries reflect actions of the regular session of the 2006 General Assembly through adjournment *sine die* on March 11, 2006. Many of the measures are subject to gubernatorial review and veto. Therefore, some measures may be amended and some may not become law.

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

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

# 2006 SESSION SUMMARY

|                          | Introduced | Continued | Passed | Failed |
|--------------------------|------------|-----------|--------|--------|
| House Bills              | 1614       | 193       | 619    | 802    |
| House Joint Resolutions  | 556        | 36        | 462    | 58     |
| House Resolutions        | 42         | 0         | 39     | 3      |
| House Total              | 2212       | 229       | 1120   | 863    |
| <hr/>                    |            |           |        |        |
| Senate Bills             | 732        | 110       | 339    | 283    |
| Senate Joint Resolutions | 306        | 19        | 253    | 34     |
| Senate Resolutions       | 36         | 0         | 36     | 0      |
| Senate Total             | 1074       | 129       | 628    | 317    |
| <hr/>                    |            |           |        |        |
| General Assembly Total   | 3286       | 358       | 1748   | 1180   |

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# Administration of Government

## Passed

**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*

**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*

**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*

**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.*

**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.*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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.*

**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*

**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*

**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*

**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*

**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*

**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*

**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.*

**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*

**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*

**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.*

**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*

**SB21 Code of Virginia references to Internet.** Simplifies and updates references to the Internet in the Code of Virginia.

*Patron - Mims*

**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*

**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*

**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*

**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.*

**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.*

**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.*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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 live-stock.** 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*

**PSB330 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*

**PSB419 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*

**PSB537 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*

**PSB574 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

**FHB124 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*

**FHB265 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*

**FHB278 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*

**FHB318 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*

**FHB386 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*

**FHB556 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*

**FHB606 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*

**FHB654 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*

**FHB707 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*

**FHB828 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*

**FHB858 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*

**FHB1091 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.*

**FHB1095 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*

**FHB1168 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*

**FHB1411 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*

**FHB1532 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*

**FHB1563 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*

**FHB1592 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*

**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*

**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

**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*

**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*

**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*

**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

**PHB113 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*

**PHB321 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*

**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*

**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*

**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.*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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

**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

**HB298 Airport fees and charges.** Limits authority to impose off-site fees.

*Patron - Jones, S.C.*

**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*

**SB645 Airport fees and charges.** Limits authority to impose off-site fees.

*Patron - Watkins*

## Banking and Finance

### Passed

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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

**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.*

**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*

**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*

**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.*

**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

**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*

**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*

**HB619 Financial Institutions; pay day lenders.** Repeals the Pay Day Loan Act.

*Patron - O'Bannon*

**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*

**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*

**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

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

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

*Patron - Bell*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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

**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*

**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*

**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*

**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*

**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 offic-

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

*Patron - Lohr*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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

**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*

**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*

**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*

**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*

**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*

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

*Patron - Cline*

**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*

**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.*

**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*

**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*

**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*

**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*

**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*

**PSB401 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*

**PSB409 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*

**PSB415 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*

**PSB462 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*

**PSB527 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*

**PSB624 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*

**PSB644 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*

**PSB651 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

**FHB14 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*

**FHB345 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*

**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*

**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.*

**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*

**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*

**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.*

**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*

**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.*

**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*

**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

**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

**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*

**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

**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

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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

**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*

**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

**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

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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

**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*

**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 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 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*

**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*

**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*

**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

**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.*

**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*

**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*

**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*

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

*Patron - Marshall, D.W.*

**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*

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

*Patron - Landes*

**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.*

**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*

**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*

**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.*

**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*

**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*

**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*

## Courts Not of Record

### Passed

**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:

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*

**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*

**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*

**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*

**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*

**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*

**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



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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

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## Failed

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**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

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## Carried Over

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**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*

**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*

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

*Patron - Miller*

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## Courts of Record

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### Passed

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**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*

**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*

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

*Patron - Albo*

**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*

**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*

**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*

**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*

**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*

**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

**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*

**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*

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

*Patron - May*

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

*Patron - Hargrove*

**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*

**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*

**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*

**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*

**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.*

**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*

**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

**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 - McDougle*

**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*

**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

**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*

**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*

**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*

**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*

**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*

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

*Patron - Carrico*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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.*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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



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 be photographed every two years and to submit to having a DNA sample taken (if not already taken). Additional entities will be entitled to automatic notification of registration of sex offenders, including nursing homes and institutions of higher education. 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. Local school boards must also develop protocols governing the release of children to persons who are not their parent. The Virginia Council for Private Education must annually provide the State Police with the location and e-mail address, if available, of every accredited private school in the Commonwealth for purposes of registering to receive electronic notification of sex offenders near the schools. Public and private two- and four-year institutions of higher education are required to electronically transmit information about applicants who have been accepted for admission 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 criminal justice agencies regarding Registry requirements. The bill also requires a mandatory minimum term of confinement of 25 years for the following offenses committed in the course of an abduction, burglary or aggravated malicious wounding where the offender is more than three years older than the victim: 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 by an offender more than three years older than the victim, 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 adds to the list of offenses that qualify as sexually violent offenses for the purposes of civil commitment: abduction with intent to defile, abduction of a child under 16 years of age for the purpose of prostitution, carnal knowledge of a child between 13 and 15 years of age, and carnal knowledge of minors in custody of the court or state. The requirement that the complaining witness be under 13 years of age for aggravated sexual battery to qualify is removed. A felony conviction for conspiracy to commit or attempt to commit any of the qualified offenses is added as a qualifying offense. Incompetent defendants will be reviewed by the Commitment Review Committee. The bill provides that the Static-99 will be used to identify prisoners who will be forwarded to the Commitment Review Committee (CRC) for assessment and that if the Director of the Department of Corrections and the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services agree that no specific scientifically validated instrument exists to measure the risk assessment of a prisoner, the prisoner may be evaluated by a psychiatrist or psychologist to determine if he should be forwarded to the CRC. The bill provides factors for a court to consider in deciding whether to release a person on conditional release, such as living arrangements, availability of supervision, and access to treatment. A person on conditional release will be subject to mandatory GPS monitoring. The bill also adds abduction with intent to extort money or for immoral purposes to the felonies for which a presentence report is required. Portions of the bill have delayed effective dates.

*Patron - Stolle*

## Failed

**HB8 Possession of open container of alcohol in a motor vehicle; penalty.** Provides that no person shall possess an alcoholic beverage in the passenger area of a motor vehicle upon a public highway of the Commonwealth in other than the manufacturer's unopened, original container. The bill punishes violators with a civil penalty of \$25.

*Patron - Purkey*

**HB28 Criminal penalty for manufacture, distribution, etc., of methamphetamine.** Raises the punishment for a second offense of manufacturing, distributing, etc., of methamphetamine to include a one-year mandatory minimum term of incarceration and for a third or subsequent offense, increases the mandatory minimum term from three to four years. The bill also raises the penalty for a violation involving 200 grams or more of a mixture or substance containing a detectable amount of methamphetamine from a 20-year mandatory minimum sentence to a 25-year mandatory minimum sentence.

*Patron - Phillips*

**HB31 Sale of methamphetamine precursor drugs.** Provides that no person shall offer methamphetamine precursor drugs (ephedrine, pseudoephedrine, or phenylpropanolamine) for retail sale except from behind the counter upon request by the prospective purchaser to the person authorized by the owner of the retail outlet to make the sale. The seller is also required to record the purchaser's name and the date of purchase. A violation of this provision is a Class 3 misdemeanor. This bill was incorporated into HB 1040.

*Patron - Phillips*

**HB34 Freezing access to credit reports; 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. Certain disclosures are exempt from the freeze. A violation is a prohibited practice under the Consumer Protection Act. This bill was incorporated into HB 1508.

*Patron - Tata*

**HB42 Punishment for DUI manslaughter.** Imposes a one-year mandatory minimum term of imprisonment for causing the death of another while driving intoxicated, and imposes a five-year mandatory minimum term of imprisonment (currently one year) for the same offense when the conduct of the intoxicated driver was so gross, wanton and culpable as to show a reckless disregard for human life.

*Patron - Albo*

**HB44 DUI punishment.** Makes clear that additional punishment for two offenses of DUI is applicable to any two offenses occurring within a five-year period, rather than solely for a first and second offense occurring within a five-year period.

*Patron - Albo*

**HB146 Concealed handguns; restaurants.** Prohibits a person who carries a concealed handgun onto the premises of a restaurant or club from consuming an alcoholic beverage while on the premises.

*Patron - Cole*

**HB162 Firearms in locked vehicles; immunity from liability; civil penalty.** Prohibits a person, property owner, ten-

ant, employer, or business entity from establishing, maintaining, or enforcing any policy or rule that would prohibit a person from storing a lawfully possessed firearm in a locked vehicle. No person, property owner, tenant, employer, or business entity would be liable for any occurrence connected with use of a firearm that had been stored in a locked vehicle pursuant to the section. The bill also allows a person to file for injunction to enforce the provisions of the section, and provides for actual damages and attorney fees for a prevailing plaintiff. The bill contains exemptions for school property, parking areas that are gated or otherwise limit public access, and vehicles owned by an employer or business entity.

*Patron - Lingamfelter*

**HB167 Concealed handgun permit; expiration.** Eliminates the need for citizens of the Commonwealth who obtain a concealed handgun permit to renew the permit every five years. This bill was incorporated into HB 1577.

*Patron - Lingamfelter*

**HB180 How accessories after the fact punished; penalty.** Provides that all accessories after the fact to a felony are guilty of a Class 6 felony no matter their relation to the principal. Currently, the penalty is a Class 1 misdemeanor, and family members are not deemed accessories and are not criminally liable as accessories if their assistance is to assist the principal in avoiding prosecution or punishment.

*Patron - McEachin*

**HB205 Sex offenses prohibiting residence in proximity to schools.** Provides that every person who is convicted of a sexually violent offense as defined in § 9.1-902 shall be forever prohibited from maintaining a permanent residence (more than 21 consecutive days) that is less than 1,000 linear feet from a primary, secondary, or high school. A violation of this provision is a Class 1 misdemeanor. A second or subsequent violation is a Class 6 felony. This bill was incorporated into HB 984.

*Patron - Marshall, R.G.*

**HB243 Battery against a sports official; penalty.** Provides that if any person commits a battery against another knowing or having reason to know that such other person is a sports official engaged in the performance of his duties as such, he shall be guilty of a Class 1 misdemeanor and the sentence of such person upon conviction shall include a mandatory minimum fine of \$1,000. A "sports official" is defined as a coach, umpire, referee, line judge or other person employed or volunteering in a similar capacity during a sporting event.

*Patron - Shannon*

**HB254 Computer trespass; additional provisions; penalty.** Adds three provisions that expand the scope of what would constitute computer trespass: (i) installing computer software on the computer or computer network of another without permission; (ii) using a computer or computer network to monitor or record information without the permission of the owner; and (iii) disabling or disrupting the ability of a computer to share or transmit instructions or computer data to other computers or to any related devices, such as printers, scanners, and fax machines.

*Patron - Cosgrove*

**HB342 Temporary custodial detention of a person; penalty.** Sets out circumstances under which a law-enforcement officer may detain a person suspected of criminal activity past, present, or future and require him to identify himself. Failure to identify oneself is a Class 1 misdemeanor. This bill was incorporated into HB 25.

*Patron - Sherwood*

**HB364 Driving prohibitions following a DUI.** Removes reference to "engine or train" from the DUI statute and associated statutes, thus prohibiting the driving of only a motor vehicle following a conviction for DUI.

*Patron - Carrico*

**HB371 Using abusive language to another.** Clarifies that any person who curses or abuses a law-enforcement officer, firefighter, or emergency medical personnel is guilty of a Class 3 misdemeanor. Currently, such personnel are not mentioned by name.

*Patron - Carrico*

**HB398 Subsequent offenses of stalking; penalty.** Provides that a second stalking conviction occurring within two years shall be a Class 6 felony rather than a Class 1 misdemeanor. Currently, there is no such increased penalty. This would complement the existing increased penalty (from a Class 1 misdemeanor to a Class 6 felony) that results from a third or subsequent conviction within five years.

*Patron - Wittman*

**HB418 Human Anti-Trafficking Act.** Creates the Human Anti-Trafficking Act and punishes trafficking in humans for forced labor as a Class 5 felony and trafficking in minors for sexual activity as a Class 4 felony. The measure also provides for civil remedies for the victims.

*Patron - Bulova*

**HB424 Concealed handgun permits; recognition of out-of-state permits.** Allows any person who is at least 21 years of age with a valid concealed handgun or concealed weapons permit issued by another state to carry a concealed handgun in the Commonwealth, so long as he also has a valid government-issued photo identification. This bill was incorporated into HB 1577.

*Patron - Nutter*

**HB505 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 sign the purchase log. The log may not be revealed except to law enforcement. A violation of this provision is a Class 1 misdemeanor. This bill was incorporated into HB 1040.

*Patron - Armstrong*

**HB513 Preliminary DUI breath analysis as evidence in prosecution.** Provides that the results of a preliminary DUI breath analysis may be admitted into evidence in any prosecution for a DUI offense for the purpose of rebutting a challenge by the defendant to the existence of probable cause for the arrest. Currently there is no statutory exception to the rule that it not be admitted into evidence.

*Patron - Armstrong*

**HB545 Field test for marijuana evidence at trial.** Provides that in any trial for marijuana possession, any law-enforcement officer shall be permitted to testify as to the results of any marijuana field test, approved by the Department of Forensic Science, regarding whether or not any plant material is marijuana. This bill was incorporated into HB 1030.

*Patron - Griffith*

**HB546 Concealed handgun permits; retired law-enforcement officers.** Provides an appeal process for retired local law-enforcement officials denied written proof of consultation to carry a concealed handgun. If the chief law-enforcement officer denies the proof to the retired officer, the retired officer may appeal to the attorney for the Commonwealth.

*Patron - Griffith*

**HB561 Commission of a sex offense while not properly registered; penalties.** Provides that any person who knowingly fails to register or reregister or who knowingly provides materially false information to the Sex Offender and Crimes Against Minors Registry and who, while not properly registered, commits an offense for which registration is required, other than a sexually violent offense, is guilty of a separate and distinct Class 6 felony. Such a person who commits a sexually violent offense is guilty of a separate and distinct Class 5 felony. This bill was incorporated into HB 984.

*Patron - Amundson*

**HB585 Child sex offenses.** Merges two sex offense sections into one. The bill also creates the crime of indecent liberties against a child under the age of 13, punishable by a Class 4 felony and a Class 3 felony for a second or subsequent offense.

*Patron - Watts*

**HB590 Crimes; brandishing a machete; penalty.** Makes it illegal to brandish a machete in such manner as to reasonably induce fear in the mind of another.

*Patron - Watts*

**HB608 Bad checks; child support; penalties.** Specifies that writing a bad check for child or spousal support is a Class 1 misdemeanor.

*Patron - Amundson*

**HB615 Domestic assault; enhanced punishment.** Clarifies that the enhanced punishment (Class 6 felony for a third conviction) provisions apply when there have been three offenses that occurred on a different date. There has been some confusion as to whether there have to be three different conviction dates or three different offense dates.

*Patron - O'Bannon*

**HB638 Larceny from an incapacitated person; penalty.** Provides for a mandatory minimum penalty of 90 days' confinement for a caregiver convicted of petit larceny from an incapacitated person, and 180 days for a caregiver convicted of grand larceny from an incapacitated person.

*Patron - Phillips*

**HB713 Crimes; criminal street gangs; penalty.** Adds carrying a concealed weapon to the list of crimes defined as "predicate criminal acts" in § 18.2-308.

*Patron - McQuigg*

**HB737 Crimes; possession of marijuana; penalty.** Makes the first offense of possession of marijuana a Class 1 misdemeanor and deprives the person found delinquent or so convicted of the privilege to drive for one year. Currently, the penalty for the first offense is an unclassified misdemeanor and carries a maximum penalty of 30 days in jail and a \$500 fine, and, in the case of a juvenile, the loss of driving privileges for six months.

*Patron - Iaquinto*

**HB751 Computer fraud; penalty.** Removes the requirement that a person be without authority to be guilty of computer fraud.

*Patron - BaCote*

**HB769 Concealed handgun permits; information concerning lethal force.** Requires the state police to develop, in consultation with the Attorney General, a handout concerning the use of lethal force in Virginia. The handout would be provided to each permit holder upon issuance of a concealed handgun permit. This bill was incorporated into HB 1577.

*Patron - Sickles*

**HB811 Defense of self, others, and property.** Codifies the limits to which a person may go to defend himself or others against the violence or perception of imminent violence of another.

*Patron - Fralin*

**HB829 Self defense and defense of others.** Provides that any person who lawfully occupies a dwelling is justified in using any degree of physical force, including deadly physical force, against another person when the other person has unlawfully entered the dwelling, has committed an overt act toward the occupant or another person in the dwelling, and the occupant reasonably believes he or another person in the dwelling is in imminent danger of bodily harm. The bill also provides that a person who uses justifiable force against an intruder shall be immune from civil liability for injuries or death of the other person.

*Patron - Welch*

**HB830 Expiration of concealed handgun permit; military personnel.** Provides that a concealed handgun permit held by a member of the armed forces will not expire during periods of deployment. Instead, a permit that would expire during deployment will remain valid for 90 days after the permittee returns from active duty. The permittee will be required to carry with his permit, and produce at the request of a law-enforcement officer, a copy of his deployment papers that require the permittee to travel outside of his city or county of residence on active duty and that indicate the start and end date of the deployment. This bill was incorporated into HB 1577.

*Patron - Welch*

**HB864 Virtual child pornography; penalty.** Defines "virtual child pornography" as any visual depiction, including any photograph, film, video, picture, or computer image or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where such visual depiction is a digital image, computer image, or computer-generated image that is indistinguishable from that of a minor engaging in sexual bestiality, a lewd exhibition of nudity, as nudity is defined in § 18.2-390, or sexual excitement, sexual conduct, or sadomasochistic abuse, as also defined in § 18.2-390. Punishes possession, production, etc., of virtual child pornography the same as child pornography.

*Patron - Byron*

**HB879 Self-defense, defense of others, defense of property.** Expands the latitude granted a person who, in his home or car, defends himself, his family, or his property from the violence or possibility of violence of another. The bill also provides that one may defend himself in any place he has a right to be, without retreat.

*Patron - Gear*

**HB883 Carnal knowledge of students; penalty.** Makes it a Class 6 felony for a teacher in an elementary or secondary school to engage in a sexual relationship with a student even if the student is over the age of 18.

*Patron - Griffith*

**HB895 Weapons in certain air carrier airport terminals; concealed handgun permit holders.** Limits the prohibition of weapons in airport terminals to urban air carrier airport terminals, which includes Dulles International Airport, Ronald Reagan Washington National Airport, Richmond International Airport, and Norfolk International Airport. The bill also removes ammunition from the list of prohibited items in these terminals, and creates an exception to the prohibition for individuals with a valid concealed handgun permit.

*Patron - Gear*

**HB904 Assault or threat of certain judicial participants; penalty.** Provides that the assault, assault and battery, or threat to kill or injure a judge, juror, witness, officer of the court, or his immediate family member for or in respect of any act or proceeding had or to be had in such court is a Class 5 felony with a mandatory, minimum term of confinement of six months.

*Patron - Iaquinto*

**HB913 Crimes; failing to pay for motor fuel; penalty.** Creates a rebuttable presumption that the registered owner or lessee of the vehicle was the person who failed to pay for the motor fuel. The bill also allows for the summons for a violation of the section to be executed by mailing a copy of the summons by first-class mail.

*Patron - Oder*

**HB921 Manner by which sexual battery is committed.** Removes "force, threat, intimidation or ruse" from the manners by which sexual battery is committed.

*Patron - Landes*

**HB933 Ticket scalping is a crime; penalty.** Provides that any person who resells for profit any ticket for admission to any sporting event, theatrical production, lecture, motion picture or any other event open to the public for which tickets are ordinarily sold is guilty of a Class 1 misdemeanor. (Churches, charities, and schools may scalp legally.) Currently, this prohibition may be made effective at the local level by ordinance and is punishable as a Class 3 misdemeanor.

*Patron - Nutter*

**HB960 Crimes; investment fraud; penalty.** Creates the crime of investment fraud if a person knowingly misuses or misappropriates any money or other funds or personal property, tangible or intangible, that he receives from another for the purpose of purchasing or operating a lawful commercial business. Upon conviction, the bill provides for the same punishment as larceny.

*Patron - Bulova*

**HB965 Human trafficking; penalties.** Establishes the crime of and punishment for human trafficking, a Class 5 felony. Provides for civil liability, business entity liability, restitution to victims, forfeiture of trafficker assets, and study by a Governor's task force.

*Patron - Ebbin*

**HB978 Sale of fake marijuana; penalty.** Prohibits the sale near a school or similar place of a substance that is rep-

resented to be marijuana. The punishment is the same as for sale of marijuana.

*Patron - Abbitt*

**HB987 Providing certificate of analysis to defense counsel.** Removes the requirement that any certificate of analysis prepared by the Division of Consolidated Laboratory Services or the Department of Forensic Science or authorized by either of them be provided to defense counsel at least seven days before a criminal trial in which the certificate is to be used as evidence. The bill also provides that a copy of the certificate shall be made available by the clerk, at the office of the clerk, to the defendant or counsel of record for the defendant upon request, at no charge. This bill was incorporated into HB 1469.

*Patron - Shannon*

**HB992 Sexual enticement of a minor; penalty.** Provides that it is a Class 5 felony for any person 18 years of age or over to, with lascivious intent, knowingly and intentionally entice any minor who is three or more years his junior to do certain illicit acts. Current law limits criminal liability to enticement of any child under the age of 15 years.

*Patron - Shannon*

**HB993 Offenses prohibiting proximity to children and others; penalty.** Provides that when a person is convicted of an offense requiring registration under § 9.1-902, he shall likewise be prohibited from loitering near children. The bill also requires that when a judge sentences a person upon conviction of an offense requiring registration under § 9.1-902 he shall, as a condition of probation, parole, or deferment or suspension of sentence, impose upon the defendant reasonable employment or occupational prohibitions and restrictions designed to protect the class or classes of persons containing the likely victims of further offenses by the defendant. The bill further requires that when a judge sentences a person convicted of an offense prohibiting proximity to children he shall, as a condition of probation, or deferment or suspension of sentence, impose upon the defendant restrictions on the defendant's residency in the proximity of a private or public elementary or high school, child day center, church, or park. This bill was incorporated into HB 984.

*Patron - Shannon*

**HB1015 Sex Offender Registry.** 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. 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 makes a second or subsequent conviction for failing to register as a sex offender a Class 6 felony. This bill was incorporated into HB 984.

*Patron - Hurt*

**HB1031 Child pornography; possession; penalty.** Adds to the possession of child pornography statute a statement that the trier of fact may infer that a person who is depicted as or presents the appearance of being younger than 18 years of age in sexually explicit visual material is younger than 18 years of age. This provision is in the possession of child pornography with intent to distribute statute.

*Patron - Hurt*

**HB1032 Material harmful to juveniles; penalty.** Provides that giving or distributing certain sexual material to a minor is unlawful. Under current law the sale, rent, or loan of such material is unlawful. The bill also makes any display of sexual materials where a juvenile can peruse it unlawful. Under

current law only the commercial display of the material is unlawful.

*Patron - Hurt*

**HB1071 Child pornography; penalties.** Adds the following mandatory minimum terms of confinement for possession of child pornography: six months for each sexually explicit visual material possessed by the defendant and one year if the child depicted is age 13 or younger, and one year for a second or subsequent offense. For the crime of distribution of child pornography the following mandatory minimum terms of confinement are added: one year for each sexually explicit visual material distributed and two years if the child depicted in such material is age 13 or younger. A provision is added that the mandatory minimum sentence run consecutively with any other sentence.

*Patron - Lohr*

**HB1080 Access to customer information of telecommunications companies; penalty.** Prohibits obtaining customer information from telecommunications companies by making false or fraudulent statements or representations to an employee or customer of a telecommunications company. The bill also prohibits obtaining customer information by bribing an employee of a telecommunications company or knowingly presenting false documentation to a telecommunications company. Initial violations of this section would be punishable as a Class 1 Misdemeanor. Any violation resulting in financial loss \$200 or more or any second or subsequent violation would be punishable as a Class 6 felony. This bill was incorporated into HB 1518.

*Patron - Scott, J.M.*

**HB1100 Human Trafficking Act; penalties.** Establishes in Virginia law a variation on the "Model State Anti-Trafficking Criminal Statute" proposed by the U.S. Department of Justice.

*Patron - Griffith*

**HB1105 Carrying concealed handguns; penalty.** Amends the section requiring a person to have a valid permit to carry a concealed handgun, making it legal for a person who may lawfully possess a firearm to carry a concealed firearm so long as he informs a law-enforcement officer of his possession as soon as practicable if detained and he secures the firearm at the officer's request or allows the officer to secure the weapon.

*Patron - Athey*

**HB1149 Sale of pseudoephedrine by pharmacist; limits on purchase of pseudoephedrine; penalty.** Provides that only a licensed pharmacist shall dispense, sell, or distribute any compound, mixture, or preparation containing any detectable quantity of pseudoephedrine, and that any person who acquires it shall produce a valid government-issued photo identification showing the date of birth of the person and shall sign a written log or receipt showing the date of the transaction, the name of the person, and the amount acquired. The bill also provides that no person shall acquire more than nine grams of pseudoephedrine within any 30-day period. The penalty for violation of these provisions is a Class 6 felony. This bill was incorporated into HB 1040.

*Patron - Lingamfelter*

**HB1152 Human Anti-Trafficking Act; penalties.** Establishes in Virginia law the "Model State Anti-Trafficking Criminal Statute" drafted by the U.S. Department of Justice. Although Virginia has criminal statutes that address many of the crimes addressed by the Act (kidnapping, prostitution,

etc.), the Department of Justice has asked the states to adopt the model act.

*Patron - Lingamfelter*

**HB1155 Sex crimes, electronic monitoring; penalties.** Requires a mandatory minimum term of confinement of 25 years for the following offenses: 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 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. This bill was incorporated into HB 846.

*Patron - Lingamfelter*

**HB1165 Domestic violence victims; personal documents confidential.** Requires the Department of Social Services, in coordination with the Statewide Domestic Violence Coalition, to set up procedures or services to protect the documents and personal mail of domestic violence victims so that their location or address cannot be detected from such documentation. This bill was incorporated into HB 1493.

*Patron - Eisenberg*

**HB1182 Driving under the influence of drugs.** Provides that a person who drives with 0.003 milligrams of tetrahydrocannabinol per liter of his blood is driving under the influence of drugs.

*Patron - Carrico*

**HB1212 Crimes; brandishing a machete; penalty.** Makes it illegal to brandish a machete in a threatening manner while committing one of many various crimes, and includes such offense as one of the predicate criminal acts that defines street gang activity.

*Patron - Moran*

**HB1232 Unintentional causing death of fetus punishable as involuntary manslaughter.** Provides that any person who, during the commission of a crime or during conduct that shows a reckless disregard for human life, unintentionally causes an injury to a woman who is pregnant, resulting in the death of her fetus, is guilty of involuntary manslaughter. Physicians acting in good faith in the performance of their duties are not liable under the section.

*Patron - Landes*

**HB1252 Sex crimes; penalties.** Requires a mandatory minimum term of confinement of 25 years for the following offenses: 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 pro-

vides 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 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. This bill was incorporated into HB 846.

*Patron - Hugo*

**HB1260 Conviction of second or subsequent violent sex offense; penalty.** Establishes unequivocally that prior convictions of certain violent sex crimes are to be alleged in the indictment or information and are made a part of the evidence at trial for the purpose of enhanced punishment for second and subsequent such offenses.

*Patron - Janis*

**HB1268 Communication systems; sexual offenses; penalty.** Revises the crime of using a communications system to procure or promote sexual activity involving a minor to make it consistent with the crime of using a communications system to solicit such activity. The bill provides that the offense occurs if the person knows or has reason to believe that the person with whom he is communicating is a minor. The bill also provides that using a communications system to procure or promote the offenses of crimes against nature and taking or detaining a person for prostitution or unlawful sexual intercourse is a violation of the statute and the penalty for violation is raised from a Class 6 felony to a Class 5 felony. A venue provision states that in addition to existing venue provisions venue includes any place in which the communications system contact was initiated or received. A provision for forfeiture of a vehicle used in committing such an offense is included.

*Patron - Janis*

**HB1296 Child pornography; possession; penalty.** States that each sexually explicit visual material utilizing or having as a subject a person younger than 18 years of age constitutes a separate felony.

*Patron - Saxman*

**HB1310 Child pornography; penalty.** Adds a provision that a person who is depicted as or presents the appearance of being less than 18 years of age in sexually explicit visual material is prima facie presumed to be less than 18 years of age. This provision is currently in the possession of child pornography with intent to distribute statute. This bill was incorporated into HB 1031.

*Patron - Gilbert*

**HB1344 Using abusive language to another.** Clarifies that any person who curses or abuses a law-enforcement officer, firefighter, or emergency medical personnel is guilty of

a Class 3 misdemeanor. Currently, such personnel are not mentioned by name.

*Patron - Bell*

**HB1349 Abuse or neglect proceedings; videotaped statement.** Allows a videotaped statement of an alleged victim to be admissible into evidence in a criminal proceeding for child abuse or neglect if the child is 12 years of age or younger at the time the statement is offered and a number of other conditions are met, including having the alleged victim and all persons present at the time the statement was taken available to testify or be cross-examined at the proceeding where the recording is offered.

*Patron - Bell*

**HB1354 Unsolicited messages and images sent to wireless devices; penalty.** Prohibits persons or entities from sending unsolicited text or graphic messages to a telephone number assigned to a wireless device of a resident of the Commonwealth. This section would not apply to persons who have a subscription agreement with the resident, provided the resident has the option not to receive further messages. Violations of this section would be a Class 1 misdemeanor.

*Patron - Bell*

**HB1378 Informed consent to an abortion.** Provides that informed consent to an abortion shall include a determination by a physician, who shall neither perform the abortion nor gain financially by the performance of the abortion, of the viability of the pregnancy as indicated by the presence of a fetal sac within the uterus and of fetal cardiac activity.

*Patron - Cole*

**HB1381 Dealing drugs and causing a death.** Punishes a person who commits a violation of § 18.2-248 (sale or distribution or manufacture of controlled substances) that results in the death of another with a sentence of 10 years to life and a fine of \$1,000,000 to \$5,000,000 and, for a second offense, a sentence of 20 years to life and a \$5,000,000 to \$10,000,000 fine and, for a third or subsequent offense, a sentence of 20 years to life with a mandatory minimum of 20 years plus an \$8,000,000 to \$20,000,000 fine.

*Patron - Phillips*

**HB1401 Concealed handgun permit applications; fingerprints.** Removes the option for a locality to require that an applicant for a concealed handgun permit submit fingerprints as part of the application. This bill was incorporated into HB 1577.

*Patron - Carrico*

**HB1406 Solicitation of prostitution from a minor.** Provides that any adult who offers money or its equivalent to a person under the age of 18 for the purpose of engaging in sexual acts and thereafter does any substantial act in furtherance thereof is guilty of solicitation of prostitution from a minor and is guilty of a Class 6 felony, in addition to any other penalties that may apply.

*Patron - Carrico*

**HB1445 Definition of parent; incest.** Amends the incest statute to include step-parents, step-grandparents, step-children, and step-grandchildren.

*Patron - Watts*

**HB1464 Counterfeiting of prescription drugs; increased penalty.** Increases the penalty for knowingly and willfully counterfeiting a prescription drug, including manufacturing, selling, distributing, or dispensing or facilitating any

of those activities regarding such drug, from a Class 2 misdemeanor to a Class 5 felony. The bill defines "counterfeit drug."

*Patron - Amundson*

**HB1495 Firearms on school property; school board meetings; penalty.** Extends the prohibition against carrying firearms at schools to school board meetings, regardless of whether the meeting is held on school property. Carrying a firearm at a school board meeting is punishable as a Class 1 misdemeanor.

*Patron - Amundson*

**HB1500 Fraudulent procurement of telephone records; penalty.** Creates a Class 1 misdemeanor resulting from unauthorized or fraudulent procurement, sale, or receipt of telephone records which involves (i) knowingly procuring, attempting to procure, soliciting, or conspiring with another to procure a telephone record without authorization by fraudulent, deceptive, or false 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, deceptive, or false means. This bill was incorporated into HB 1518.

*Patron - Purkey*

**HB1517 Gang and Terrorism Law-enforcement Assistance Unit.** Creates in the Office of the Attorney General a Gang and Terrorism Law-enforcement Assistance Unit to assist local police and State Police with the investigation and prosecution of gang participation and gang recruitment offenses, terrorism offenses, and RICO offenses.

*Patron - Albo*

**HB1548 Impoundment of motor vehicle for driving with a suspended operator's license.** Provides that a person arrested for driving on a suspended license, suspended for any reason, shall have his car impounded for 30 days, or 60 days for a second or subsequent such arrest. Currently, the impoundment is only for 30 days and is only effected for certain types of suspensions, such as DUI.

*Patron - Reid*

**HB1551 Assault and battery against a family or household member.** Creates a Class 2 misdemeanor when a person commits an act of assault and battery against a family or household member knowing that a child under the age of 14 is present.

*Patron - Scott, J.M.*

**HB1573 Sale of pseudoephedrine by store owner; limits on purchase of pseudoephedrine; penalty.** Provides that only the owner of a retail establishment or his authorized agent shall dispense, sell, or distribute any compound, mixture, or preparation containing any detectable quantity of pseudoephedrine, and that any person who acquires it shall produce a valid government-issued photo identification showing the date of birth of the person and shall sign a written log or receipt showing the date of the transaction, the name of the person, and the amount acquired. The penalty for violation of these provisions is a Class 3 misdemeanor. This bill was incorporated into HB 1040.

*Patron - Gilbert*

**HB1578 Concealed handgun permits.** Adds a definition of "personal knowledge" and limits the disqualification relating to the likelihood of using a weapon unlawfully or negligently to personal knowledge of acts that took place during the three years immediately preceding the application. This bill was incorporated into HB 1577.

*Patron - Cline*

**SB7 Concealed handgun permits; reckless handling of a firearm.** Disqualifies an individual who has been convicted of reckless handling of a firearm from receiving a concealed handgun permit for three years from the time of conviction.

*Patron - Reynolds*

**SB15 Transfer of firearms; criminal records check; penalties.** Adds a definition of "firearms show vendor" and requires that a criminal history record information check be performed on the prospective transferee before the vendor may transfer firearms at a gun show. Under current law, only licensed dealers must obtain such a check. The bill also adds the definition of "promoter" and requires that the promoter of a gun show provide vendors with access to licensed dealers who will conduct the criminal background check.

*Patron - Marsh*

**SB31 Ignition interlock system; exemption.** Allows the court to grant an exemption to a person otherwise required to use an ignition interlock system if the court determines that an exemption is warranted based on physician documentation that a person's medical condition prevents him from correctly utilizing the ignition interlock system.

*Patron - Miller*

**SB36 Concealed handgun permit applications; fingerprints.** Removes the option for a locality to require that an applicant for a concealed handgun permit submit fingerprints as part of the application.

*Patron - Reynolds*

**SB37 Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute cocaine; penalties.** Provides that any person who manufactures, sells, gives, distributes, or possesses cocaine with intent to manufacture, sell, give, or distribute it shall, in addition to any other punishment provided therefor, receive a mandatory minimum term of imprisonment of five years for a first offense, 10 years for a second offense, and 15 years for a third or subsequent offense.

*Patron - Reynolds*

**SB58 Concealed handgun permit applications; fingerprints.** Removes the option for a locality to require that an applicant for a concealed handgun permit submit fingerprints as part of the application.

*Patron - Reynolds*

**SB136 Criminal street gangs; penalty.** Adds to the list of crimes defined as "predicate criminal act" § 18.2-95, grand larceny and § 18.2-308, carrying a concealed weapon. This bill was incorporated into SB 473.

*Patron - O'Brien*

**SB143 Crimes; punishment for using abusive language; penalty.** Makes it a Class 3 misdemeanor to curse or abuse, under circumstances reasonably calculated to provoke a breach of the peace, law-enforcement or emergency personnel who are in the performance of their duties.

*Patron - Deeds*

**SB170 Bad checks; child support; penalties.** Specifies that writing a bad check for child or spousal support falls within the criminal penalties for bad checks. The bill also adds writing a bad check for child or spousal support on behalf of a business, firm, or corporation knowing that there are insufficient funds to the provisions that make it a Class 1 misde-

meanor or Class 6 felony (\$200 or more) for an employer to write a bad check for wages.

*Patron - Quayle*

**SB197 Driver's license reinstatement fees.** Increases from \$40 to \$80 the amount of the fee charged by DMV for reinstatement of suspended or revoked driver's licenses. Proceeds of this additional fee are to be paid into the Trauma Center Fund.

*Patron - Williams*

**SB223 Crimes; punishment for using abusive language; penalty.** Makes it a Class 3 misdemeanor to curse or abuse, under circumstances reasonably calculated to provoke a breach of the peace, law-enforcement or emergency personnel who are in the performance of their duties.

*Patron - Quayle*

**SB284 Computer fraud; penalty.** Provides that a person who uses a computer or computer network to obtain property or services by false pretenses, embezzle, or commit larceny is guilty of the crime of computer fraud, whether or not he has authority to use the computer. Under current law computer fraud occurs only if the person uses the computer without authority.

*Patron - Norment*

**SB301 Violation of custody and visitation court order; penalty.** Revises crime of withholding a child from a parent outside of the state in violation of a court order to remove the provision that it must have been done intentionally and that the violation of the court order must have been significant. The crime still must be done knowingly and wrongfully and there must be a clear violation of the court order. The current crime of knowingly, wrongfully and intentionally engaging in conduct that constitutes a clear and significant violation of a custody or visitation court order, without regard to the location of the child, is changed to mirror the out-of-state provision.

*Patron - Cuccinelli*

**SB314 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 sign the purchase log. The log may not be revealed except to law enforcement. A violation of this provision is a Class 1 misdemeanor. This bill was incorporated into SB 146.

*Patron - Cuccinelli*

**SB315 Abortion performed on child under age 15; penalty.** Requires the preservation and testing of fetal tissue for the purpose of determining whether the pregnancy is the result of criminal behavior. Failure of a physician to comply the requirements is unprofessional conduct and a Class 4 misdemeanor.

*Patron - Cuccinelli*

**SB321 Methamphetamine laboratories; penalties.** Provides a term of life imprisonment with a mandatory minimum term of confinement of 20 years if a first responder suffers serious bodily injury as a direct result of a methamphetamine lab. The bill punishes the operation of a methamphetamine lab in a residential area near a home, school,



or church with a penalty of 40 years imprisonment with a mandatory minimum term of confinement of 10 years.

*Patron - Deeds*

**SB322 Identity theft; penalty.** Provides that a person who unlawfully appropriates the identity of 10 or more persons is guilty of a Class 3 felony and of a Class 2 felony for the unlawful appropriation of 100 or more.

*Patron - Deeds*

**SB323 Gang crimes; penalty.** Provides life imprisonment as the possible penalty for a third gang-related crime in a 10-year period by elevating the penalty to a Class 2 felony (20 years to life) from a Class 3 felony (5 years to 20 years).

*Patron - Deeds*

**SB372 Impersonating law-enforcement officer or misrepresenting vehicle; penalty.** Elevates the crime of impersonating a law-enforcement officer from a Class 1 misdemeanor to a Class 6 felony. The bill adds a new crime of using a motor vehicle to stop or detain a person with the intent to deceive the person into believing that he is a law-enforcement officer.

*Patron - Saslaw*

**SB376 Sex crimes; penalties.** Requires a mandatory minimum term of confinement of 25 years for the following offenses: 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 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. This bill was incorporated into SB 559.

*Patron - McDougle*

**SB451 Crimes; brandishing a machete; penalty.** Makes it illegal to brandish a machete in a threatening manner while committing one of many various crimes, and includes such offense as one of the predicate criminal acts that defines street gang activity. This bill was incorporated into SB 183.

*Patron - Devolites Davis*

**SB470 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: 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 by an offender more than three years older than the victim, 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. This bill was incorporated into SB 559.

*Patron - Norment*

**SB491 Control of dangerous and vicious dogs; registry; penalty.** 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) expands the definition of "dangerous dogs" to include dogs that inflict injury to a 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 insurance be maintained for a dangerous dog and raises the policy limit requirement to \$100,000 and allows for a surety bond in lieu of an insurance policy. This bill was incorporated into SB 200 and is identical to HB 340 and HB 1039.

*Patron - Quayle*

**SB505 Human Anti-Trafficking Act.** Creates the Human Anti-Trafficking Act and punishes trafficking in humans for forced labor as a Class 5 felony and trafficking in minors for sexual activity as a Class 4 felony. The measure also provides for civil remedies for the victims. This bill was incorporated into SB 291.

*Patron - Devolites Davis*

**SB510 Sex crimes; penalties.** Requires a mandatory minimum term of confinement of 25 years for the following offenses: 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 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. This bill was incorporated into SB 559.

*Patron - Puckett*

**SB554 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 sign the purchase log. The log may not be revealed except to law enforcement. A violation of this provision is a Class 1 misdemeanor. This bill was incorporated into SB 146.

*Patron - Stolle*

**SB570 Penalty for possession of controlled substances.** Provides that any person who is convicted of a felony violation of possession of a controlled substance shall be punished by a mandatory minimum term of confinement of 45 days and shall be ordered by the court to undergo drug education and rehabilitation during his term of confinement.

*Patron - McDougle*

**SB580 Type of licensure required of physicians who perform abortions.** Provides that, for the purposes of the provisions of the Code regulating abortions, "physician," "licensed physician," and "physician licensed by the Board of Medicine to practice medicine and surgery," when in reference to a physician who performs or who is to perform an abortion, shall mean a physician who is board certified to practice surgery or obstetrics/gynecology or both.

*Patron - Cuccinelli*

**SB649 Drug treatment courts.** Eliminates the requirement for General Assembly approval when establishing drug treatment courts in localities of the Commonwealth and requires localities that intend to establish a drug court to apply to the state drug treatment court advisory committee which will review the application and make recommendations for approval or denial to the Chief Justice of the Supreme Court.

*Patron - Lucas*

## Carried Over

**HB387 Department of Charitable Gaming; regulation of charitable small card tournaments.** Adds charitable small card tournaments to the games of chance that may be conducted as part of charitable gaming, which tournaments will be regulated by the Department of Charitable Gaming. A charitable small card tournament is defined as a game of chance involving a series of card games in which players are eliminated until one player is declared the overall winner and prizes may be awarded to the tournament winner and other runners up. The bill specifies the conditions under which this new type of charitable gaming may be conducted and requires the Board of Charitable Gaming to adopt regulations governing the management, operation, and conduct of such gaming. The bill limits the conduct of charitable small card tournaments to charitable organizations that are required to obtain a permit to conduct charitable gaming generally. The bill requires all card dealers to be registered with the Department and allows for them to be paid remuneration not to exceed \$75. The bill pro-

vides that no person participating in a charitable small card tournament as a card dealer shall serve as a charitable gaming manager during any charitable small card tournament in which he participates as a card dealer. The Board of Charitable Gaming is required to adopt emergency regulations to implement the provisions of this bill.

*Patron - Reid*

**HB429 Arson; penalty.** Elevates the arson of an unoccupied church to a Class 3 felony from a Class 4 felony.

*Patron - Nutter*

**HB782 Elimination of the triggerman rule.** Eliminates the "triggerman rule," which provides that only the actual perpetrator of a capital murder is eligible for the death penalty, and that accessories and principals in the second degree can only be punished with first degree murder.

*Patron - Gilbert*

**HB995 Database breach notification.** Requires an individual or a commercial entity that conducts business in Virginia and that owns or licenses computerized data that includes personal information to conduct in good faith a reasonable and prompt investigation when it becomes aware of a breach of the security of the system. If the investigation determines that misuse of information has or is reasonably likely to occur, the individual or commercial entity shall give notice to the Virginia resident as soon as possible. Notification must be made in good faith, in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement and with any measures necessary to determine the scope of the breach and to restore the reasonable integrity of the computerized data system. The bill also contains alternative notification provisions. The Office of the Attorney General may bring an action in law or equity to address violations of this section and other appropriate relief.

*Patron - Brink*

**HB1018 Capital murder.** Provides that the willful, deliberate, and premeditated killing of a justice or judge of any Virginia court, when such killing is for the purpose of interfering with the performance of the judge's official duties or because of the judge's official duties, is capital murder.

*Patron - Hurt*

**HB1067 Document verification for employment of illegal immigrants; penalty.** Makes it a Class 1 misdemeanor to falsely represent that an alien worker has documentation indicating that he is legally eligible for employment. Each day of unlawful employment of each alien constitutes a separate civil offense punishable by a \$100 civil penalty.

*Patron - Watts*

**HB1154 Database breach notification.** Requires an individual or a commercial entity that conducts business in Virginia and that owns or licenses computerized data that includes personal information to notify a resident of Virginia of any breach of the security of the system immediately following the discovery of a breach in which unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person. Notification must be made in good faith, in the most expedient time possible, and without unreasonable delay, consistent with the legitimate needs of law enforcement and with any measures necessary to determine the scope of the breach and to restore the reasonable integrity of the computerized data system. The bill also contains alternative notification provisions. For a private civil action to recover damages, the award is triple the amount of actual damages plus reasonable attorney fees. The Office of the Attorney General

may also bring an action in law or equity to address violations of this section and other appropriate relief.

*Patron - Lingamfelter*

**CHB1204 Alcohol or drug content of blood.** Changes the term "rebuttable presumption" to "inference" in DUI, drunk boating, and commercial DUI statutes. Under current law, if an accused has a certain blood alcohol or drug level it is presumed that he was under the influence of alcohol or drugs at the time of the alleged offense, and this bill changes the term "presumed" to "inferred." The bill adds that the provisions of this act are declaratory of existing law.

*Patron - Moran*

**CHB1311 Capital murder of a person assisting in a criminal investigation; penalty.** Adds to the list of offenses punishable as capital murder the willful, deliberate and premeditated killing of any person because he is assisting, would have assisted, or previously assisted in a criminal investigation or prosecution.

*Patron - Gilbert*

**CHB1460 Immigration status of youth gang criminals and families.** Provides that upon the conviction of any person of a youth gang crime, the probation and parole officer shall verify the person's immigration status. If the officer discovers that the person is in the United States illegally, he shall report his status to the United States Immigration and Customs Enforcement Agency. The officer shall then contact the United States Immigration and Customs Enforcement Agency and report information he may have on the person and his family and household members.

*Patron - Marsden*

**CHB1557 Sex offenses prohibiting certain employment; penalty.** Provides that any adult who has been convicted of rape, forcible sodomy, or object sexual penetration shall be prohibited from working or volunteering on property he knows or has reason to know is a public or private elementary or secondary school or child day center property. A violation of this section is punishable as a Class 6 felony.

*Patron - Bell*

**SB292 Sexually explicit e-mails; penalty.** Provides that it is a Class 6 felony to send a sexually explicit commercial e-mail without including the words "sexually-explicit" in capital letters as the subject line and as the opening phrase of the e-mail. There must also be clear and conspicuous identification that the message is an advertisement or solicitation and a clear and conspicuous statement that to avoid viewing the sexually explicit material a recipient should delete the e-mail. These requirements mirror the federal CAN SPAM Act.

*Patron - Cuccinelli*

**SB368 Displaying video game ratings; penalty.** Prohibits the open display to the public by any merchant of a video game that has been assigned a rating symbol by a national computer or video game industry organization indicating that the content of the game may be suitable only for persons age 17 or older unless the rating symbol is clearly and prominently printed on or affixed to the video game's box or package. A violation is a Class 1 misdemeanor.

*Patron - Marsh*

**SB471 Alcohol or drug content of blood.** Changes the term "rebuttable presumption" to "inference" in DUI, drunk boating, and commercial DUI statutes. Under current law, if an accused has a certain blood alcohol or drug level it is presumed that he was under the influence of alcohol or drugs at the time

of the alleged offense, and this bill changes the term "presumed" to "inferred."

*Patron - Norment*

## Criminal Procedure

### Passed

**PHB21 Notice to crime victims; bail release.** Provides that crime victims shall be notified of the release of an accused on bail if they have provided their contact information.

*Patron - Fralin*

**PHB25 False identification to law-enforcement officer; penalty.** Provides that any person who falsely identifies himself to a law-enforcement officer with the intent to deceive the law-enforcement officer as to his real identity after having been lawfully detained and being requested to identify himself, is guilty of a Class 1 misdemeanor.

*Patron - Wright*

**PHB125 Conservators of the peace.** Adds special agents of the National Aeronautics and Space Administration to the list of persons who are conservators of the peace while in the performance of their official duties.

*Patron - Lewis*

**PHB127 Compensation of court-appointed counsel.** Requires court-appointed counsel to make a written request within 30 days of trial or preliminary hearing for payment of his fees. As introduced this bill was a recommendation of the Committee on District Courts.

*Patron - Kilgore*

**PHB438 Investigations and reports by probation officers in certain cases.** Allows the court to use a presentence report which contains only the defendant's criminal history, any history of substance abuse, any physical or health-related problems, and any applicable sentencing guideline worksheets. This expedited report shall be subject to all the same procedures as all other sentencing reports and sentencing guidelines worksheets, but shall not be used over the objection of the defendant or the Commonwealth.

*Patron - Griffith*

**PHB524 Criminal procedure; dissemination of criminal history record information.** Provides for the dissemination of criminal history record information to shipyards for the purpose of screening potential employees and other personnel seeking access to shipyard facilities.

*Patron - Oder*

**PHB553 Statute of limitation for occupational and professional criminal violations.** Provides that prosecution of any misdemeanor violation of § 54.1-111 (occupation and profession violations) shall commence within one year of the discovery of the offense by the claimant, but in no case later than five years from the occurrence.

*Patron - Saxman*

**PHB617 Profits from crime.** Provides that profits from crime are subject to a special order of escrow, with the profits going to the victim. If there is money remaining after a judgment in favor of the victim is paid, or if there is no judgment in favor of a victim, 25 percent of the defendant's legal fees paid by the Commonwealth may be reimbursed to the Commonwealth and the defendant's fines and costs may be paid. Any

money remaining will be paid into the Literary Fund. Because Article VIII, Section 8 of the Virginia Constitution requires forfeited assets, other than those involved in the distribution of illegal drugs, to be deposited into the Literary Fund, under current law the money cannot be paid into the Criminal Injuries Compensation Fund.

*Patron - O'Bannon*

**HB653 Criminal procedure; disposal of nonevidentiary substances or paraphernalia.** Allows the chief law-enforcement officer of an agency to assign a designee who may order, with proper authorization of the attorney for the Commonwealth, the destruction of nonevidentiary substances or paraphernalia.

*Patron - Lewis*

**HB789 Criminal procedure; compensation of expert witness.** Eliminates the prohibition against compensating psychiatrists, clinical psychologists, or other experts who are employed by the Commonwealth and appointed by the court to render professional service in trials involving an insanity defense or after conviction in a case in which the offense indicates sexual abnormality, except those who are employed by the University of Virginia School of Medicine or the Medical College of Virginia Commonwealth University. The bill limits such compensation to that which is provided during non-state hours and that is approved as being outside the scope of state employment. This bill is identical to SB 251.

*Patron - Brink*

**HB790 Revocation of conditional release; period following revocation.** Extends the duration of the custody period following the revocation of a person's conditional release but before he is subject to hospitalization and treatment from 30 days to 60 days. This bill is identical to SB 250.

*Patron - Melvin*

**HB791 Not guilty by reason of insanity; conditional release.** Provides that when a person who has been found not guilty by reason of insanity is on conditional release, the fact that he voluntarily admits himself to a hospital does not automatically revoke his conditional release. This bill is identical to SB 289.

*Patron - Brink*

**HB844 Indigent Defense Commission.** States the Commission's authority and the duties that can be delegated to the executive director. The Commission is required to adopt rules and procedures for the conduct of its business and to ensure that the executive director complies with all Commission and statutory directives. The membership of the Commission is increased from 12 to 14, with the additional members appointed by the General Assembly. This bill is identical to SB 562.

*Patron - Albo*

**HB863 Computer and electronic data seized in obscenity, etc., cases; access to defendant.** Provides that when computer data or electronic data, the possession of which is otherwise unlawful, are seized as evidence in a criminal prosecution of an obscenity or child pornography offense involving child pornography, neither the original data nor a copy shall be released to the defendant or his counsel. The court is not allowed to order the release of such evidence to the defendant or his counsel except in accordance with the rules of discovery or under restricted conditions upon a finding that the data is necessary and material to the defense of the accused.

*Patron - Byron*

**HB901 Criminal street gang members; conditions of probation.** Provides that the court, when sentencing an active participant or member of a criminal street gang, may, as a condition of probation or a suspended sentence, place reasonable restrictions on with whom the accused may have contact. The bill creates an exception for those who are members of the person's family or household. This bill is identical to SB 344.

*Patron - Iaquinto*

**HB986 Civil immunity; victim notification program.** Provides that the Virginia Sheriffs' Association and the Virginia Community Policing Institute, and the directors, managers, members, officers and employees of such entities are immune from civil liability for their acts or omissions relating to the establishment and operation of an automated victim notification system unless such act or omission was the result of gross negligence or willful misconduct.

*Patron - Sherwood*

**HB1022 Timing of defense objections; general district court.** Clarifies that defense motions or objections seeking suppression of evidence or dismissal of the warrant need not be made before trial at the general district court level and that upon such motion made at trial a court shall grant a continuance upon motion of the Commonwealth.

*Patron - Hurt*

**HB1028 Indigent defendants; appointment of counsel.** Provides that if no attorney who is on the list maintained by the Indigent Defense Commission is reasonably available, the court may appoint as counsel an attorney not on the list who has otherwise demonstrated to the court's satisfaction an appropriate level of training and experience. The court is required to provide notice of the appointment to the Commission. These provisions will expire on July 1, 2008. This bill is identical to SB 6.

*Patron - Hurt*

**HB1030 Field test for marijuana evidence at trial.** Provides that in any trial for marijuana possession, any law-enforcement officer shall be permitted to testify as to the results of any field test approved by the Department of Forensic Science, regarding whether or not any plant material, the identity of which is at issue, is marijuana. The bill also provides an opportunity for defense counsel to require full laboratory analysis.

*Patron - Hurt*

**HB1266 Criminal history background check of persons who enter the homes of others.** Provides that any employer of persons whose employment requires that they enter the homes of others may acquire those persons' criminal history record information for the purpose of screening those individuals.

*Patron - Janis*

**HB1322 Notice of release of acquittee.** Provides that the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services shall give notice of the granting of an unescorted community visit to any victim of a felony offense against the person punishable by more than five years in prison that resulted in the charges on which a person was acquitted because of mental illness, or to the next-of-kin of the victim at the last known address, provided the person seeking notice submits a written request for such notice to the Commissioner.

*Patron - Morgan*

**HB1345 Process for issuance of search and arrest warrants.** Provides that where an appearance is required or permitted, and that appearance is made by two-way electronic video and audio communication, documents may be transmitted by facsimile between the magistrate, intake officer, or judge, and the person appearing before such magistrate, intake officer, or judge. Additionally, when seeking a search warrant, the person seeking the search warrant may file the required affidavit by electronically transmitted facsimile process.

*Patron - Bell*

**HB1350 Constitutional challenges.** Provides that the district court shall remove a case to circuit court if the defendant moves for dismissal on the basis that the statute is unconstitutional. Such motion shall be made prior to trial. The bill also allows a pretrial appeal by the Commonwealth if the circuit court dismisses a criminal warrant, information or indictment or charge on the ground that a statute is unconstitutional.

*Patron - Bell*

**HB1425 Criminal procedure; collection of unpaid fines and costs by local treasurers.** Authorizes a local treasurer pursuant to an agreement with the attorney for the Commonwealth and subject to existing law regarding collection of delinquent taxes and other charges, to collect administrative costs and fees normally collected when collecting unpaid fines and court costs.

*Patron - Johnson*

**HB1431 Procedure upon arrest without warrant.** Provides that a special conservator of the peace has the authority to affect arrests and to use up to the same amount of force as would be allowed to a law-enforcement officer when making a lawful arrest.

*Patron - Oder*

**HB1490 Secure bonds; time within which default is recorded; remittance; power of attorney to be filed with Department of Criminal Justice Services.** Provides that only the actual value of real estate or personal property be used to determine solvency for posting a bond. The bill extends from 60 to 150 days the time period before which a default is recorded, and extends the time for remittance of a default from one to two years. The bill also requires that any power of attorney executed creating an agent to execute a bail bond be filed with the Department of Criminal Justice Services.

*Patron - Ware, O.*

**HB1509 Reporting identity theft to law-enforcement agencies.** Provides that a consumer may report a case of identity theft to the law-enforcement agency where he resides. The bill also provides that upon receipt of a court order and upon request by such person, the Office of the Attorney General, in cooperation with the State Police, shall issue an "Identity Theft Passport" stating that such an order has been submitted.

*Patron - Plum*

**HB1526 Community-based probation.** Provides for placement of certain offenders within a community-based probation agency. The bill also provides that the court may revoke all or part of the suspended sentence if the offender refuses to comply with the community-based probation agency or if the offender commits a new offense while under agency supervision.

*Patron - Moran*

**SB6 Court-appointed counsel.** Provides that if no attorney on the list maintained by the Indigent Defense Commission is reasonably available, the court may appoint as counsel an attorney not on the list who has otherwise demonstrated to the Commission's satisfaction an appropriate level of training and experience. This bill is identical to HB 1028.

*Patron - Reynolds*

**SB250 Revocation of conditional release of acquittees; period following revocation.** Extends the duration of the custody period following the revocation of a person's conditional release but before he is subject to hospitalization and treatment from 30 days to 60 days. This bill is identical to HB 790.

*Patron - Puller*

**SB251 Criminal procedure; compensation of expert witness.** Eliminates the prohibition against compensating psychiatrists, clinical psychologists, or other experts who are employed by the Commonwealth and are appointed by the court to render professional service in trials involving an insanity defense or after conviction in a case in which the offense indicates sexual abnormality. The bill limits such compensation to that which is for professional services rendered during nonstate hours and approved by the expert's employing agency as being beyond the scope of the expert's state employment duties. This bill is identical to HB 789.

*Patron - Puller*

**SB288 Revocation of conditional release; expedited hearing.** Requires that a hearing on revocation of conditional release of one acquitted by reason of insanity be scheduled on an expedited basis and given priority over other civil matters before the court.

*Patron - Blevins*

**SB289 Not guilty by reason of insanity; conditional release.** Provides that when a person who has been found not guilty by reason of insanity is on conditional release, the fact that he voluntarily admits himself to a hospital does not automatically revoke his conditional release. This bill is identical to HB 791.

*Patron - Blevins*

**SB344 Criminal street gang members; condition of probation.** Provides that the court, when sentencing an active participant or member of a criminal street gang, may, as a condition of probation or a suspended sentence, place reasonable restrictions on with whom the accused may have contact. The bill creates an exception for those who are members of the person's family or household. This bill is identical to HB 901.

*Patron - Obenshain*

**SB381 Recognizance bonds; default.** Deletes provision that if the amount of the recognizance forfeited is in excess of the jurisdictional amount of the district court, process is returnable to the circuit court. This conforms the section amended by this bill to § 16.1-77 which was amended in 2004 to provide that the \$15,000 limit does not apply to bond forfeiture. This bill is a recommendation of the Committee on District Courts.

*Patron - McDougle*

**SB549 Defense objections in criminal proceeding.** Clarifies that defense motions or objections seeking suppression of evidence or dismissal of the warrant need not be made before trial at the general district court level and that upon such

motion made at trial a court shall grant a continuance upon motion of the Commonwealth.

*Patron - Reynolds*

**SB562 Indigent Defense Commission.** States the Commission's authority and the duties that can be delegated to the executive director. The Commission is required to adopt rules and procedures for the conduct of its business and to ensure that the executive director complies with all Commission and statutory directives. The membership of the Commission is increased from 12 to 14, with the additional members appointed by the General Assembly. This bill is identical to HB 844.

*Patron - Stolle*

**SB566 Presentence investigations and reports.** Clarifies that presentence reports are required in certain cases, such as sex offenses. Adds to the sex offenses abduction with intent to defile or to prostitute a child under 16 or assisting in such abductions, and attempted aggravated sexual battery.

*Patron - Stolle*

**SB567 Dissemination of juvenile record information.** Allows the Virginia Criminal Sentencing Commission access to juvenile record information for research purposes.

*Patron - Stolle*

**SB578 Presumption of no bail for person charged with certain sex offenses.** Provides that a person charged with aggravated sexual battery is rebuttably presumed ineligible for bail. Currently such a person is presumed ineligible when he is charged with a second such offense. The bill is not effective unless appropriate funding for it is provided in the budget bill.

*Patron - McDougle*

**SB579 DNA analysis after arrest for capital murder or attempted capital murder.** Requires that a person arrested for capital murder or attempted capital murder have a sample of saliva or tissue taken for DNA analysis.

*Patron - McDougle*

**SB637 Issuance of warrants by circuit court judges.** Provides that a circuit court judge, upon the motion of the attorney for the Commonwealth, shall issue a warrant to seize property named in an information.

*Patron - Quayle*

## Failed

**HB79 Impoundment of motor vehicle for driving with a suspended operator's license.** Provides that a person arrested for driving on a suspended license, suspended for any reason, shall have his car impounded for the period of the suspension or 30 days, whichever is greater. Currently, the impoundment is only for 30 days and is only effected for certain types of suspensions, such as DUI.

*Patron - Spruill*

**HB97 Power of magistrates to issue felony arrest warrants.** Provides that no magistrate may issue an arrest warrant upon the basis of a citizen complaint, for a felony offense, without prior authorization from the attorney for the Commonwealth in his jurisdiction, unless the person who is to be issued the warrant has already been placed under arrest by a law-enforcement officer.

*Patron - Cosgrove*

**HB99 Appeal of district court decision by the Commonwealth.** Allows the Commonwealth to appeal to the Court

of Appeals a decision by a district court in which the district court finds a criminal statute unconstitutional.

*Patron - Cosgrove*

**HB152 Power of magistrates to issue felony arrest warrants.** Provides that no magistrate may issue an arrest warrant upon the basis of a citizen complaint, for a felony offense, without prior authorization from the attorney for the Commonwealth in his jurisdiction, unless the person who is to be issued the warrant has already been placed under arrest by a law-enforcement officer.

*Patron - Alexander*

**HB181 Authority for arrest without warrant for motor vehicle code violations.** Allows law-enforcement officers to arrest without a warrant the driver of any motor vehicle if the arresting officer is in uniform, displays his badge of authority, and has observed a violation of § 46.2-821 (failure to yield right of way) or 46.2-833 (failure to obey traffic light) or has received a radio message from the officer who observed the violation.

*Patron - McEachin*

**HB188 Sentencing; death sentence.** Requires in sentencing capital cases at the request of the defendant, a jury shall be instructed that an individual who was sentenced to death in the Commonwealth and twice scheduled to be executed was later granted an absolute pardon absolving him of guilt for a capital murder conviction on the basis of DNA testing, and that eyewitness identifications have been shown in many cases to be inaccurate and highly susceptible to suggestion, in addition to the requirement under current law that the jury be told that a defendant is not eligible for parole if sentenced to imprisonment for life.

*Patron - Marshall, R.G.*

**HB247 Electronic notice of sex offender registration.** Provides that any person may request from the State Police and, upon compliance with the requirements therefor established by the State Police, shall be eligible to receive from the State Police electronic notice of the registration or reregistration of any sex offender. This bill was incorporated into HB 984.

*Patron - Shannon*

**HB271 Electronic notice of sex offender registration.** Provides that any person may request from the State Police and, upon compliance with the requirements therefor established by the State Police, shall be eligible to receive from the State Police electronic notice of the registration or reregistration of any sex offender. This bill was incorporated into HB 984.

*Patron - Poisson*

**HB313 Compensation of court-appointed counsel.** Removes the monetary caps on court-appointed counsel fees and instead allows the court to set an hourly rate based on the type of case.

*Patron - Albo*

**HB385 Grand juries.** Provides that a judge shall permit an individual who wishes to testify before a regular grand jury or a special grand jury to do so unless the judge makes a written finding that the testimony of that individual would present a substantial physical danger to the grand jurors or would likely invalidate any true bills issued by the grand jury. The judge's written finding may be appealed to the Court of Appeals.

*Patron - Dance*

**HB414 Qualifications for court-appointed counsel.** Allows a court to waive the qualification requirements as the Commission is currently allowed. This bill was incorporated into HB 1028.

*Patron - Griffith*

**HB433 Bail bondsmen; equity ratio of property and outstanding bonds.** Allows a bail bondsman to write bonds up to four times the value of his financial holdings (current law requires a 1:1 ratio), and provides that no single bond shall represent more than 25 percent of his collateral.

*Patron - Griffith*

**HB510 Providing certificate of analysis to defense counsel.** Removes the requirement that any certificate of analysis prepared by the Division of Consolidated Laboratory Services or the Department of Forensic Science or authorized by either of them be provided to defense counsel before a criminal trial in which the certificate is to be used as evidence. This bill was incorporated into HB 1469.

*Patron - Armstrong*

**HB541 Criminal history record information.**

Allows a person, who has applied to be a volunteer with the council of the Girl Scouts of the USA or the Boy Scouts of America serving troops in Virginia, to receive his own criminal history information at no charge.

*Patron - McClellan*

**HB627 Modification of sentence by a judge prior to a defendant's transfer to corrections facility.** Provides that a court may modify the sentence of a convicted person prior to his transfer to any correctional facility. Currently, the court may do so only if the person is to be sent to a Virginia Department of Corrections facility.

*Patron - Johnson*

**HB722 Linguistic style of grand jury instructions.** Modernizes the style of grand jury instructions into language actually used by people today.

*Patron - McQuigg*

**HB755 Certification of laboratories that perform DNA analyses.** Provides that all DNA analyses offered as criminal evidence shall have been performed by laboratories accredited by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB).

*Patron - McEachin*

**HB785 Modification of sentencing guidelines for methamphetamine; penalty.** Provides that for any conviction involving any substance that contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers, the discretionary sentencing guidelines applicable to cocaine shall be used.

*Patron - Gilbert*

**HB794 Forfeiture of certain weapons; firearms; altered serial numbers.** Prohibits the return of a firearm confiscated during the commission of a crime if the serial number on the firearm has been altered.

*Patron - Hogan*

**HB988 Sex offender residency prohibition.** Provides that every adult who is required to register as a sex offender or child offender pursuant to § 9.1-902, when the offense occurred on or after July 1, 2006, shall be forever prohibited from residing in a community correctional facility that is within one mile of the premises of any child day center or a

primary, secondary, or high school. This bill was incorporated by HB 984.

*Patron - Shannon*

**HB1101 Civil commitment of sexually violent predators.** Adds to the list of offenses that qualify as sexually violent offenses: abduction with intent to defile, abduction of a child under 16 years of age for the purpose of prostitution, carnal knowledge of a child between 13 and 15 years of age, carnal knowledge of minors in custody of the court or state, crimes against nature, indecent liberties, indecent liberties with children and indecent liberties with child by person in custodial or supervisory relationship. The requirement that the complaining witness be under 13 years of age for aggravated sexual battery to qualify is removed. A felony conviction for conspiracy to commit or attempt to commit any of the qualified offenses is added as a qualifying offense. Incompetent defendants will be reviewed by the Commitment Review Committee. The bill provides that the Static-99 will be used to identify prisoners who will be forwarded to the Commitment Review Committee (CRC) for assessment. The bill also adds abduction with intent to extort money or for immoral purposes to the felonies for which a presentence report is required. The Commitment Review Committee and Attorney General, for the purpose of sexually violent predator civil commitments, are added as persons having a legitimate interest in child protective services records. This bill was incorporated into HB 1038.

*Patron - Griffith*

**HB1140 Sentencing; reimbursement for payment of reward.** Allows a judge to require, after conviction, that a defendant reimburse any person or entity for a reward offered and paid for information leading to the defendant's arrest and conviction.

*Patron - Cline*

**HB1159 High-speed pursuit policy.** Provides that on and after January 1, 2007, every law-enforcement agency in the Commonwealth that is or may be engaged in emergency response and vehicle pursuits shall adopt a written policy that sets forth the manner in which such operations shall be conducted.

*Patron - Eisenberg*

**HB1203 Public defenders; compensation.** Allows any county or city, in its discretion, to supplement the compensation of the public defender or any of his deputies or employees above the salary fixed by the executive director of the Commission.

*Patron - Moran*

**HB1262 Procedures in forfeiture cases.** Provides that discovery in drug forfeiture proceedings shall be had according to the criminal rules of discovery, that a jury shall consist of five people, and that the Commonwealth may take a nonsuit. Currently, none of these procedures is addressed in the forfeiture law.

*Patron - Janis*

**HB1269 Forfeiture.** Consolidates forfeiture provisions that are currently spread throughout the Code and makes them subject to consistent procedures for enforcement. Included in the consolidation are forfeitures related to cigarettes, adulterated food and dairy products, motor vehicles used in connection with contraband alcoholic beverages and DUI convictions, illegal gambling, child pornography, conflicts of interests of a governmental official, fishing violations, illegal hunting, drag racing, unlawful importing, and sale of fuel.

*Patron - Janis*

**HB1309 Criminal history of a juvenile as element in determination of bail.** Provides that the juvenile criminal history of a person is specifically considered when the determination is made whether to release a person on bail.

*Patron - Gilbert*

**HB1321 Expungement of marijuana charges.** Provides that anyone who has had a charge of possession of marijuana discharged and dismissed in accordance with the provisions of § 18.2-251, more than ten years prior to his petition for expungement, may file a petition setting forth the relevant facts and requesting expungement of the police records and the court records relating to the charge. The bill adds that the Department of Criminal Justice Services shall maintain a record of an expungement of a dismissal under § 18.2-251 for the purpose of a second prosecution under § 18.2-250 or 18.2-250.1.

*Patron - Morgan*

**HB1335 Photographs of explosives admissible in criminal prosecutions.** Provides that in any prosecution involving an explosive material, bomb, or device defined in § 18.2-85, photographs of the material, bomb, or device shall be deemed competent evidence of such material, bomb, or device and shall be admissible in any proceeding, hearing, or trial of the case to the same extent as if such material, bomb, or device had been introduced as evidence.

*Patron - Bell*

**HB1461 Who may serve on a criminal jury.** Provides expressly those who are forbidden to serve on a criminal jury.

*Patron - Marsden*

**HB1527 Who may serve on a criminal jury.** Provides expressly those who are forbidden to serve on a criminal jury.

*Patron - Armstrong*

**SB17 Death penalty; moratorium on executions.** Provides that the Commonwealth shall not conduct executions of prisoners sentenced to death. All other matters of law relating to the death penalty, such as bringing and trying capital charges, sentencing proceedings, appeals and habeas review are not affected by the bill.

*Patron - Marsh*

**SB151 Criminal street gangs.** Authorizes probation officers to share with law-enforcement officers information on the criminal street gang membership of probationers. This bill was incorporated into SB 561.

*Patron - Deeds*

**SB317 Civil commitment of sexually violent predators.** Adds to the list of offenses that qualify as sexually violent offenses: abduction with intent to defile, abduction of a child under 16 years of age for the purpose of prostitution, carnal knowledge of a child between 13 and 15 years of age, and carnal knowledge of minors in custody of the court or state. The requirement that the complaining witness be under 13 years of age for aggravated sexual battery to qualify is removed. A felony conviction for conspiracy to commit or attempt to commit any of the qualified offenses is added as a qualifying offense. Incompetent defendants will be reviewed by the Commitment Review Committee. The bill provides that the Static-99 will be used to identify prisoners who will be forwarded to the Commitment Review Committee (CRC) for assessment and that if the Director of the Department of Corrections and the Commissioner of Mental Health, Mental Retardation and Substance

Abuse Services agree that no specific scientifically validated instrument exists to measure the risk assessment of a prisoner, the prisoner may be evaluated by a psychiatrist or psychologist to determine if he should be forwarded to the CRC. A person on conditional release will be subject to mandatory GPS monitoring. The bill also adds abduction with intent to extort money or for immoral purposes to the felonies for which a presentence report is required. The provisions regarding qualifying offenses will be effective January 1, 2007, the remainder of the bill will be effective July 1, 2006. This bill was incorporated into SB 559.

*Patron - Howell*

**SB335 Modification of sentencing guidelines for methamphetamine.** Provides that for a conviction involving a substance that contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers, the discretionary sentencing guidelines applicable to cocaine shall be used.

*Patron - Obenshain*

**SB341 Jurisdiction of corporate authorities of cities and towns.** Extends the jurisdiction of cities and towns to traffic offenses within one mile beyond their corporate limits. Currently, the one mile rule applies to only criminal offenses.

*Patron - Obenshain*

**SB360 Mentally ill defendants; technical changes.** Provides that a defendant in a criminal matter may be hospitalized if so seriously mentally ill as to be unable to care for himself. Under current law the standard is "imminently dangerous to himself or others." The provision applies to pretrial, after conviction but before sentencing and after sentencing. This bill was incorporated into SB 310.

*Patron - Edwards*

**SB469 Constitutional challenges.** Provides that the district court shall remove a case to circuit court if the defendant moves for dismissal on the basis that the statute is unconstitutional. The bill also allows a pretrial appeal by the Commonwealth if the circuit court dismisses a criminal warrant, information or indictment or charge on the ground that a statute is unconstitutional. The bill specifies that a nolle prosequi shall be entered upon motion of the Commonwealth and removes the provision that it is in the discretion of the court for good cause shown. This bill was incorporated into SB 298.

*Patron - Norment*

**SB572 Sentencing revocation reports.** Requires the completion and use of sentencing revocation reports in cases involving violations of probation or community supervision in the same manner as sentencing guidelines are currently used by the courts.

*Patron - Stolle*

**SB573 Compensation of court-appointed counsel.** Removes the monetary caps on court-appointed counsel fees and instead allows the court to set an hourly rate based on the type of case.

*Patron - Stolle*

**SB639 Forensic evaluations.** Provides for an increase in the fee cap received by mental health experts who have been appointed by the court to render professional service from \$400 to \$750.

*Patron - Puller*

**SB674 Criminal records; disclosure of expunged records.** Eliminates the opportunity by the attorney for the



Commonwealth to gain access to criminal records expunged by a court.

*Patron - Puckett*

**SB694 Civil commitment of sexually violent predators.** Adds to the list of offenses that qualify as sexually violent offenses: abduction with intent to defile, abduction of a child under 16 years of age for the purpose of prostitution, and carnal knowledge of a child between 13 and 15 years of age. The requirement that the complaining witness be under 13 years of age for aggravated sexual battery to qualify is removed. A felony conviction for conspiracy to commit or attempt to commit any of the qualified offenses is added as a qualifying offense. Incompetent defendants will be reviewed by the Commitment Review Committee. The bill provides that the Static-99 will be used to identify prisoners who will be forwarded to the Commitment Review Committee (CRC) for assessment. The bill also adds abduction with intent to extort money or for immoral purposes to the felonies for which a presentence report is required. The Commitment Review Committee and Attorney General, for the purpose of sexually violent predator civil commitments, are added as persons having a legitimate interest in child protective services records. This bill was incorporated into SB 559.

*Patron - Cuccinelli*

## Carried Over

**HB176 Criminal procedure; compensation of court-appointed counsel.** Authorizes the court, in cases where court-appointed counsel represents a defendant on a felony charge that may be punishable for a period of more than 20 years, to provide additional compensation of up to \$850 for such counsel when the time and effort expended, the result obtained, the novelty and difficulty of the issues, or other circumstances warrant such additional compensation.

*Patron - Putney*

**HB616 Sentencing proceeding.** Clarifies that victim impact testimony is to be admitted during a jury sentencing hearing at the same time that prior convictions are admitted.

*Patron - O'Bannon*

**HB1567 Special conservators of the peace; jurisdiction.** Allows a special conservator of the peace to operate outside of the jurisdiction of his appointment if the sheriff, chief of police, or corporation that made the application for appointment notifies the new jurisdiction in which the conservator needs to operate and the Department of Criminal Justice Services, via registered mail. The terms and conditions of the conservator's appointment shall apply in the new jurisdiction.

*Patron - Lingamfelter*

**HB1587 National criminal background checks.** Requires businesses and organizations to conduct national criminal background checks on employees and volunteers providing care to children, the elderly and disabled.

*Patron - Hurt*

**SB35 Not guilty by reason of insanity.** Requires that before a hospitalized acquittee may be granted a temporary (no more than 48 hours) visit from the hospital there be court approval that the visit would be therapeutic and would not pose a danger to others. Under current law, the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services may authorize such a visit if the acquittee is not a substantial danger to others.

*Patron - Reynolds*

**SB154 Chain of custody form.** Provides that a chain of custody form attested to by the employee of a law-enforcement agency responsible for the custody of physical evidence is prima facie evidence of the chain of custody.

*Patron - Norment*

**SB209 Destruction of criminal exhibits.** Provides that the trial court may not order the destruction or donation of exhibits used in evidence without prior notice to the counsel for the parties and until expiration of five years from the date the judgment of the court became final.

*Patron - Edwards*

**SB239 Payment of fine, costs, forfeitures, penalties or restitution.** Requires the court to review, if requested by the defendant, the defendant's deferred or installment payment schedule for fines and costs, to ensure that such payments are consistent with his ability to pay.

*Patron - Ticer*

**SB286 Certification of laboratories that perform DNA analyses.** Provides that all DNA analyses offered as criminal evidence shall have been performed by laboratories certified to perform such analyses.

*Patron - Lucas*

**SB310 Mentally ill defendants; technical changes.** Provides that a defendant in a criminal matter may be hospitalized if so seriously mentally ill as to be unable to care for himself. Under current law the standard is "imminently dangerous to himself or others." The provision applies to pretrial, after conviction but before sentencing and after sentencing.

*Patron - Cuccinelli*

**SB384 Procedures in forfeiture cases.** Provides that discovery in drug forfeiture proceedings shall be had according to the criminal rules of discovery, that a jury shall consist of five people, and that the Commonwealth may take a nonsuit. Currently, none of these procedures is addressed in the forfeiture law.

*Patron - McDougle*

**SB577 Warrantless searches of the person, vehicle and residence of a probationer.** Provides that a law-enforcement officer may search without a warrant a person who has been placed on probation by a judge in a felony case against him, and that the law-enforcement officer may enter and search, without a warrant, any residence of and any vehicle owned or operated by such probationer. The provision would only apply when the probationer waived his right to be secure from, and agreed to submit to, such warrantless searches as a condition of his probation.

*Patron - McDougle*

**SB604 Criminal background checks; fingerprinting.** Provides that programs of religious instruction may obtain full, fingerprint-based criminal background checks for prospective employees.

*Patron - Puller*

**SB611 Therapeutic incarceration; creation of incarceration program for defendants who are substance abusers.** Creates a Therapeutic Incarceration Program to which the court can confine a defendant sentenced for three or more years who needs substance abuse treatment. The program will be at least 18 months in duration, and upon successful completion of the program the court shall order supervised probation. The bill provides for withdrawal from and re-entry into

the program. The Department of Corrections is required to evaluate the program after one year of operation.

*Patron - Puckett*

**CSB619 Restitution.** Provides for the Commonwealth to be responsible for seeking restitution for the victim. The bill creates a system under which the clerk of court is responsible for collecting, tracking, and distributing restitution payments. This responsibility can also be designated to local bonding agencies as desired. Additionally, the bill states that any collection fees for delinquent restitution payments are to be paid by the defendant. Any restitution installment plan payments more than 90 days in default are to be voided and sent to collection; however, the defendant does retain the option of entering into a new payment plan.

*Patron - Deeds*

**CSB679 Physical castration as an alternative to indeterminate civil commitment of a violent sexual predator.** Provides that in the case of a prisoner who has been determined to be a sexually violent predator, when the only alternative is involuntary secure inpatient treatment, the court may, on petition of the prisoner, order, as an alternative to involuntary secure inpatient treatment, that the prisoner (i) undergo physical castration and (ii) be placed on conditional release, in a manner and in accordance with terms and conditions developed by the Commissioner and the Department of Corrections.

*Patron - Hanger*

## Domestic Relations

### Passed

**PHB239 Domestic relations; fee for marriage.** Provides that a person authorized by a circuit court judge to celebrate the rites of marriage in the Commonwealth may charge \$50 for the ceremony. This provision does not apply to ministers.

*Patron - Suit*

**PHB401 Child support obligations; incarcerated obligee.** Gives a preference in work programs to any parent who agrees to give a minimum of 50 percent of earnings to his child support obligation.

*Patron - Marsden*

**PHB723 Court decree as to property; equitable distribution.** Changes the statute to address problems raised in *Fowlkes v. Fowlkes*, 42 Va. App. 1, (2003). Ensures that separate and marital contributions made to marital assets are all accounted for in the equitable distribution process.

*Patron - McQuigg*

**PHB731 Determination of child or spousal support; factors.** Revises, clarifies the wording, expands, and eliminates some of the factors that the court may consider in deviating from the guideline amount. Deviation factors were changed to allow for evaluation of the good faith and reasonableness of the parent's employment decisions when considering imputed income based on a party's change in employment, consideration of the cost of visitation travel, and consideration of the standard of living for the child during the marriage, rather than the family. There is a provision that the amendments are not retroactive and cannot be the basis for a material change in cir-

cumstances upon which a modification of child support may be based. This bill is identical to SB 167.

*Patron - McQuigg*

**PHB1108 Child support orders; effective date.** Specifies the date that judicial and administrative support orders are effective and payment due dates. A judicial support order is effective in an initial proceeding on the date of filing of the petition and in a modification proceeding the effective date may be the date of notice to the responding party. An administrative support order shall be effective on the date of service. There are provisions for prorating payments for the first month.

*Patron - Athey*

**PSB167 Child support; deviations.** Revises, clarifies the wording, expands, and eliminates some of the factors that the court may consider in deviating from the guideline amount. Deviation factors were changed to allow for evaluation of the good faith and reasonableness of the parent's employment decisions when considering imputed income based on a party's change in employment, consideration of a parent's financial resources and special needs, consideration of the cost of visitation travel, and consideration of the standard of living for the child during the marriage, rather than the family. There is a provision that the amendments are not retroactive and cannot be the basis for a material change in circumstances upon which a modification of child support may be based. This bill is identical to HB 731.

*Patron - Quayle*

**PSB168 Child support; income withholding.** Provides that when there is more than one child support withholding order against an obligor, the employer shall prorate among the orders based upon the current amounts due, with any remaining amounts prorated among the orders for any accrued arrearages.

*Patron - Quayle*

**PSB169 Child support.** Requires that administrative and court support orders contain a statement that if any arrearages for child support, including interest or fees, exist at the time the youngest child included in the order emancipates, payments shall continue in the total amount due (current support plus amount applied toward arrearages) at the time of emancipation until all arrearages are paid.

*Patron - Quayle*

**PSB300 Revision of child support, etc.** decrees; expedited hearing. Provides that any member of the Armed Forces Reserves, Virginia National Guard, or Virginia National Guard Reserves who files a petition or is a party to a petition requesting the adjudication of the custody, visitation or support of a child based on a change in circumstances because one of the parents has been called to active duty, shall be entitled to have such a petition expedited on the court's docket.

*Patron - Cuccinelli*

**PSB369 Certain domestic relations documents.** Amends a Code section added in 2005 that provides that certain required information (social security numbers and financial information) be contained in a separate addendum rather than in the petition, pleading, motion, order, or decree to add a requirement that the attorney or party who prepares the petition, etc. ensure that such an addendum be incorporated by reference into such petition, etc. This bill is a recommendation of the Judicial Council.

*Patron - Saslaw*

## Failed

**HB135 Domestic relations; fee for marriage.** Increases from \$30 to \$50 the fee any person authorized to celebrate the rites of marriage may charge the parties for the ceremony.

*Patron - Cosgrove*

**HB197 Marriage licenses.** Requires the parties contemplating marriage to choose one of two types of marriage license: a license with grounds for divorce or a license without grounds for divorce. A license with grounds for divorce requires the parties to prove either adultery, a felony conviction, or cruelty to be granted a divorce. A license without grounds for divorce allows the parties to get a divorce based on any grounds including living separate and apart for the requisite time currently allowed under the law.

*Patron - Marshall, R.G.*

**HB234 Domestic violence victim fund; name change; funding.** Changes the name of the fund to Sexual & Domestic Violence Victim Fund and provides for funding by adjusting fixed felony fees, fixed felony reduced to misdemeanor fees, fixed misdemeanor fees, and fixed drug misdemeanor fees. This bill was incorporated into HB 1409.

*Patron - Jones, D.C.*

**HB389 Domestic relations; Affirmation of Marriage Act.** Repeals the Affirmation of Marriage Act.

*Patron - Englin*

**HB633 Payment of child-care costs by noncustodial parent; school matriculation.** Requires the noncustodial parent to pay a proportional share of child-care costs while the custodial parent attends high school, college, or vocational school.

*Patron - Phillips*

**HB732 Child support; self-support reserve.** Provides a "self-support reserve" for parents with incomes below \$1,200 per month. If a parent (whether custodial or noncustodial) has a monthly income less than \$800, that parent's income is disregarded in computing the child support obligation. If a parent's income is more than \$800 but less than \$1,200, \$400 is deducted from the parent's income when computing the obligation.

*Patron - McQuigg*

**HB733 Child support; revisions to guidelines.** Revises the Schedule of Monthly Basic Child Support Obligations as recommended by the Virginia Guideline Review Panel. The bill contains a provision that the amendments will not be retroactive and shall not be the basis for a material change in circumstances upon which a modification of child support may be based.

*Patron - McQuigg*

**HB742 Child support guideline.** Excludes from gross income any one-time, or very infrequent, receipt of money or value that is not expected to be repeated, as, for example, a capital gain, inheritance, gift, prize, or award.

*Patron - McQuigg*

**HB764 Divorce; separation agreements.** Specifies that where there are no minor children and the parties have been separated for six months the property settlement agreement may be either written or oral.

*Patron - Sickles*

**HB795 Child support obligations; incarcerated obligee.** Allows incarcerated persons who owe child support a chance to have their obligation adjusted during incarceration; gives credit on arrearages for timely payment while incarcerated; and gives a preference in work programs for any ex-convict who has a child support obligation.

*Patron - Shuler*

**HB798 Virginia domestic violence victim fund; emergency funds.** Provides that funds shall be made available for victims of domestic violence when a protective order is served on the primary source of monetary support for the family.

*Patron - Fralin*

**HB840 Child support; prepayment.** Allows an obligor to prepay child support obligations. Requires the obligor to acknowledge that his obligation may change and that the Department of Social Services is not responsible for any interest on moneys returned.

*Patron - Frederick*

**HB1301 Death benefits; former spouse.** Amends a provision enacted in 1993 stating that divorce revokes the designation of a former spouse as a beneficiary of a "death benefit" by revising the definition of "death benefit" to exclude payments under a life insurance contract. A provision that requires life insurance and annuity contracts to explain that Virginia law revokes the spouse as beneficiary upon divorce is revised to include only annuity contracts, since life insurance benefits will no longer be considered death benefits.

*Patron - Alexander*

**HB1412 Domestic relations; minimum age of marriage with consent of parents.** Eliminates loophole for adults who have had consensual carnal knowledge of a minor without getting the minor pregnant by requiring that adult to obtain consent from the parent or guardian before marrying the minor.

*Patron - Athey*

**HB1564 Support orders; income deduction.** Eliminates the ability of the court to set up income withholdings as a part of any support order, initial or otherwise, so that any person subject to an income withholding pursuant to a support order has a right to notice and, upon objection, the right to a hearing.

*Patron - Jones, D.C.*

**HB1565 Child support obligations; incarcerated obligee.** Requires the court, upon sentencing a person for at least 12 months of incarceration, to give notice to that person of the right to have his support obligation adjusted during incarceration, and arrests the accrual of interest and costs during the incarceration period.

*Patron - Jones, D.C.*

**HB1566 Child support guidelines; net income as basis for calculating obligation.** Changes the guidelines to establish net income (gross income minus federal & state income taxes as well as FICA contributions) as the basis for establishing child support obligations.

*Patron - Jones, D.C.*

**SB41 Divorce; separation agreements.** Specifies that where there are no minor children and the parties have been separated for six months an agreement evidencing an intention to separate permanently may be either written or oral.

*Patron - Puller*

**FSB123 Virtual visitation; definition; adjudication.** Provides the definition of virtual visitation and states that the court can adjudicate virtual visitation if the equipment is reasonably available.

*Patron - O'Brien*

**FSB220 Child support guideline.** Revises the Schedule of Monthly Basic Child Support Obligations. The bill is a recommendation of the Virginia Guideline Review Panel. The Panel's report states "The table of values for child support for one through six children was generated by applying the income inflation and the cost inflation factors for the past 17 years to the existing guideline table." The bill contains a provision that the amendments will not be retroactive and shall not be the basis for a material change in circumstances upon which a modification of child support may be based.

*Patron - Quayle*

**FSB221 Child support; self-support reserve.** Provides a "self-support reserve" for parents with incomes below \$1200 per month. If a parent (whether custodial or non-custodial) has a monthly income less than \$800 that parent's income is disregarded in computing the child support obligation, unless the other parent's income is below \$1200 per month. If a parent's income is between \$800 and \$1200, \$400 is deducted from the parent's income when computing the obligation, unless the other parent's income is below \$800 per month.

*Patron - Quayle*

**FSB414 Birth certificates; same-sex couples.** Prohibits both parties of a same-sex couple from being listed on a Virginia birth certificate following the adoption of a child in another jurisdiction.

*Patron - Hanger*

**FSB439 Sole physical custody.** Clarifies that the court may grant joint legal custody along with sole physical custody and sets out a definition that one person retains responsibility for the daily care and control of the child and reasonable visitation arrangements are provided for the noncustodial parent appropriate to the age, health, and development level of the child in a manner least disruptive to the child's routine.

*Patron - Lambert*

**FSB444 Marriage license; proof of citizenship.** Requires the circuit court clerk issuing any marriage license to ensure that each of the parties contemplating marriage provide, under oath, valid documentary evidence that each of the applicants is either (i) a citizen of the United States, (ii) a legal permanent resident of the United States, or (iii) a conditional resident alien of the United States. An original license, permit, or special identification card issued by the Virginia Department of Motor Vehicles shall satisfy these requirements. Any person who makes false statements or presents false documentation shall be guilty of perjury.

*Patron - Devolites Davis*

**FSB445 Divorce decrees.** Removes the requirement that a decree of divorce include each party's social security number. The social security number is included with other personal identifying information on an addendum filed with the decree. This bill was incorporated into SB 369.

*Patron - Devolites Davis*

**FSB489 Child support orders; effective date.** Specifies the date that judicial and administrative support orders are effective and payment due dates. A judicial support order is effective in an initial proceeding on the date of filing of the petition and in a modification proceeding the effective date

may be the date of notice to the responding party. An administrative support order shall be effective on the date of service. There are provisions for prorating payments for the first month.

*Patron - Quayle*

## Carried Over

**CSB569 Custody and visitation; mental health records.** Provides that in custody or visitation cases the court may order, for good cause shown, disclosure of otherwise privileged and confidential mental health records concerning a parent. Using the same standard, the court may order the mental health care provider to testify on behalf of or against a parent or adult relative of the parent. The current law does not apply to mental health providers conducting an independent mental health evaluation pursuant to a court order, this bill includes a child's therapist and a co-parenting counselor to that exception. This bill is a recommendation of the Boyd-Graves Conference.

*Patron - McDougle*

## Education

### Passed

**PHB19 Education; calculation of high school graduation rates.** Directs the Board of Education to collect, analyze, and report high school graduation and drop out data using a formula prescribed by the Board. The measure contains a delayed enactment clause providing that the amendments to § 22.1-253.13:4 will take effect October 1, 2008. A second enactment clause, which will take effect on July 1, 2006, requires the Board of Education to report to the House Committee on Education and the Senate Committee on Education and health by December 1, 2006, on the formula to be used for the uniform assessment of high school graduation rates. In developing the formula, the Board is also required to consider the 2005 Report of the National Governors Association Task Force on State High School Graduation Data.

*Patron - Fralin*

**PHB20 Electronic storage of scholastic records.** Allows local school divisions to electronically store and maintain student scholastic records. The amendment conforms to the definition of "record" in the federal Family Educational Rights and Privacy Act (FERPA).

*Patron - Fralin*

**PHB58 Education; Internet safety instruction.** Adds to the acceptable Internet use policies developed by the division superintendents a requirement that such policies include a component on Internet safety for students that is integrated in a division's instructional program. The measure contains an enactment clause providing that within 45 days of the enactment of the act, the Superintendent of Public Instruction must issue a superintendent's memorandum advising school divisions of the provisions in the act and encourage cooperation with local law enforcement agencies in its implementation.

*Patron - Fralin*

**PHB95 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. This bill is identical to SB 656.

*Patron - Lewis*

**HB215 Elective course in comparative religion.** Amends the statute authorizing comparative religion electives in grades nine through 12. Currently, the law states that local school boards must authorize such electives. The bill states that the Board of Education, rather than local school boards, must provide authorization for comparative religion classes and thereby gives discretion to local school boards to determine whether such elective courses will be offered in their school divisions. This bill is identical to SB 62.

*Patron - Tata*

**HB216 Standards for remediation programs; students required to attend summer school.** Aligns language regarding the Standards of Learning assessments with amendments made to the Standards of Quality during the 2004 Session. The bill reflects the Commonwealth's decision to shift from testing in grades three, five, and eight to testing annually in grades three through eight.

*Patron - Tata*

**HB240 Education; no tuition charges for certain children of relocated military personnel.** Provides that tuition shall not be charged to children of active members of the military who are ordered to locate to military housing located in a different school division than the one the child is attending at the time of the order to relocate. Such children shall be allowed to continue attending school in the school division they attended immediately prior to the relocation and shall not be charged tuition for attending such school. The school division in which such children are enrolled subsequent to their relocation to base housing are not responsible for providing for their transportation to and from school.

*Patron - Suit*

**HB347 General Educational Development Program.** Allows participation in a general educational development program to be by court order and excludes from the compulsory school attendance requirements any child who has obtained a general educational development (GED) certificate. The bill also adds to the list of those persons who may participate in the GED testing program, the testing program through which persons may earn a high school equivalency certificate, (i) persons 16 years of age or older who have been expelled from school and (ii) persons required by court order to participate in the testing program.

*Patron - Hamilton*

**HB348 Test security procedures; violations.** Authorizes the Board of Education to initiate a review of any alleged violation of its regulations by a local school board or local school board employee responsible for the distribution or administration of tests. The bill also allows the Board to recover the reasonable costs of any review or investigation conducted because of violations of test security from any person who violates test security procedures. This bill is identical to SB 39.

*Patron - Hamilton*

**HB349 Reduction of state aid when length of school term below 180 days or 990 hours.** Defines "declared state of emergency" as the term is used elsewhere in the section. Additionally, the bill clarifies that the length of the school term shall be at least 180 teaching days or 990 teaching hours and that school divisions may make up missed time by adding teaching days to the school calendar or extending the length of the

school day. The bill (i) revises the amount of time that must be made up when a school or schools have been closed for six or more days during the school term due to severe weather conditions or other emergency situations, (ii) spells out the procedures for requesting a waiver from the Board of Education for closings resulting from a declared state of emergency, and (iii) adds a provision about school calendars and teacher contracts. Finally, the bill requires the division superintendent and chairman of the local school board to certify the total number of teaching days and hours each year as part of their annual report to the Board of Education. This bill is identical to SB 66.

*Patron - Hamilton*

**HB350 Transfer of real property and consolidation plan for the Virginia School for the Deaf and Blind at Staunton and the Virginia School for the Deaf, Blind and Multi-Disabled at Hampton.** Requires the residential programs of the Virginia School for the Deaf and the Blind at Staunton and the Virginia School for the Deaf, Blind and Multi-Disabled at Hampton to be modified. The Department of General Services (i) is authorized to enter into a comprehensive agreement for the necessary renovations, additions, and new facility construction at the Staunton Campus under traditional procurement or the Public-Private Education Facilities and Infrastructure Act of 2002 of the facility in Staunton; (ii) must develop a plan for disposing of buildings and property located on both campuses that are no longer needed for special education purposes; and (iii) must work with the Cities of Staunton and Hampton and the Department of Historic Resources when considering proposals that may transfer ownership to or establish long-term leases with private entities. The properties must be conveyed with appropriate historic easements at fair market value with the proceeds reverting to the general fund to offset the cost of construction of the new facility. The bill also authorizes the Governor to convey all real property, including all buildings and facilities located thereon, held in the name of the board of visitors of the Virginia School for the Deaf, Blind, and Multi-Disabled in Hampton to the New Horizons Regional Education Center, contingent on the two entities agreement on a facilities and land use plan. A second enactment clause declares that the funding for the new facility will be funded in accordance with the general appropriation act passed by the 2006 Session of the General Assembly, which becomes law. This bill is identical to SB 676.

*Patron - Hamilton*

**HB434 Education; maintenance of employee personnel records.** Permits personnel files of school board employees to be produced and maintained in digital or paper format.

*Patron - Griffith*

**HB466 School board salaries.** Increases from \$2,400 to \$3,600 the maximum salary to be paid members of the Hopewell school board. The bill also increases the maximum salary to be paid members of the Hanover school board, from \$4,600 to \$8,000.

*Patron - Ingram*

**HB493 Education; high school baccalaureate ceremonies.** Includes baccalaureate ceremonies among the prayer-oriented school activities for which the Board of Education, in consultation with the Office of the Attorney General, must develop guidelines to promote compliance with constitutional restrictions and the observance of constitutional rights.

*Patron - Frederick*

**HB813 Standards of Quality; Standard 3, Standards of Learning and administration and use of SOL tests.** Provides that the Board of Education may adopt special provi-

sions related to the administration and use of any SOL test or tests in a content area as applied to accreditation ratings for any period during which the SOL content or assessments in that area are being revised and phased in. Prior to statewide administration of such tests, the Board of Education must provide notice to local school boards regarding such special provisions.

*Patron - Fralin*

**HB971 Opening of the 2006 school year at T.C. Williams High School.** Authorizes, in a noncodified provision, the School Board of the City of Alexandria to set the 2006-2007 school calendar for T.C. Williams High School so that the first day students are required to attend the old T.C. Williams High School for the 2006-2007 school year will be prior to Labor Day of 2006 and the last day students are required to attend the old T.C. Williams High School will be at the end of May 2007. In setting its 2006-2007 school calendar for all other Alexandria schools, the School Board of the City of Alexandria must comply with the provisions of § 22.1-79.1, requiring the first day of the school year to be after Labor Day. The act will expire on January 1, 2007. This bill incorporates HB 391 and is identical to SB 366.

*Patron - Ebbin*

**HB1057 Education; revision of teacher licensure requirements and regulations governing teacher education programs.** Revises statutes governing teacher licensure regulations and regulation of teacher education programs by repealing the current statutes and reenacting teacher licensure and teacher education program provisions. The bill provides that the Board of Education must prescribe, by regulation, the requirements for licensure of teachers and other school personnel. The Board's regulations must include requirements that a person seeking initial licensure complete professional assessments prescribed by the Board and complete study in attention deficit disorder, gifted education, and family involvement in student learning. In addition, every person seeking initial licensure or licensure by renewal must demonstrate proficiency in the use of educational technology and receive professional development in instructional methods promoting student academic progress and Standards of Learning assessments. Persons seeking initial licensure or first-time licensure renewal must complete prescribed study in child abuse. All persons seeking licensure with an endorsement as a teacher of the blind and visually impaired must demonstrate proficiency in reading and writing Braille. The Board's regulations must also provide for licensure of principals and assistant principals contingent upon a prescribed assessment; criteria to effectuate the substitution of experiential learning for coursework for those seeking initial licensure through an alternate route; and licensure by reciprocity. The Board's regulations may provide for provisional licensure valid for up to three years. The Board's regulations governing education preparation programs must provide for such programs offered by institutions of higher education, Virginia public school divisions, and certified providers for alternate routes to licensure and must prescribe an assessment of basic skills for individuals seeking entry into an approved education preparation program and accountability measures for approved education programs. Education preparation programs must meet the Board's requirements for accreditation and program approval. This bill is identical to SB 74.

*Patron - Reid*

**HB1058 Standards of quality; biennial review.** Moves the biennial review of the standards of quality conducted by the Board of Education from the odd-numbered years to the even-numbered years. This bill also contains a technical amendment. This bill is identical to SB 71.

*Patron - Reid*

**HB1059 Standards of Learning; release of assessments.** Adds a condition to the release of Standards of Learning assessments by the Board of Education that the release of such assessments to the public may not limit the ability to test students on demand and provide immediate results in the web-based assessment system. This bill is identical to SB 34.

*Patron - Reid*

**HB1109 Background checks for public school contract employees; penalty.** Provides that, prior to awarding a contract for the provision of services that require direct contact with students, a school board shall require the contractor and, when relevant, any employee who will have direct contact with students, to certify (i) that he has not been convicted of a felony or any offense involving the sexual molestation or physical or sexual abuse or rape of a child; and (ii) whether he has been convicted of a crime of moral turpitude. Any person making a materially false statement regarding any such offense shall be guilty of a Class 1 misdemeanor. The fact of such conviction will be grounds for the revocation of the contract and, when relevant, revocation of the person's license to provide such services. Schools boards will not be liable for materially false statements regarding the required certifications. "Direct contact with students" is defined as "being in the presence of students during regular school hours or during school-sponsored activities."

*Patron - Athey*

**HB1222 Education; tuition liability for false statements of residency within a school division; penalty.** Provides that any person who knowingly makes a false statement concerning the residency of a child for the purpose of avoiding tuition charges shall be liable to the school division in which the child was enrolled as a result of such false statements for tuition charges for the time the student was enrolled in the school division.

*Patron - Barlow*

**HB1242 Administration of surveys and questionnaires to public school students.** Prohibits local school boards from administering questionnaires or surveys requesting sexual information to public school students unless the parent is notified in writing of the administration of the questionnaire or survey at least 30 days in advance to its administration. The notice must inform the parent of the nature and types of questions included in the questionnaire or survey, the purposes and age-appropriateness of the survey, and whether and how any findings or results will be disclosed. The bill provides parents the right to review the questionnaire or survey and to exempt their child from participating in the survey. No questionnaire or survey requesting sexual information of a student may be administered to any student in kindergarten through sixth grade and, unless required by federal or state law or regulation, school personnel administering any such questionnaire or survey shall not disclose personally identifiable information.

*Patron - Hugo*

**HB1279 Notification to school principals of students charged with committing certain crimes.** Amends the requirement that principals or their designees receive notification from local law-enforcement authorities when students in their school commit certain crimes to require that such notification be given, whether the student is released to the custody of his parent or, if 18 years of age or more, is released on bond. The bill further requires that any school superintendent who receives notification that a juvenile has committed an act that would be a crime if committed by an adult pursuant to subsec-

tion G of § 16.1-260 must report such information to the principal of the school in which the juvenile is enrolled.

*Patron - Barlow*

**HB1340 Requirements for home instruction of children.** Modifies the criteria that a parent must meet to provide home instruction to their children, by providing that a parent who holds a high school diploma, rather than a baccalaureate degree, meets the requirements. This bill is identical to SB 499.

*Patron - Bell*

**HB1427 No Child Left Behind; elimination plan.** Directs the Board of Education to develop a plan to eliminate initiatives or conditions that are currently being funded by No Child Left Behind, unless such initiatives or conditions are an integral and necessary component of the Commonwealth's own Standards of Quality, Standards of Accreditation, or Standards of Learning. Upon the development of the plan, the Office of the Attorney General must provide the Board and the General Assembly an estimate of the costs for providing legal services in the event that the elimination of any initiatives or conditions results in withholding of Title I funds. The Board of Education must report its plan to the Senate Committee on Education and Health, the House Committee on Education, the Senate Committee on Finance, and the House Committee on Appropriations by October 1, 2006.

*Patron - Landes*

**HB1428 No Child Left Behind; waiver and exemption requests.** Provides that, in calendar year 2006, the President of the Board of Education shall request certain waivers and exemptions from regulatory and statutory requirements of the federal No Child Left Behind Act from the U.S. Department of Education. The President of the Board of Education is directed to submit a report on the status of all such requests for waivers and exemptions to the chairmen of the Senate Committee on Education and Health and the House Committee on Education and the chairmen of the Senate Committee on Finance and the House Committee on Appropriations. If the report indicates that the response from the U.S. Department of Education to requests for waivers and exemptions is unsatisfactory, then the President of the Board of Education must make recommendations to the Governor and the General Assembly regarding additional actions that could be taken by the Commonwealth regarding No Child Left Behind requirements.

*Patron - Landes*

**HB1482 School records of missing children; local law-enforcement cooperation.** Enhances current procedures for notation in school records of missing children and local law-enforcement cooperation with the schools by mandating that, (i) within 24 hours of the missing child report, local law enforcement must notify the principal of the school where the missing child is or was most recently enrolled of the report so that the school can mark the student's record; and (ii) upon notification that the marked child's record has been requested, the Superintendent of State Police must immediately initiate an investigation into the circumstances surrounding the request. Additionally, the bill defines the term "mark" as an electronic or other indicator that is readily apparent on the student's record.

*Patron - Shannon*

**HB1483 Requirements for home instruction of children.** Amends the requirements for home instruction to provide that parents may home school their children if they: (i) provide a program of study or curriculum, which, in the judgment of the division superintendent, includes the standards

of learning objectives adopted by the Board of Education for language arts and mathematics, or (ii) provide evidence that the parent is able to provide an adequate education for the child. Currently, parents choosing to home school a child must provide the child a program of study or curriculum that includes the standards of learning objectives adopted by the Board of Education for language arts and mathematics. The bill further provides that a parent who elects to home school a child must provide the division superintendent with evidence that the child has attained a composite score in or above the fourth stanine of any nationally normed standardized achievement test rather than the current requirement that such child receive a score in or above the fourth stanine on a battery of achievement tests that have been approved by the Board of Education for use in the public schools.

*Patron - Tata*

**HB1516 Possession of certain weapons on school property; expulsion.** Requires a school board to expel from school for at least one year a student who possesses certain weapons on school property or at a school-sponsored activity. Current law relates to "bringing" weapons to school.

*Patron - Tata*

**HB1588 Declaration of policy; requirement for home instruction of children.** Requires that school boards implement a plan to make PSAT examinations available to students receiving home instructions.

*Patron - Moran*

**SB34 Standards of Learning; release of assessments.** Ensures that the timely release of the Standards of Learning assessments to the public will not limit the Department of Education's ability to test students on-demand and provide immediate results in the web-based assessment system. This bill is identical to HB 1059.

*Patron - Reynolds*

**SB39 Test security procedures; violations.** Creates a limited exemption from the Freedom of Information Act, for records furnished to or prepared by the Board of Education in connection with the review or investigation of any alleged breach in security, unauthorized alteration, or improper administration of tests by local school board employees responsible for distribution or administration of the tests. However, the exemption does not prohibit the disclosure of records to (i) a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee or (ii) any requester, after the conclusion of a review or investigation, in a form that (a) does not reveal the identity of any person making a complaint or supplying information to the Board on a confidential basis and (b) does not compromise the security of any test mandated by the Board. Also, the bill authorizes the Board of Education to initiate a review of any alleged violation of its regulations by a local school board or local school board employee responsible for implementing the regulations of the Board, including the distribution or administration of tests. The bill also allows the Board to recover the reasonable costs of any investigation conducted because of violations of test security from any person who violates test security procedures. This bill is identical to HB 348.

*Patron - Reynolds*

**SB62 Comparative religion as elective course.** Relocates the duty to authorize a comparative religion class from local school boards to the Board of Education. In the process of revising the Standards of Quality, language was inadvertently

altered during the 2004 Session. This bill is identical to HB 215.

*Patron - Whipple*

**SB66 Reduction of state aid when length of school term below 180 days or 990 hours.** Defines "declared state of emergency" as the term is used elsewhere in the section. Additionally, the bill clarifies that the length of the school term shall be at least 180 teaching days or 990 teaching hours and that school divisions may make up missed time by adding teaching days to the school calendar or extending the length of the school day. The bill (i) revises the amount of time that must be made up when a school or schools have been closed for six or more days during the school term due to severe weather conditions or other emergency situations, (ii) spells out the procedures for requesting a waiver from the Board of Education for closings resulting from a declared state of emergency, and (iii) adds a provision about school calendars and teacher contracts. Finally, the bill requires the division superintendent and chairman of the local school board to certify the total number of teaching days and hours each year as part of their annual report to the Board of Education.

*Patron - Whipple*

**SB67 Remediation programs.** Amends the standards for remediation programs to require that data submitted to the Board of Education include the number of students failing any Standards of Learning assessments for grades three through eight. This bill also provides that students who fail the Standards of Learning assessments in grades three through eight, in addition to other factors that the division superintendent may use to determine the student's need for remediation, must attend summer school or after-school remediation programs. There are several technical amendments.

*Patron - Whipple*

**SB71 Biennial review of the Standards of Quality.** Changes the Board of Education's required review of the Standards of Quality from odd-numbered years to even-numbered years, and provides that in any odd-numbered year following the year in which the Board proposes changes to the Standard of Quality, budget estimates required to be reported take such changes into consideration. This bill is identical to HB 1058.

*Patron - Houck*

**SB74 Education; revision of teacher licensure requirements and regulations governing teacher education programs.** Revises statutes governing teacher licensure regulations and regulation of teacher education programs by repealing the current statutes and reenacting teacher licensure and teacher education program provisions. The bill provides that the Board of Education must prescribe, by regulation, the requirements for licensure of teachers and other school personnel. The Board's regulations must include requirements that a person seeking initial licensure complete professional assessments prescribed by the Board and complete study in attention deficit disorder, gifted education, and family involvement in student learning. In addition, every person seeking initial licensure or licensure by renewal must demonstrate proficiency in the use of educational technology and receive professional development in instructional methods promoting student academic progress and Standards of Learning assessments. Persons seeking initial licensure or first-time licensure renewal must complete prescribed study in child abuse. All persons seeking licensure with an endorsement as a teacher of the blind and visually impaired must demonstrate proficiency in reading and writing Braille. The Board's regulations must also provide for licensure of principals and assistant principals contingent upon a prescribed assessment; criteria to effectuate the substitution of experiential learning for coursework for those seeking

initial licensure through an alternate route; and licensure by reciprocity. The Board's regulations may provide for provisional licensure valid for up to three years. The Board's regulations governing education preparation programs must provide for such programs offered by institutions of higher education, Virginia public school divisions, and certified providers for alternate routes to licensure and must prescribe an assessment of basic skills for individuals seeking entry into an approved education preparation program and accountability measures for approved education programs. Education preparation programs must meet the Board's requirements for accreditation and program approval. This bill is identical to HB 1057.

*Patron - Houck*

**SB75 School crisis, emergency management, and medical emergency response plan; required.** Requires each school to implement a "medical emergency response plan" as part of their school crisis and emergency management plan. The Department of Education must provide assistance in the development of the plan in coordination with local emergency medical services providers, the training of school personnel and students to respond to a life-threatening emergency, and the equipment required for this emergency response. The Department must also prepare a model medical emergency response plan.

*Patron - Houck*

**SB97 Fire and evacuation drills prohibited in schools during periods of mandatory testing.** Requires the Board of Housing and Community Development to promulgate regulations prohibiting fire and evacuation drills in schools during periods of mandatory testing required by the Board of Education. The bill includes an enactment clause requiring the promulgation of emergency regulations.

*Patron - Blevins*

**SB203 Virginia Public School Authority; pass-through of bond refunding savings.** Authorizes the Virginia Public School Authority to implement a pass-through of refunding savings to a locality without requiring any further local legislative action on the part of the locality.

*Patron - Blevins*

**SB324 Teachers; compensation.** Requires the Director of Human Resource Management to consider, in the biennial review of the compensation of teachers and other occupations requiring similar education and training the Commonwealth's compensation for teachers relative to member states in the Southern Regional Education Board. The bill also requires the evaluation of each teacher with continuing contract status at least once every three years. Such teachers who have an unsatisfactory evaluation must be evaluated the following year. Additionally, the bill provides that the evaluations must be maintained in the employee's personnel file.

*Patron - Whipple*

**SB366 Opening of the 2006 school year at T.C. Williams High School.** Authorizes, in a noncodified provision, the School Board of the City of Alexandria to set the 2006-2007 school calendar for T.C. Williams High School so that the first day students are required to attend the old T.C. Williams High School for the 2006-2007 school year will be prior to Labor Day of 2006 and the last day students are required to attend the old T.C. Williams High School will be at the end of May 2007. In setting its 2006-2007 school calendar for all other Alexandria schools, the School Board of the City of Alexandria must comply with the provisions of § 22.1-79.1, requiring the first day of the school year to be after Labor Day.



The act will expire on January 1, 2007. This bill is identical to HB 971.

*Patron - Saslaw*

**SB410 No Child Left Behind; elimination plan.** Directs the Board of Education to develop a plan to eliminate initiatives or conditions that are currently being funded by No Child Left Behind, unless such initiatives or conditions are an integral and necessary component of the Commonwealth's own Standards of Quality, Standards of Accreditation, or Standards of Learning. Upon the development of the plan, the Office of the Attorney General must provide the Board and the General Assembly an estimate of the costs for providing legal services in the event that the elimination of any initiatives or conditions results in withholding of Title I funds. The Board of Education must report its plan to the Senate Committee on Education and Health, the House Committee on Education, the Senate Committee on Finance, and the House Committee on Appropriations by October 1, 2006. This bill is identical to HB 1427.

*Patron - Hanger*

**SB499 Requirements for home instruction of children.** Modifies the criteria that a parent must meet to provide home instruction to their children, by providing that a parent who holds a high school diploma, rather than a baccalaureate degree, meets the requirements. This bill is identical to HB 1390.

*Patron - Puckett*

**SB502 Election of school board members; appointment of tiebreaker.** Authorizes a popularly elected school board, having an even number of members, to appoint a tiebreaker in case of a tie vote.

*Patron - Puckett*

**SB676 Transfer of real property and consolidation plan for the Virginia School for the Deaf and Blind at Staunton and the Virginia School for the Deaf, Blind and Multi-Disabled at Hampton.** Requires the residential programs of the Virginia School for the Deaf and the Blind at Staunton and the Virginia School for the Deaf, Blind and Multi-Disabled at Hampton to be modified. The Department of General Services (i) is authorized to enter into a comprehensive agreement for the necessary renovations, additions, and new facility construction at the Staunton Campus under traditional procurement or the Public-Private Education Facilities and Infrastructure Act of 2002; (ii) must develop a plan for disposing of buildings and property located on both campuses that are no longer needed for special education purposes; and (iii) must work with the Cities of Staunton and Hampton and the Department of Historic Resources when considering proposals that may transfer ownership to or establish long-term leases with private entities. The properties must be conveyed with appropriate historic easements at fair market value with the proceeds reverting to the general fund to offset the cost of construction of the new facility. The bill authorizes the Governor to convey all real property, including all buildings and facilities located thereon, held in the name of the board of visitors of the Virginia School for the Deaf, Blind, and Multi-Disabled in Hampton to the New Horizons Regional Education Center, contingent on the two entities agreement on a facilities and land use plan. A second enactment clause declares that the funding for the new facility will be funded in accordance with the general appropriation act passed by the 2006 Session of the General Assembly, which becomes law. This bill is identical to HB 350.

*Patron - Hanger*

**SB683 High school diploma requirements and students with limited English proficiency.** Requires the Board and Department of Education to collect certain statewide data on Virginia's public school students with limited English proficiency and school division programs for such LEP students, analyze the data, and recommend steps to resolve the issues relating to the requirements for obtaining a high school diploma and students with limited English proficiency that will retain high academic standards and accountability, while assisting such students in their endeavors to obtain an education and to become productive Virginians.

*Patron - Colgan*

**SB687 Approval of teacher education programs.** Prohibits the Board of Education from conditioning full approval of teacher education programs provided by an institution of higher education on (i) the number of students in individual licensure programs, such as, but not limited to, prekindergarten-three, Spanish, music education, high school physics, or other disciplines, or (ii) documented efforts to increase enrollment in such programs.

*Patron - Potts*

**SB715 Temporary loans to school boards.** Extends the length of a temporary loan for the purpose of financing new school buses to replace obsolete buses from five to 10 years.

*Patron - Blevins*

## Failed

**HB51 Safety belts in school buses.** Requires school buses purchased by, or for use by, any school or school division on or after July 1, 2006, to be equipped with safety belts or safety belts and shoulder harnesses of types approved by the Superintendent of State Police. The Board of Education must adopt policies, guidelines, and regulations to ensure that all passengers, including the driver, wear these belts or harnesses or both, whenever the bus is in motion. However, a school bus driver may not be held personally liable for the failure of passengers to wear safety belts as required by the Board's regulations.

*Patron - Marshall, R.G.*

**HB84 Safety belts in school buses.** Requires school buses purchased by, or for use by, any school or school division on or after January 1, 2007, to be equipped with safety belts or safety belts and shoulder harnesses of types approved by the Superintendent of State Police. The Board of Education must adopt policies, guidelines, and regulations to ensure that all passengers, including the driver, wear these belts or harnesses or both whenever the bus is in motion.

*Patron - Spruill*

**HB100 Private driver education programs.** Provides that classroom training and behind-the-wheel instruction offered by the Association of Christian Schools International and the Virginia Council of Private Education will be acceptable means of receiving driver education if the classroom instruction is consistent in quality with instructional programs developed by the Board of Education for classroom training in public schools and the behind-the-wheel training is licensed by the Department of Motor Vehicles.

*Patron - Cosgrove*

**HB107 Drug-free school zones.** Requires each public and private elementary, secondary, and post-secondary school and each public and private two-year and four-year institution of higher education to post signage indicating that school prop-

erty and the area within 1,000 feet of such property is a drug-free school zone.

*Patron - Purkey*

**HB137 Standards of Quality; Standard 3, Standards of Learning assessments.** Provides that the Board of Education must release the Standards of Learning assessments periodically, but not less than once every three years. Currently, the Board must release the assessments in a timely manner and as soon as practicable after the administration of such tests.

*Patron - Tata*

**HB163 Family life education; parent or guardian review.** Emphasizes the right of parents and guardians to review family life curricula whether or not family life instruction is mandatory or optional. Further, the bill repeals § 22.1-207.1 that requires the Board of Education to establish guidelines for family life education and prescribes certain subject matter to be taught in family life education programs. The bill also contains a technical amendment to remove redundant language.

*Patron - Lingamfelter*

**HB230 Department of Corrections; eligibility for good conduct allowance; literacy and education.** Requires that the Governor's appointees to the Board of Correctional Education include educators and a citizen with an immediate family member incarcerated in Virginia. The bill provides for good conduct allowance for prisoners depending on their performance and conduct in which escalating credits toward good conduct allowance are available in four class levels. The highest level available is 50 percent credit for those prisoners with exemplary behavior and who have earned or are making progress toward earning their general educational development (GED) certificate. The bill includes a literacy requirement for inmates, and allows for good conduct credits to be earned through reading.

*Patron - Jones, D.C.*

**HB273 Teacher salaries for critical shortage area teachers.** Provides that, in order to assure the availability of highly qualified teachers in high-demand subject areas, the local school boards shall adjust their teacher salary schedules to provide for greater compensation for personnel who teach in a critical shortage area or discipline, as identified by the Board of Education's Regulations Governing the Determination of Critical Shortage Areas, than in areas in which there is no shortage of highly qualified teachers. The measure further provides that no teacher salary schedule adopted by a local school board shall establish a maximum salary that can be earned by teachers in a school division.

*Patron - Poisson*

**HB274 Licensure of division superintendents, principals, assistant principals, and school supervisors.** Provides that the Board of Education shall make no regulations prescribing mandatory qualifications or licensure requirements for holding the position of division superintendent of schools, principal, assistant principal, and school supervisor.

*Patron - Poisson*

**HB275 Teacher education.** Requires that all persons seeking licensure as a teacher obtain a degree in any branch of liberal arts, science, mathematics, social studies, or other specific subject area, but not a degree in pedagogy. The measure also establishes a teacher internship program in lieu of student teacher or clinical faculty programs that are currently administered by institutions of higher education in cooperation with public elementary and secondary schools. The Board of Educa-

tion must develop and implement the teacher internship program to provide all graduates of an accredited degree-granting institution seeking licensure in Virginia with training in a classroom under the supervision of an experienced teacher. All graduates of a degree-granting institution seeking licensure in Virginia must complete a one-year paid internship at a public elementary or secondary school in the Commonwealth. At the completion of the internship, the principal of the school in which the internship was completed, in consultation with the intern's supervising teacher, must evaluate the intern's performance during the internship and determine whether the intern shall be certified for licensure by the Department of Education. Upon certification by a principal to the Department that an intern has successfully completed the internship program, the Board shall issue the intern a license if he has satisfied all other requirements for licensure by the Board.

*Patron - Poisson*

**HB276 Apportionment of state and local share; adjustments for English as a second language and special education programs.** Directs that the General Assembly, in apportioning the state and local share for the costs of providing an educational program meeting the Standards of Quality shall, as provided in the appropriation act, modify the formula that determines each locality's ability to pay for its share of providing an educational program meeting the prescribed Standards of Quality to incorporate statewide average teacher salaries and to provide adjustments for the number of special education students and students receiving English as a second language instruction.

*Patron - Caputo*

**HB338 Annual body mass index assessments required for public school students.** Requires the principal of each school, pursuant to regulations adopted by the Board of Education in consultation with the State Health Commissioner, to (i) provide an annual assessment of the body mass index (BMI) of each student in the school; (ii) notify the parent or guardian, in writing, of the annual BMI percentile by age for the relevant student; and (iii) provide the parent or guardian of the relevant student with information explaining the use of BMI in identifying underweight and overweight children and the potential health risks of various growth patterns.

*Patron - Orrock*

**HB391 Opening of the 2006 school year at T.C. Williams High School.** Authorizes, in a noncodified provision, the School Board of the City of Alexandria to set the 2006-2007 school calendar for T.C. Williams High School so that the first day students are required to attend the old T.C. Williams High School for the 2006-2007 school year will be prior to Labor Day of 2006 and the last day students are required to attend the old T.C. Williams High School will be at the end of May 2007. In setting its 2006-2007 school calendar for all other Alexandria schools, the School Board of the City of Alexandria must comply with the provisions of § 22.1-79.1, requiring the first day of the school year to be after Labor Day. The act will expire on January 1, 2007. This bill was incorporated into HB 971.

*Patron - Englin*

**HB392 State funding for No Child Left Behind Testing.** Provides that all costs incurred by localities resulting from student testing required by the federal No Child Left Behind Act must be paid by the Commonwealth. Beginning with the fiscal year beginning July 1, 2006, each locality must, in each even-numbered year, submit cost estimates of such testing to the Department of Education for review and certification by the Department. The Department must certify to the Governor all such costs incurred by localities from student test-

ing and, beginning in 2007, the Governor must include an appropriation in the budget bill and the gubernatorial amendments thereto to fund all such costs.

*Patron - Englin*

**HB472 The Virginia Teaching Scholarship Loan Program.** Amends provisions of the Virginia Teaching Scholarship Loan Program to make those who agree to teach special education in a private school in the Commonwealth eligible to participate in the loan program. Currently, only students who agree to teach in public schools in the Commonwealth are eligible to receive scholarships through the program.

*Patron - Cosgrove*

**HB481 Education; expenditures and reports on instructional spending.** Requires each local school division to allocate 65 percent of its operating budget to instructional spending. Local school boards must report annually to the Board of Education the percentage of their operating budgets allocated to instructional spending. Any school division that fails to meet the 65 percent requirement must present a plan to the Board of Education to increase instructional spending by 0.5 percent in the following year. School divisions failing to submit such a plan must be audited by the Auditor of Public Accounts who in turn must submit recommendations to the Board including instruction on how such school divisions can increase their instructional spending to 65 percent. In addition, the Board must annually report to the Senate Committee on Finance and the House Committee on Appropriations the amount of spending allocated by the local school divisions to instructional spending based on the reports submitted annually by the local school boards.

*Patron - Frederick*

**HB507 Education; criminal records checks for school volunteers.** Provides that if a local school division, in its discretion, requires fingerprinting or criminal records checks of school volunteers, all associated costs shall be paid by the school division or by the Commonwealth with such funds as may be appropriated for this purpose.

*Patron - Armstrong*

**HB537 Home instruction of children; requirements.** Strengthens the requirements for parents providing home instruction, by (i) requiring the parents to notify the division superintendent of any changes in the curriculum during the school year; (ii) authorizing the division superintendent to terminate home instruction if a measurement of progress is not submitted by August 1, and no probationary year has been granted; (iii) authorizing the division superintendent to terminate home instruction if the remediation plan is not satisfactory or at any time if it is evident that no progress is being made; and (iv) raising the achievement test standard to the fifth stanine or higher.

*Patron - Parrish*

**HB582 Standards of Quality; Standard 2, pupil-teacher ratios.** Changes the current pupil-teacher ratio in kindergarten through grade three from average daily membership of 24:1 to actual maximum daily membership of 26:1 in those grades. This bill also provides that the pupil-teacher ratio may not exceed 25:1 in average daily membership in grades four through six, and 24:1 in average daily membership in English classes in grades six through 12. The current pupil-teacher ratios are as follows: 24:1 in kindergarten with no class larger than 29 students, and if the average daily membership in kindergarten exceeds 24 pupils, a full-time teacher's aide must be assigned to the class; 24:1 in grades one through three with no class larger than 30 students; 25:1 in grades four through six

with no class larger than 35 students; and 24:1 in English classes in grades six through 12.

*Patron - Watts*

**HB584 Education; computation of composite index.** Codifies the current Standards of Quality (SOQ) funding formula and calculation of composite index of local ability-to-pay, and modifies the formula that determines each locality's ability to pay for its share of providing an educational program meeting the prescribed SOQ to (i) incorporate tax values and population estimates for the fiscal year ending one year prior to the fiscal biennium in which the distribution takes place; (ii) provide for a population density adjustment in certain localities; and (iii) incorporate median, rather than average, adjusted gross income. In addition, the respective weights granted to the various wealth indicators are updated to use 1997 figures. This measure reflects certain recommendations included in the Joint Legislative Audit and Review Commission (JLARC) Review on Elementary and Secondary School Funding (February 2002).

*Patron - Watts*

**HB591 Education; calculation of high school graduation rates.** Directs the Board of Education to collect, analyze, and report high school graduation rates using a standardized formula. In calculating graduation rates using the formula, the Board shall provide an exception for students enrolling in high school in Virginia for the first time who have limited English proficiency and have no transferable high school credits. This bill was incorporated into HB 19.

*Patron - Lohr*

**HB593 Education; English as a Second Language Grant Program.** Establishes the English as a Second Language Grant Program for the purpose of providing grants to school divisions in which at least 25 percent of the student population receives English as a second language instruction. The program shall be administered by the Board of Education, and the Board must promulgate regulations governing the disbursement of such grants and provide rules and guidelines for the use of funds received by school divisions from the program. Each school division receiving such funds must submit a report to the Board specifying how the funds were used or are intended to be used in the school division.

*Patron - Lohr*

**HB780 Education; expenditures and reports on instructional spending.** Requires each local school division to allocate 65 percent of its operating budget to instructional spending. Local school boards must report annually to the Board of Education the percentage of their operating budgets allocated to instructional spending. Any school division that fails to meet the 65 percent requirement must present a plan to the Board of Education to increase instructional spending by 0.5 percent in the following year. School divisions failing to submit such a plan must be audited by the Auditor of Public Accounts who in turn must submit recommendations to the Board including instruction on how such school divisions can increase their instructional spending to 65 percent. In addition, the Board must annually report to the Senate Committee on Finance and the House Committee on Appropriations the amount of spending allocated by the local school divisions to instructional spending based on the reports submitted annually by the local school boards.

*Patron - Albo*

**HB808 Teacher staffing ratios in under-filled and overflowing classes.** Provides that, in order to maintain student-teacher ratios that provide for individualized instruction and promote the efficient use of school personnel, secondary

school teachers may teach courses outside of their endorsement area to accommodate under-filled or overflowing classes.

*Patron - Fralin*

**HB815 Education; computation of composite index.** Requires the General Assembly to modify the current Standards of Quality (SOQ) funding formula and calculation of composite index of local ability to pay that determines each locality's ability to pay for its share of providing an educational program meeting the prescribed SOQ to incorporate within the real estate indicator of local wealth the land-use taxation value for those properties within a land-use plan. Localities may adopt land-use plans and provide for the use value assessment and taxation of certain properties, such as those designated for agricultural, horticultural, forest, or open-space use. The current composite index of local ability to pay incorporates the "true value" of real property (rather than any special use assessed values) weighted 50 percent, with adjusted gross income weighted at 40 percent, and taxable retail sales weighted at 10 percent, as indicators of local wealth.

*Patron - May*

**HB905 Literary Fund; distributions.** Raises the maximum limit for any loan from the Literary Fund from \$7.5 million to \$12 million.

*Patron - Lohr*

**HB966 Access to student records by military recruiters; notice to parents.** Provides that the notice to parents or guardians required by federal law and regulations and the regulations of the Board of Education concerning the release of directory information shall be included on the emergency contact information form, which shall also include a statement printed in conspicuous, bold type that advises parents or guardians that giving consent for the release of the directory information concerning their child may result in release of such information to an official recruiting representative of the military forces of the Commonwealth or the United States. Such statement shall also advise parents or guardians of their right to (i) deny consent to release directory information concerning their child or (ii) limit the persons to whom such information may be released. Such statement shall also include the manner in which denial or limitation of consent may be effectuated.

*Patron - Ebbin*

**HB968 Membership of the Board of Correctional Education.** Specifies that members of the Board of Correctional Education shall consist of the following: one educator with experience working in special education, two educators with experience working with specific learning disabilities, one elected official, and one citizen with an immediate family member incarcerated within the Commonwealth. The bill further directs the Governor, in making appointments to the Board, to select appointees of such qualifications and experience necessary to ensure that the membership of the Board includes persons suitably qualified to consider and act upon the various matters under the Board's jurisdiction. The bill places the Department of Correctional Education under the responsibility of the Secretary of Education. Currently, the Secretary of Public Safety is responsible for the Department of Correctional Education.

*Patron - Ebbin*

**HB1084 Standards of Quality; average teacher salary.** Requires that the state average teacher salary not be less than the annual national average teacher salary in order to ensure highly qualified instructional staff in the public schools.

*Patron - Scott, J.M.*

**HB1138 Instruction on drug use in public schools.** Includes instruction on the dangers of methamphetamine and OxyContin use as topics to be covered under the requirement that the public schools provide instruction concerning drugs and drug abuse as prescribed by the Board of Education.

*Patron - Cline*

**HB1158 Teachers; sick leave.** Requires local school boards to adopt policies providing for up to 12 weeks of leave without pay for school board employees with debilitating or life-threatening illness or injury, without regard to the employee's length of service with the school board. Such policies must provide for case-by-case determinations of leave granted that reflect the nature of the employee's illness or injury.

*Patron - Eisenberg*

**HB1308 School boards; authority to block use of school facilities by certain groups.** Authorizes school boards, pursuant to and in compliance with 20 U.S.C. 4071(f), to prohibit the use of school facilities by any student club or other student group that encourages or promotes sexual activity by unmarried minor students. The bill also provides that the Attorney General's Office may provide legal defense on behalf of the local school boards.

*Patron - Lohr*

**HB1408 Transportation services for nonpublic schools.** Permits local school boards to enter into agreements with nonpublic schools in the school division to provide student transportation for a fee to and from the nonpublic schools.

*Patron - Tata*

**HB1450 Daily recess for elementary school students.** Provides that local school boards shall prohibit the denial of daily outdoor recess or unstructured play to a student for disciplinary reasons, unless the parent of the student notifies the school principal in writing that the student may be excused from all or part of recess as a means to discipline the student.

*Patron - Hull*

**HB1590 Teacher quality.** Teacher compensation; biennial review required; employment of teachers.

*Patron - Tyler*

**SB33 General Educational Development Program.** Allows participation in a general educational development program to be by court order and excludes from the compulsory school attendance requirements any child who has obtained a general educational development (GED) certificate. The bill also adds to the list of those persons who may participate in the GED testing program, the testing program through which persons may earn a high school equivalency certificate, (i) persons 16 years of age or older who have been expelled from school and (ii) persons required by court order to participate in the testing program.

*Patron - Potts*

**SB61 Standards of Quality; Standard 2, support services staff ratios.** Amends Standard 2 of the Standards of Quality to (i) provide the same staffing levels for elementary school principals as middle and high school principals, i.e., one each full-time to be employed on a 12-month basis; (ii) increase the staffing level for assistant principals to one full-time assistant principal for every 400 students to obtain the same staffing levels in elementary, middle, and high schools; (iii) require one reading specialist per 1,000 students in kindergarten through grade 12; and (iv) require speech-language

pathologists to be employed in sufficient numbers to ensure a caseload that does not exceed 60 students per position. Current funding levels for these support staff positions are: one half-time principal per 299 students in an elementary school; one half-time assistant principal in an elementary school per 600 students, one full-time assistant principal in an elementary school per 900 students, and one full-time assistant principal in middle and high schools per 600 students; and one reading specialist per elementary school at the discretion of the local school board. Currently, speech-language pathologists are not required by statute. A second enactment clause requires that the provisions of this act will not become effective unless the 2006 appropriation act, as it becomes law, includes funding for such provisions.

*Patron - Reynolds*

**FSB204 Character education; participation in community service.** Provides that character education programs in public schools may include opportunities for voluntary participation in community service activities pursuant to guidelines developed by the Board of Education.

*Patron - Edwards*

**FSB296 Setting of the school calendar.** Provides that local school boards will set the school calendar to provide for the opening and closing of the school year in the school divisions. Currently, local school boards set the school calendar so that the first day of the school year begins after Labor Day and the Board of Education may waive this requirement on a showing of good cause by the school board. This bill also provides that the act will expire on July 1, 2011.

*Patron - Cuccinelli*

**FSB411 No Child Left Behind; withdrawal.** Directs the Commonwealth to withdraw from participation in the federal No Child Left Behind Act. The bill also directs the Board of Education and the Office of the Attorney General of Virginia to bring suit if Title I funds that are not related to NCLB are withheld.

*Patron - Hanger*

**FSB440 Standards of Quality; Standard 1, Standards of Learning.** Provides that the Board of Education require Standards of Learning assessments to reflect instruction related to the contributions of diverse people (e.g., consideration of disability, ethnicity, race, and gender) to society.

*Patron - Lambert*

**FSB441 Board of Correctional Education.** Changes the membership of the Board of Correctional Education to provide appointments of licensed teachers in the Commonwealth with endorsements in special education and experience in educating students with learning disabilities, an elected local official, and a nonlegislative citizen at large whose immediate family member is incarcerated in the Commonwealth. This bill provides that nonlegislative citizen members will serve four-year terms. Current members of the Board whose terms expire on June 30, 2006, June 30, 2007, and June 30, 2008, will continue to serve until the expiration of their terms. Thereafter, these vacancies must be filled in accordance with the new statutory provisions. The Governor will continue to appoint the nonlegislative citizen members of the Board. Persons serving ex officio will continue to serve. This bill also makes certain technical amendments.

*Patron - Lambert*

**FSB709 Virginia Community College System; comprehensive, integrated workforce training system established.** Recognizes the Virginia Community College System as the coordinator of workforce training, establishes a compre-

hensive, integrated workforce training system, and requires the appointment of regional workforce training boards to identify appropriate policies relating to workforce training for each of the community colleges and the school divisions within the relevant region. The regional workforce training boards will receive input from regional business and industry leaders; promote the development of cutting edge technology and workforce skills; advise local school boards, career and technical education teachers and administrators in public schools, and the community college on the design and implementation of workforce training classes to reflect changes in the workplace; and develop a plan of action to comply with federal Department of Labor and state policies vis-a-vis the federal Workforce Investment Act and any regulations promulgated pursuant to the Act.

*Patron - Hawkins*

## Carried Over

**CHB164 Emphasis of abstinence in family life curricula.** Requires that any family life education course including a discussion of sexual intercourse emphasize that abstinence is the accepted norm and the only guarantee against unwanted pregnancy. The bill also requires that family life courses include materials that emphasize honor and respect for monogamous heterosexual marriage; provide information on the transmission of sexually transmitted diseases; inform students on laws addressing child support obligations and the unlawfulness of sexual relations between unmarried persons; and advise students on ways to avoid unwanted sexual advances and resist negative peer pressure. Further, the bill provides that students may opt out of family life courses if a parent or guardian submits a written objection and clarifies that parents have the right to review any family life curriculum, whether such curriculum is mandatory or optional.

*Patron - Lingamfelter*

**CHB223 College Partnership Laboratory Schools.** Establishes college partnership laboratory schools for the purpose of stimulating the development of innovative public education programs by providing opportunities for greater cooperation and coordination between institutions of higher education and K-12 education systems. The laboratory schools are created by a contract between the school and the Board of Education and operate much like public charter schools.

*Patron - Jones, D.C.*

**CHB377 Removal and replacement of local school boards for cause.** Requires the Board of Education to replace any school board, whether elected or appointed, for neglect of duty in any locality in which all elementary and secondary public schools fail to meet the requirements of the Standards of Accreditation for four consecutive years. Upon exercising its authority to replace an elected school board and before appointing new members for such school board, the Board shall hold a public hearing in the locality in which the school board was empaneled to receive the views and comments of citizens of the locality on the selection of new school board members. The Board may appoint new members to an appointed school board without holding a public hearing. The measure further provides that the composition of any local school board that has been removed for cause, whether serving by district or at large, and the terms of the members of such school boards shall be maintained when new members are appointed to the school board by the Board. The Board must replace all members of any school board removed by the Board within 60 days of the date such members are removed by the Board.

*Patron - Dance*

**HB384 Education; school tuition charges on certain military bases.** Provides that any person of school age who resides on a military or naval reservation situated in the geographical boundaries of more than one school division shall be eligible to attend the public schools of any such school division and shall not be denied admission or charged tuition.

*Patron - Suit*

**HB492 Textbooks; availability for home use.** Provides that each local school division shall, in providing textbooks and workbooks free of charge for each child attending public schools, ensure that such textbooks and workbooks are available in sufficient quantity to provide each student an individual copy that may be used at home unless all required course materials are available on school-issued computers that may be used by students at home.

*Patron - Frederick*

**HB838 Transfer of private school credits to public schools.** Requires the Board of Education to promulgate regulations to ensure the transfer of credits from any private elementary, middle, or high school located in the Commonwealth to a public school in any Virginia school division.

*Patron - Frederick*

**HB1229 Education; expulsion of students.** Amends the procedure for readmission of a student to school after expulsion to require that local school board regulations governing the readmission procedure ensure that any initial petition for readmission be timely reviewed by the school board, a committee of the school board, or the division superintendent in a manner that, if granted, would enable the expelled student to return to school no later than one calendar year from the date of the expulsion.

*Patron - Jones, D.C.*

**HB1442 Graduation requirements; standard diploma.** Expands the requirements for earning a standard diploma to include one concentration in career and technical education.

*Patron - Nutter*

**HB1593 Childhood obesity.** Requires the Board of Education to promulgate, in cooperation with the State Health Department, regulations establishing standards to facilitate the prevention and reduction of childhood obesity in the public schools. This bill also requires division superintendents to complete instruction concerning the causes and consequences of overweight and obese students, and the relationship between nutrition, health, and learning by July 1, 2008. The requirement for instruction may be satisfied by attendance at conferences, seminars, or in-service training.

*Patron - Tyler*

**SB205 Early childhood education.** Requires, on and after July 1, 2010, all school divisions to provide early childhood education programs for four-year-olds and five-year-olds who are not eligible to attend kindergarten or at-risk early childhood education programs and whose parents voluntarily wish to enroll them in such programs. These mandated early childhood education programs must be coordinated with the current at-risk early childhood programs, be consistent with the Department's guidelines for early childhood education, and meet the standards established by the Board of Education. The Board of Education is required to promulgate regulations to implement the orderly phase-in of the required programs with the current voluntary programs for at-risk four-year-olds and at-risk five-year-olds who are not eligible to attend kindergarten. An enactment clause provides that the implementation and

funding of the required public school early childhood education programs will be as set forth in the appropriation act. The grants for the at-risk programs may continue to be funded in public schools or other local agencies; however, the Standards of Quality funding of early childhood education will only be provided to public schools.

*Patron - Edwards*

**SB206 Childhood obesity.** Requires the Board of Education to promulgate, in cooperation with the State Health Department, regulations establishing standards to facilitate the prevention and reduction of childhood obesity in the public schools. This bill also requires division superintendents to complete instruction concerning the causes and consequences of overweight and obese students, and the relationship between nutrition, health, and learning by July 1, 2008. The requirement for instruction may be satisfied by attendance at conferences, seminars, or in-service training.

*Patron - Edwards*

**SB241 Individuals with Disabilities Education Act; burden of proof.** Places the burden of persuasion on the school division in an administrative hearing concerning the individualized education program of a child with a disability.

*Patron - Ticer*

**SB263 Triennial census or statistical survey of school-age persons residing in school divisions.** Provides school divisions the option of choosing to conduct a statistical survey rather than the traditional census every three years. The statistical survey or census may be conducted by agents or contractors appointed by each school board on the recommendation of the division superintendent or pursuant to a contract for a statistical survey.

*Patron - Bell*

**SB442 Advisory Board on Teacher Education and Licensure.** Changes the composition and tenure of and appointing authority for the Board of Education's Advisory Board on Teacher Education and Licensure. This bill provides that the nonlegislative citizen members of the Advisory Board on Teacher Education and Licensure will be appointed by the Governor, subject to confirmation by the General Assembly. This bill also reorganizes the Code section and makes technical amendments to comply with the change in the appointing authority for the Advisory Board and the Joint Rules Committee Legislative Guidelines. Currently, the members of the Advisory Board are appointed by the Board of Education. Members serve three-year terms.

*Patron - Lambert*

**SB545 Scholarship for Disabled Students Program; established.** Establishes a scholarship program on behalf of disabled students in the Commonwealth to provide scholarships to a private school of choice for students with disabilities for whom an individual education plan has been written. The student's parent also has the option to enroll the student in another public school in the division, or in another public school in an adjacent division. Only nonsectarian private schools in Virginia holding a license to operate as a school for students with disabilities may participate in the Scholarship Program. The bill also requires the Board of Education to issue guidelines to aid local school divisions and private schools in the implementation of the Program.

*Patron - Stosch*

**SB599 Physical education.** Requires school boards to implement a requirement for physical education to be taught in grades kindergarten through 12.

*Patron - Potts*

**CSB710 K-14 educational partnerships.** Requires that, in addition to any other programmatic requirements and for the purpose of complementing and strengthening existing dual enrollment programs, each local school board shall, by July 1, 2007, establish a regional K-14 educational partnership. Each regional K-14 educational partnership shall be developed in cooperation with one or more community colleges in the region and may include partners from the private sector. Regional K-14 educational partnerships shall (i) provide academically rigorous curricula that provide qualified students the opportunity to specialize in career and technical subjects; (ii) be designed to articulate a specific high school curriculum with an identified community college curriculum; (iii) be devised as a seamless system of education permitting students to matriculate from high school classes to appropriate community college programs without interruption, obtain an associate degree or other credential from a community college, and, if desired by the student, continue his education in a four-year institution; and (iv) be structured and funded as a regional program, in a manner similar to Governor's schools. The Community Colleges are required to participate in the regional K-14 educational partnerships. The State Council of Higher Education is required to facilitate the development of necessary articulation agreements.

*Patron - Hawkins*

## Educational Institutions

### Passed

**PHB36 Regulation of certain private and out-of-state institutions of higher education; civil penalty.** Authorizes the State Council of Higher Education for Virginia to recover a civil penalty of up to \$1,000 for each violation of the chapter relating to regulation of certain private and out-of-state institutions. The civil penalty is available when there has been no criminal prosecution instituted against such postsecondary school.

*Patron - Tata*

**PHB38 Education; accreditation of out-of-state vocational schools.** Requires that all out-of-state academic-vocational noncollege degree schools operating in good standing in the Commonwealth prior to July 1, 2006, that have not obtained accreditation by an accrediting agency recognized by the United States Department of Education secure accreditation candidacy status by July 1, 2009, and full accreditation by July 1, 2012. Further, on and after July 1, 2006 all out-of-state academic-vocational noncollege degree schools, subject to the provisions of Chapter 21.1 of Title 23, must disclose their accreditation status in all written materials advertising or describing the school that are distributed to prospective or enrolled students or the general public.

*Patron - Tata*

**PHB49 Repeal of Virginia Scholars Program.** Repeals sections relating to the Virginia Scholars Program by recommendation of the State Council of Higher Education for Virginia and the Code Commission. The Virginia Scholars Program is no longer functional and does not receive appropriations.

*Patron - Landes*

**PHB50 Repeal of Virginia Work-Study Program.** Repeals provisions relating to the Virginia Work-Study Program by recommendation of the State Council of Higher Edu-

cation for Virginia and the Code Commission. The Virginia Work-Study Program is no longer functional and does not receive appropriations.

*Patron - Landes*

**PHB57 Higher education; articulation agreements and transferable credits.** Requires that if a student declares an intention to transfer credit from an institution within the Virginia Community College System to a four-year public institution, the articulation agreement in force at the time of the student's declaration will determine those credits that may be transferred if the student (i) completes an associate degree within four years of submitting a written declaration of intent to transfer to a four-year public institution of higher education in Virginia and (ii) enrolls in such institution within 18 months of completing an associate degree.

*Patron - Fralin*

**PHB134 Public institutions of higher education; intellectual property.** Removes limitations and requirements currently in place governing the assignment of intellectual property rights at public institutions of higher education. Instead, each institution will be required to adopt its own policies concerning assignment of intellectual property that will govern any research contracts to which it is a party. Each institution must forward a copy of its policies to the Joint Commission on Technology and Science and report annually to the Joint Commission on Technology and Science as to the assignment of any intellectual property interests by that institution. The bill removes the requirement that the State Council of Higher Education for Virginia create guidelines for institutions to follow in developing their policies. This bill is identical to SB 259.

*Patron - Cosgrove*

**PHB305 Higher education; Office of Learning Technology.** Creates the Office of Learning Technology within the State Council of Higher Education to facilitate and coordinate the voluntary participation of public and private institutions of higher education in the Commonwealth in technology-enriched initiatives. The Office is charged with establishing and administering agreements with nonprofit public and private institutions of higher education in the Commonwealth and other entities for the identification of unmet needs for technology-enriched educational programs and opportunities, and the development and delivery of technology-enriched initiatives, including distance and distributed learning initiatives, for currently served populations and underserved constituencies. In addition, the Office must (i) review technology-enriched learning initiatives and make recommendations to the Council regarding unnecessary duplication in such initiatives; (ii) assist in the development of standards for improving access to, training for, and efficiency in such learning initiatives; and (iii) enter into contracts for related program development. The bill is contingent on funding in the appropriation act. This bill is identical to SB 172.

*Patron - Rust*

**PHB310 Higher education; State Council of Higher Education student advisory committee.** Omits the requirement that appointees to the student advisory committee serve on the committee at least one year before they are eligible to be elected chairman of the committee.

*Patron - Rust*

**PHB346 Restructured Higher Education Financial and Administrative Operations Act; campus security.** Adds campus safety and security to the several state goals that public institutions of higher education participating in the Restructured Higher Education Financial and Administrative Opera-

tion Act must commit to the Governor and General Assembly to meet.

*Patron - Hamilton*

**HB504 Reduced tuition rates for employees of the Virginia Community College System.** Allows the State Board for Community Colleges to establish policies and guidelines providing for reduced tuition rates at Virginia's community colleges for employees of the Virginia Community College System.

*Patron - Armstrong*

**HB517 Higher Education; New College Institute established.** Establishes the New College Institute as an educational institution in the area of Martinsville and Henry Counties. The New College Institute is charged with, among other things, expanding educational opportunities in the region by providing access to degree-granting programs, including undergraduate, graduate, and professional programs, through partnerships with private and public institutions of higher education, the public schools, and public and private sectors; and seeking to diversify the region's economy by engaging the resources of other institutions of higher education, public and private bodies, and organizations of the region and state. The institute will be governed by a 12-member Board of Directors appointed as follows: seven nonlegislative members to be appointed by the Governor, three members to be appointed by the Speaker of the House of Delegates, and two members to be appointed by the Senate Committee on Rules. The Board would direct the development and focus of New College's curriculum. The curriculum would include appropriate and non-degree programs offered by other educational institutions. This bill is identical to SB 40.

*Patron - Armstrong*

**HB695 In-state tuition for dependents of active duty military personnel.** Provides that all dependents of active duty military personnel assigned to a permanent duty station in Virginia who reside in Virginia shall be deemed to be domiciled in the Commonwealth for purposes of eligibility for in-state tuition and shall be eligible to receive in-state tuition in Virginia. All dependents of such military personnel receiving in-state tuition shall be afforded the same educational benefits as any other individual receiving in-state tuition so long as they are continuously enrolled in an institution of higher education in Virginia or are transferring between Virginia institutions of higher education. This bill incorporates HB 482, HB 1135, and HB 1270 and is identical to SB 121.

*Patron - Suit*

**HB910 University programs on awareness and prevention of sexual crimes.** Directs the governing boards of educational institutions to establish programs, in cooperation with the State Council of Higher Education for Virginia and the Office of the Attorney General, to promote the awareness and prevention of sexual crimes committed upon students.

*Patron - Oder*

**HB1244 Virginia Mathematics, Science, Engineering, and Technology Career Grant Program.** Creates the Virginia Mathematics, Science, Engineering, and Technology Career Grant Program for the purpose of providing higher education grants to domiciles of Virginia who are enrolled in an undergraduate program preparing students for careers in professions in the areas of mathematics, science, engineering, and technology. The State Council of Higher Education for Virginia is designated as the administering agency for the program and is authorized to promulgate necessary and appropriate regulations for the disbursement of grants and the administration of the program, including the identification of undergraduate

programs and careers in the areas of mathematics, science, engineering, and technology. To receive a grant under this program, a person must (i) be a Virginia domicile; (ii) be enrolled in an undergraduate program in the area of mathematics, science, engineering, or technology; (iii) maintain a cumulative grade point average of at least 2.5; and (iv) sign a promissory note agreeing to begin employment in the Commonwealth in the area of mathematics, science, engineering, or technology within six months of receiving an undergraduate degree and to continue such employment in the Commonwealth for at least two years. Qualifying students are eligible to receive a grant for four academic years or the equivalent number of credit hours. The bill is contingent on funding in the appropriation act.

*Patron - Hugo*

**HB1272 Virginia War Orphan Education Program; definition of disability.** Amends the Virginia War Orphan Education Program to (i) rename the program as the "Military Survivors and Dependents Education Program"; and (ii) expand eligibility to the spouse or child between the ages of 16 and 29 of a military service member who, during military operations against terrorism, a peace-keeping mission, a terrorist act, or any armed conflict, is killed, missing in action, a prisoner of war, or at least 90 percent disabled as rated by the United States Department of Veterans Affairs. Eligibility for benefits under the Program must be established through documentation from the United States Department of Veterans Affairs. The Commissioner of the Department of Veterans Services is directed to designate a senior-level official to be responsible for developing and implementing the agency's strategy for disseminating information about the Military Survivors and Dependents Education Program to disabled veterans whose dependents qualify and to survivors of veterans who may qualify. The Commissioner of the Department of Veteran Services must report annually to the Governor and General Assembly as to the agency's policies and strategies relating to dissemination of information about the Program and the number of current beneficiaries, the educational institutions attended by beneficiaries, and the completion rate of the beneficiaries.

*Patron - Janis*

**HB1478 Textbook sales at public institutions of higher education.** Requires the governing boards of public institutions of higher education to implement policies, procedures, and guidelines that encourage efforts to minimize the cost of textbooks for students at colleges and universities while maintaining the quality of education and academic freedom. The guidelines must ensure (i) that faculty textbook adoptions are made with sufficient lead time to university- or contract-managed bookstores so as to confirm availability of the requested materials and, where possible, ensure maximum availability of used textbooks; (ii) that, in the textbook adoption process, the intent to use all items ordered, particularly each individual item sold as part of a bundled package, is affirmatively confirmed by the faculty member before the adoption is finalized. If the faculty member does not intend to use each item in the bundled package, he must notify the bookstore, and the bookstore must order the individualized items when their procurement is cost effective for both institutions and students and such items are made available by the publisher; (iii) that faculty members affirmatively acknowledge the bookstore's quoted retail price of textbooks selected for use in each course; (iv) that faculty be encouraged to limit their use of new edition textbooks when previous editions do not significantly differ in a substantive way as determined by the appropriate faculty member; and (v) that the establishment of policies must include provisions for the availability of required textbooks to students otherwise unable to afford the cost. The measure fur-



ther provides that no funds for financial aid from university bookstore revenue may be counted in the calculation for state appropriations for student financial aid.

*Patron - Oder*

**HB1502 Management agreements with certain institutions of higher education.** Provides management agreements between the Commonwealth and Virginia Polytechnic Institute and State University, The College of William and Mary in Virginia, and the University of Virginia, respectively, pursuant to the Restructured Higher Education Financial and Administrative Operations Act. This bill is identical to SB 675.

*Patron - Callahan*

**SB40 Higher Education; New College Institute established.** Establishes the New College Institute as an educational institution in the area of Martinsville and Henry Counties. The New College Institute is charged with, among other things, expanding educational opportunities in the region by providing access to degree-granting programs, including undergraduate, graduate, and professional programs, through partnerships with private and public institutions of higher education, the public schools, and public and private sectors; and seeking to diversify the region's economy by engaging the resources of other institutions of higher education, public and private bodies, and organizations of the region and state. The institute will be governed by a 12-member Board of Directors appointed as follows: seven nonlegislative members to be appointed by the Governor, three members to be appointed by the Speaker of the House of Delegates, and two members to be appointed by the Senate Committee on Rules. The Board would direct the development and focus of New College's curriculum. The curriculum would include appropriate and non-degree programs offered by other educational institutions. This bill is identical HB 517.

*Patron - Reynolds*

**SB54 Southern Virginia Higher Education Center; board of trustees.** Modifies the membership of the board of trustees to allow the Speaker of the House of Delegates to appoint an alternate for any Delegate appointed to the board and the Senate Committee on Rules to appoint an alternate for the Senator appointed to the board.

*Patron - Ruff*

**SB121 In-state tuition for certain military personnel and dependents.** Provides that all dependents of active duty military personnel assigned to a permanent duty station in Virginia who reside in Virginia shall be deemed to be domiciled in the Commonwealth for purposes of eligibility for in-state tuition and shall be eligible to receive in-state tuition in Virginia. All dependents of such military personnel receiving in-state tuition shall be afforded the same educational benefits as any other individual receiving in-state tuition so long as they are continuously enrolled in an institution of higher education in Virginia or are transferring between Virginia institutions of higher education. This bill is identical to HB 695.

*Patron - O'Brien*

**SB259 Public institutions of higher education; intellectual property.** Removes limitations and requirements currently in place governing the assignment of intellectual property rights at public institutions of higher education. Instead, each institution will be required to adopt its own policies concerning assignment of intellectual property that will govern any research contracts to which it is a party. Each institution must forward a copy of its policies to the Joint Commission on Technology and Science and report annually to the Joint Commission on Technology and Science as to the assign-

ment of any intellectual property interests by that institution. The bill removes the requirement that the State Council of Higher Education for Virginia create guidelines for institutions to follow in developing their policies. This bill is identical to HB 134.

*Patron - Wagner*

**SB486 Admission of state cadets at the Virginia Military Institute.** Amends provisions for the admission of state cadets to provide that, upon evidence of fair moral character, sufficient state cadets, selected from the Commonwealth at large, must be admitted by the VMI Board of Visitors. Currently, at least fifty state cadets are selected from each senatorial district and from the Commonwealth at large. The measure also provides for military scholarship cadets. Up to 40 such cadets are to be admitted by the Board of Visitors to receive financial aid in exchange for a commitment to serve as commissioned officers in the Virginia National Guard for a term in accordance with Guard policy and regulation. If a military scholarship cadet fails to fulfill the obligation to serve in the Virginia National Guard, he must repay the scholarship unless excused from the obligation by the VMI Board of Visitors, in consultation with the Virginia National Guard. The financial assistance for the military scholarship cadets must be entirely from federal funds, Virginia National Guard funds, or private gifts that do not have matching requirements.

*Patron - Norment*

**SB538 Articulation, transfer, and dual enrollment and admissions agreements.** Requires all four-year public institutions of higher education to develop articulation, transfer, and dual enrollment and admissions agreements, including dual admissions programs for qualified students to be simultaneously accepted by a community college and, contingent upon the successful completion of an acceptable associate degree program from the community college, by the four-year public institution of higher education. The State Council of Higher Education must include in its guidelines for these agreements conditions required to establish dual admissions programs that set forth the obligations of the students accepted in the programs, including grade point average requirements, acceptable associate degree programs, completion timetables, and the students' access to the privileges of enrollment in both institutions while attending either institution.

*Patron - Stosch*

**SB542 In-state tuition; limitation on eligibility.** Provides that students entitled to in-state tuition will be assessed a surcharge upon satisfactorily completing 125 percent of credit hours needed to obtain a degree in the student's chosen program. The surcharge will be an amount calculated to equal 100 percent of the average cost of the student's education at the relevant institution less tuition and mandatory educational and general fee charges assessed to a student meeting Virginia domiciliary status who has not exceeded 125 percent of such credit hours. Certain courses and credit hours are excluded from the calculation of the 125 percent of the credit hours needed to satisfy the degree requirements for the "credit hour threshold," e.g., remedial courses and credits obtained through advanced placement or international baccalaureate programs or dual enrollment while in high school. A waiver of the surcharge may be granted by the relevant institution, in accordance with the guidelines and criteria established by the State Council of Higher Education for Virginia (SCHEV). Waiver criteria may include, but need not be limited to, illness or disability or active service in the armed forces of the United States. A second enactment clause requires SCHEV to revise its guidelines for determining in-state tuition charges, which are not subject to the Administrative Process Act, to include these requirements by July 1, 2006, including, but not limited

to, notice to students who may be or may become subject to the surcharge and determinations of extenuating circumstances.

*Patron - Stosch*

**PSB675 Management agreements with certain institutions of higher education.** Provides management agreements between the Commonwealth and Virginia Polytechnic Institute and State University, The College of William and Mary in Virginia, and the University of Virginia, respectively, pursuant to the Restructured Higher Education Financial and Administrative Operations Act. This bill is identical to HB 1502.

*Patron - Houck*

## Failed

**FHB154 Campus police; certain reports required; participation and cooperation in investigations.** Requires, regardless of whether a public or private institution of higher education has entered into a mutual aid agreement to maintain peace and good order with the governing bodies of localities pursuant to § 15.2-1727, the campus police chief or other chief law enforcement officer of such institution of higher education or his designee to immediately notify the primary local law-enforcement agency of the jurisdiction in which the institution is located of (i) the death of any person on the property of the institution when such person is medically unattended and (ii) any report alleging a rape has occurred on the property of the institution. Campus police and all other employees of such institution of higher education must participate in any subsequent investigation and cooperate with the-law enforcement agency leading the investigation. This bill was incorporated into HB 1036.

*Patron - Alexander*

**FHB262 Admission of illegal aliens to public institutions of higher education.** Provides that an alien who is unlawfully present in the United States shall not be eligible for enrollment in any public institution of higher education in the Commonwealth. This bill incorporates HB 892.

*Patron - Hargrove*

**FHB272 Geographical equity in admission to institutions of higher education; pilot program.** Directs the State Council of Higher Education for Virginia to develop and implement a pilot program for the purpose of providing geographical equity in the admission of Virginia domiciles to the public institutions of higher education in the Commonwealth. The Council must determine which areas of the Commonwealth routinely experience disproportionately low acceptance rates at Virginia's public institutions of higher education by calculating the percentage of applicants in each locality that are accepted and enrolled at Virginia's public colleges and universities and comparing such percentages with the aggregate percentages of Virginia domiciles that are accepted and enrolled in Virginia's public colleges and universities. Any academically qualified student residing in an area experiencing a disproportionately low acceptance rate who is a domicile of Virginia and is denied admission to a public institution of higher education in Virginia shall be admitted and enrolled in such institution for the following academic year if such student completes, within one month prior to the commencement of the academic year immediately following the academic year for which he was denied admission, at least 20 hours of community service per week for a period of 30 weeks. The Council shall determine the types of community service that will meet this requirement and make available a list of such community service opportunities. The provisions of this act shall expire on July 1, 2009.

*Patron - Poisson*

**FHB361 Admission of state cadets at the Virginia Military Institute.** Amends provisions for the admission of state cadets to provide that sufficient state cadets, selected from the Commonwealth at large, must be admitted by the VMI Board of Visitors. Currently, at least fifty state cadets are selected from each senatorial district and from the Commonwealth at large. The measure also provides for military scholarship cadets. Up to 40 such cadets are to be admitted by the Board of Visitors to receive financial aid in exchange for a commitment to serve as a commissioned officer in the Virginia National Guard for a term in accordance with Guard policy and regulation.

*Patron - Linghamfelter*

**FHB480 Commonwealth Scholars Program.** Creates the Commonwealth Scholars Program, consisting of scholarships awarded to Virginia public high school graduates finishing in the top 5 percent of their respective classes, passing the required Standards of Learning assessments, and enrolled as full-time undergraduate students in any accredited, degree-granting public institution of higher education in Virginia. Scholarships shall support the full cost of tuition for one year only and may not be applied to fees, room, board, or other educational expenses. Should available funds be insufficient to provide full tuition, the State Council of Higher Education will determine the amounts of scholarship awards.

*Patron - Frederick*

**FHB482 In-state tuition for certain military personnel and dependents.** Provides that all military personnel on active duty for more than 30 days, both regular and reserves, who are domiciled in Virginia or are assigned to a permanent duty station in Virginia and their dependents living in Virginia, who are not otherwise eligible for in-state tuition, shall be entitled to in-state tuition for as long as they are continuously enrolled. This bill was incorporated into HB 695.

*Patron - Frederick*

**FHB682 Student Financial Security Program.** Creates the Student Financial Security Program to provide supplemental funding for state-funded, need-based financial aid at two- and four-year public institutions of higher education in the Commonwealth. The funding is designed to ensure that resources for student financial aid programs based in whole or in part on need are available to offset tuition increases at the various public institutions.

*Patron - Rust*

**FHB702 Southern Virginia Higher Education Center.** Changes the title of the supervisor and manager of the Southern Virginia Higher Education Center from executive director to president.

*Patron - Hogan*

**FHB734 Community College Transfer Grant program.** Establishes the Community College Transfer Grant program, to be administered by the State Council of Higher Education for Virginia, for the purpose of providing need-based higher education grants to domiciles of Virginia who have successfully completed an acceptable associate degree program at a Virginia community college and have been admitted to an accredited nonprofit public or private institution of higher education in the Commonwealth. To be eligible to receive a grant under this program, students must be Virginia domiciles and must have maintained a cumulative grade point average of 2.5 or higher while enrolled in an associate degree program at a Virginia community college. Students may

receive grants for up to two academic years. This bill was incorporated into HB 1136.

*Patron - Jones, S.C.*

**HB892 Prohibiting admission of illegal aliens to public institutions of higher education.** Provides that persons who are unlawfully present in the country may not be admitted to any public institution of higher education in Virginia. This bill was incorporated into HB 262.

*Patron - Gear*

**HB1050 In-state tuition for aliens.** Provides that an alien who is unlawfully present in the United States, and therefore ineligible to establish domicile pursuant to § 23-7.4, shall not be eligible on the basis of residency within Virginia for any postsecondary educational benefit, including in-state tuition, unless citizens or nationals of the United States are eligible for such benefits in no less an amount, duration, and scope without regard to whether such citizens or nationals are Virginia residents. This bill incorporates HB 1135.

*Patron - Reid*

**HB1053 Virginia Museum of Fine Arts; service charge.** Clarifies that the Virginia Museum of Fine Arts is within the category of "educational institution" and thus exempts the museum from the assessment and levy of a service charge pursuant to § 58.1-3400.

*Patron - Reid*

**HB1102 Community College Transfer Grant program.** Establishes the Community College Transfer Grant program, to be administered by the State Council of Higher Education for Virginia, for the purpose of providing higher education grants to domiciles of Virginia who have successfully completed an acceptable associate degree program at a Virginia community college and have been admitted to an accredited public institution of higher education in the Commonwealth. To be eligible to receive a grant under this program, students must be Virginia domiciles and must have maintained a cumulative grade point average of 3.0 or higher while enrolled in an associate degree program at a Virginia community college. Students may receive grants for up to two academic years. The amount of grants awarded is based on the difference between the cost of tuition and educational and general fees paid by the recipient at a community college and the cost of such tuition and fees at the public institution of higher education in which the student has been enrolled. As an incentive to institutions of higher education enrolling grant recipients, each such college or university will receive a grant of an amount specified in the appropriation act for each student it enrolls who receives a community college transfer grant. This bill was incorporated into HB 1136.

*Patron - Athey*

**HB1135 In-state tuition and educational benefits for illegal aliens and certain military personnel and dependents.** Provides that an alien who is unlawfully present in the United States shall not be eligible on the basis of residency within Virginia for any postsecondary educational benefit including, but not limited to, in-state tuition and state financial aid, unless citizens or nationals of the United States are eligible for such benefits in no less an amount, duration, and scope, without regard to whether such citizens or nationals are Virginia residents. The measure further provides that all military personnel on active duty for more than 30 days, both regular and reserves, who are domiciled in Virginia or are assigned to a permanent duty station in Virginia and their dependents living in Virginia, who are not otherwise eligible for in-state tuition, shall be entitled to in-state tuition for as long as they are con-

tinuously enrolled. This bill was incorporated into HB 695 and HB 1050.

*Patron - Cline*

**HB1136 Community College Transfer Grant program.** Establishes the Community College Transfer Grant program, to be administered by the State Council of Higher Education for Virginia, for the purpose of providing higher education grants to domiciles of Virginia who have successfully completed an acceptable associate degree program at a Virginia community college or public two-year educational institution and have been admitted to an accredited nonprofit public or private institution of higher education in the Commonwealth. To be eligible to receive a grant under this program, students must be Virginia domiciles and must have maintained a cumulative grade point average of 3.0 or higher while enrolled in an associate degree program at a Virginia community college or public two-year educational institution. Students may receive grants for up to two academic years. The amount of grants awarded is based on the difference between the cost of tuition and educational and general fees paid by the recipient at a Virginia community college or public two-year educational institution and the average cost of such tuition and fees at a Virginia public institution of higher education, as determined by the State Council of Higher Education for Virginia. This bill incorporates HB 734 and HB 1102.

*Patron - Cline*

**HB1137 Closure of Richard Bland College.** Provides that, as an alternative to establishing a public four-year institution of higher education in the Southside region of the Commonwealth, Richard Bland College shall be closed on August 1, 2007. The President and Board of Visitors of the College of William and Mary are directed to transfer all real and personal property held in the name of Richard Bland College to the Executive Director and Board of Trustees of the Southern Virginia Higher Education Center on July 1, 2007. Enactment clauses provide that (i) the Commonwealth will incur no costs resulting from the provisions of this act; (ii) the transition to close Richard Bland College shall begin on July 1, 2006; (iii) the Board of Visitors of the College of William and Mary must institute an orderly phase-out of programs at Richard Bland College in a manner to assist the students who are enrolled at Richard Bland College on January 1, 2006, to complete their educational programs including, but not limited to, providing such students as may be eligible an opportunity to transfer to the College of William and Mary; (iv) any entity, location, or precinct including the title "Richard Bland College" is not affected by the provisions of this act; and (v) Richard Bland College shall not accept or enroll any new students after January 1, 2006.

*Patron - Cline*

**HB1247 Admissions policies.** Requires the board of visitors or other governing body of each public institution of higher education in Virginia to establish admissions policies that prohibit discrimination on the basis of the geographical region of the Commonwealth where the applicant resides.

*Patron - Hugo*

**HB1270 In-state tuition for certain military personnel and dependents.** Provides that all military personnel on active duty for more than 30 days, both regular and reserves, who are domiciled in Virginia or are assigned to a permanent duty station in Virginia and their dependents living in Virginia, who are not otherwise eligible for in-state tuition, shall be entitled to in-state tuition for as long as they are continuously enrolled. This bill was incorporated into HB 695.

*Patron - Janis*

**HB1342 Virginia College Savings Plan; deferment for military service.** Provides that, notwithstanding any pre-paid tuition contract or savings trust agreement to the contrary, if a qualified beneficiary serves in the military following graduation from high school, the period of time specified in such contract or trust agreement for unclaimed moneys to be reported to the State Treasurer shall be tolled for the amount of time such qualified beneficiary was called to active duty in the armed forces of the United States.

*Patron - Bell*

**HB1393 Virginia Mathematics, Science, and Technology Education Grant Program and Fund.** Creates the Virginia Mathematics, Science, and Technology Education Grant Program and Fund for the purpose of providing higher education grants to residents of Virginia who are enrolled in a chemistry, computer engineering, electrical engineering, mathematics, mechanical engineering, or physics undergraduate or graduate degree program. The State Council of Higher Education for Virginia is designated as the administering agency for the program and is authorized to promulgate necessary and appropriate regulations for the disbursement of grants and the administration of the program. To receive a grant under this program, a person must (i) be a Virginia domicile; (ii) be enrolled in one of the above mentioned degree programs; (iii) maintain a cumulative grade point average of at least 2.0; and (iv) sign a promissory note agreeing to begin employment in the Commonwealth in the area of mathematics, science, engineering, or technology within six months of receiving an undergraduate or graduate degree and to continue such employment in the Commonwealth for at least four years. Qualifying students are eligible to receive a grant for five consecutive academic years. This bill was incorporated into HB 1244.

*Patron - Cosgrove*

**HB1459 Higher Education; tuition lock certificate program.** Authorizes the governing bodies of the public institutions of higher education to establish, beginning with the 2006-2007 academic year, a tuition lock certificate (TLC) program that prospectively fixes the cost of tuition and fees for incoming undergraduate freshmen students for four consecutive years under the following conditions: (i) eligible students shall be enrolled full-time and remain continuously enrolled as full-time students for the period of eligibility for the TLC; (ii) a class rate is annually established, in accordance with any requirements set forth in the appropriation act; (iii) rules are clearly established for the TLC to address eligibility of undergraduate freshmen, the eligibility of transfer students, and any unforeseen circumstances that may require eligible students to take a leave of absence from the institution; and (iv) literature is disseminated to all students applying to the relevant institution that clearly and concisely explains program eligibility, costs, and terms vis-a-vis the costs associated with part-time enrollment. Any TLC program must provide a class rate for in-state students and may also establish a higher class rate for out-of-state students.

*Patron - Kilgore*

**HB1572 University rules and regulations relating to students with concealed handgun permits.** Provides that no board of visitors or other governing body of an educational institution shall have the authority to establish rules or regulations limiting or abridging the ability of a student with a valid concealed handgun permit from lawfully carrying a concealed handgun. However, boards of visitors or other governing bodies of educational institutions may establish such rules or regulations relating to (i) students receiving military training in the Reserved Officers' Training Corps or other military training

program administered by the educational institution, (ii) students engaging in athletic events, and (iii) the storage of firearms in campus dormitories.

*Patron - Gilbert*

**HB1596 Admission of in-state students at public institutions of higher education.** Provides that the board of visitors or other governing body of each public institution of higher education must establish rules and regulations requiring that at least 75 percent of students admitted and enrolled at the institution be Virginia domiciles.

*Patron - Hugo*

**SB92 Virginia Museum of Fine Arts; service charge.** Clarifies that the Virginia Museum of Fine Arts is within the category of "educational institution" and thus exempts the museum from the assessment and levy of a service charge pursuant to § 58.1-3400.

*Patron - Watkins*

**SB94 Student Financial Security Program.** Creates the Student Financial Security Program to provide supplemental funding for state-funded, need-based financial aid at two- and four-year public institutions of higher education in the Commonwealth. The funding is designed to ensure that resources for student financial aid programs based in whole or in part on need are available to offset tuition increases at the various public institutions. A second enactment clause requires that this act will not become effective unless an appropriation of general funds is included in the general appropriation act, passed by the 2006 Session of the General Assembly, and becomes law.

*Patron - Houck*

**SB130 Community College Transfer Grant program.** Establishes the Community College Transfer Grant program, to be administered by the State Council of Higher Education for Virginia, for the purpose of providing higher education grants to domiciles of Virginia who have successfully completed an acceptable associate degree program at a Virginia community college and have been admitted to an accredited nonprofit public or private institution of higher education in the Commonwealth. To be eligible to receive a grant under this program, students must be Virginia domiciles and must have maintained a cumulative grade point average of 3.0 or higher while enrolled in an associate degree program at a Virginia community college. Students may receive grants for up to two academic years. The amount of grants awarded is based on the difference between the cost of tuition and educational and general fees paid by the recipient at a community college and the cost of such tuition and fees at the institution of higher education in which the student has been enrolled. As an incentive to institutions of higher education enrolling grant recipients, each such college or university will receive a grant of an amount specified in the appropriation act for each student it enrolls who receives a community college transfer grant. This bill was incorporated into SB 540.

*Patron - O'Brien*

**SB172 Higher education; Office of Learning Technology.** Creates the Office of Learning Technology within the State Council of Higher Education to facilitate and coordinate the voluntary participation of public and private institutions of higher education in the Commonwealth in technology-enriched initiatives. The Office is charged with establishing and administering agreements with nonprofit public and private institutions of higher education in the Commonwealth and other entities for the identification of unmet needs for technology-enriched educational programs and opportunities, and the development and delivery of technology-enriched initiatives,

including distance and distributed learning initiatives, for currently served populations and underserved constituencies. In addition, the Office must (i) review technology-enriched learning initiatives and make recommendations to the Council regarding unnecessary duplication in such initiatives; (ii) assist in the development of standards for improving access to, training for, and efficiency in such learning initiatives; and (iii) enter into contracts for related program development. A second enactment clause provides that this act will not become effective unless funded in the general appropriation act passed by the 2006 Session of the General Assembly.

*Patron - Quayle*

**SB539 Private College Enrollment Grant Program.** Creates the Private College Enrollment Grant Program for the purpose of providing higher education grants on a per capita basis to private nonprofit institutions of higher education that agree, in the interest of providing access to higher education for Virginia's burgeoning student population, to enroll Virginia domiciles. The State Council of Higher Education for Virginia is designated as the administering agency of the program and is authorized to solicit or receive unsolicited grant proposals and enter into contracts with private nonprofit institutions of higher education having their main campus in Virginia to provide grants on a per capita basis to such institutions on behalf of enrolled Virginia domiciles. The Council is also authorized to promulgate necessary and appropriate regulations to administer the program, including measures to ensure the reduction of out-of-pocket tuition costs to Virginia's student population. An enactment clause declares that the provisions of the act shall not become effective unless an appropriation of general funds effectuating the purposes of the act is included in the general appropriation act passed by the 2006 Session, which becomes law.

*Patron - Stosch*

**SB540 Community College Transfer Grant Program.** Establishes the Community College Transfer Grant Program for the purpose of providing higher education grants or vouchers to domiciles of Virginia who have successfully completed an acceptable associate degree program at a Virginia community college or Richard Bland College and have been admitted to an accredited nonprofit public or private institution of higher education in the Commonwealth. The State Council of Higher Education for Virginia (SCHEV) is designated as the administering agency of the program and must promulgate necessary and appropriate regulations for its administration. The amount of the award will either be based on the difference between the cost of tuition paid by the recipient at a Virginia community college and the cost of such tuition at the four-year institution of higher education in which the student has been enrolled, or in the case of transfer to a private four-year college or university, the difference between the cost of tuition paid by the recipient at a Virginia community college and the average cost of such tuition at a Virginia public four-year institution of higher education. The grants must be used to reimburse the eligible students for a portion of the tuition and mandatory fees paid by the student to such institution for the academic year. Eligibility for the program is limited to domiciles of the Commonwealth, and recipients of grants or vouchers may only receive such tuition assistance for two academic years or the equivalent number or credit hours. Enactment clauses provide that after July 1, 2011, grant payments under the Program must be paid from higher education cost savings resulting from increased enrollments at Virginia community colleges and Richard Bland College and that the provisions of the act will not become effective unless an appropriation of general funds effectuating the purposes of the act is included in a general

appropriation act passed by the 2008 Session. This bill incorporates SB 130.

*Patron - Stosch*

**SB581 Educational institutions; required disclosure by governing body.** Requires the governing bodies of public institutions of higher education to annually disclose all factors used in admission decisions, such as geographic diversity, academic achievement, race, ethnicity, religion, or extracurricular activities.

*Patron - Cuccinelli*

## Carried Over

**HB935 State Council of Higher Education for Virginia; creation of nonstock corporation to support academic research.** Requires the State Council of Higher Education for Virginia to establish a nonprofit, nonstock corporation under Chapter 10 (§ 13.1-801 et seq.) of Title 13.1 as a public instrumentality exercising public and essential governmental functions, to assist the Council in (i) supporting academic research in Virginia; (ii) encouraging research initiatives, with an emphasis on biological systems and nanotechnology, to support Virginia industry; and (iii) conducting or undertaking other activities useful in carrying out the provisions of this section. The Council shall require such corporation to report to it at least annually on its activities. The bill sets out the composition of the board of directors for such corporation.

*Patron - Nutter*

**HB1107 Higher education; articulation agreements.** Requires that articulation agreements between public four-year institutions of higher education and institutions within the Virginia Community College System include minimum numbers of associate degree graduates the institution of higher education will admit and enroll annually as transfer students from Virginia's community colleges. The State Council of Higher Education for Virginia, the Virginia Community College System, and each institution of higher education must agree on the minimum number of associate degree graduates each institution of higher education will annually admit and enroll as transfer students from community colleges. The State Council of Higher Education must submit an annual report to the Senate Committee on Education and Health and the House Committee on Education specifying the total number of transfer students each institution of higher education accepted from community colleges and whether such numbers meet the minimum number of such transfer students each institution agreed to accept.

*Patron - Athey*

**HB1293 Virginia Early Graduation Incentive Grant Program.** Establishes the Virginia Early Graduation Incentive Grant Program for the purpose of providing grants to Virginia students who (i) have received an undergraduate degree within three years from an accredited institution of higher education in Virginia, (ii) are enrolled in a graduate program preparing students for careers in professions having workforce shortages, and (iii) have agreed to work in Virginia upon receiving a graduate degree. The State Council of Higher Education for Virginia is designated as the administering agency for the program and must promulgate necessary and appropriate regulations for the disbursement of grants and the administration of the program. Before grants are awarded, recipients must sign a promissory note under which they agree (i) to begin employment in the Commonwealth within six months of receiving a graduate degree and (ii) to continue such employment in the Commonwealth for at least three years.

Only students who maintain a 3.0 grade point average while enrolled as an undergraduate are eligible to participate in the program, and eligibility is limited to two academic years or the equivalent number of credit hours.

*Patron - Saxman*

**SB490 Sexually transmitted infections; testing.** Requires Virginia four-year public colleges and universities to provide STI testing free of charge to students. In order to fund the requirement, the institutions may raise their student activities fee by \$5.

*Patron - Quayle*

**SB677 In-state tuition rates; prohibited for certain individuals.** Prohibits the board of visitors or other governing body of a public institution of higher education in the Commonwealth from authorizing in-state tuition rates for individuals who are not citizens or nationals of the United States, are unlawfully present in the United States, or do not possess a valid visa. However, a new subsection provides that, notwithstanding the provisions regarding the governing bodies' mandates, any person meeting certain conditions will be eligible for in-state tuition, i.e., resided in Virginia while attending high school; graduated from a public or private high school in Virginia; resided in the Commonwealth for at least three years prior to the date of high school graduation; registered in an institution of higher education; provided an affidavit stating that he has filed an application to become a permanent resident of the United States and is actively pursuing such permanent residency or will do so as soon as he is eligible; and has submitted evidence that he or, in the case of a dependent student, at least one parent, guardian, or person standing in loco parentis, has filed, unless exempted by state law, Virginia income tax returns for at least three years prior to the date of enrollment.

*Patron - Hanger*

## Elections

### Passed

**HB24 Assistance to persons voting by absentee ballot; penalties.** Provides that a violation of the law on assistance for persons voting by absentee ballot constitutes a Class 5 felony.

*Patron - Purkey*

**HB61 Elections; voter registration; duties of State Board of Elections.** Adds to the provision under which the State Board requires local registrars to remove voters' names from the registered voter lists in appropriate cases, a requirement to delete the names of voters who are not United States citizens. The bill specifies that the Board will institute procedures to implement the requirements set out in the section and requires notice to be sent to any registered voter whose registration is cancelled because of noncitizen status.

*Patron - Albo*

**HB71 Certification of political party candidates for general, special, and primary elections.** Provides that the individual who acts for the party to certify candidates for the party primary or as party nominees shall not be a candidate for that primary or election. The party shall designate another party official to certify its candidates in such cases.

*Patron - Orrock*

**HB105 Disclosure requirements for political campaign advertisements; definitions.** Broadens the definition of "print media" to cover any printed matter disseminated by mail. "Print media" now includes mass mailings of 500 or more pieces of mail.

*Patron - Brink*

**HB138 Elections; voter registration.** Creates a presumption with respect to the spouse or dependent of a member of the military or merchant marine that the spouse or dependent who has a physical presence and place of abode in Virginia has established domicile in Virginia and residence for purposes of voting, unless the spouse or dependent expressly states otherwise.

*Patron - Cole*

**HB170 Elections; voter registration; citizenship status.** Requires the Department of Motor Vehicles to furnish monthly lists to the State Board of Elections of license applicants who indicate a non-citizen status on their applications, and directs the State Board to forward the information to the general registrars. Non-citizen status constitutes grounds for cancelling a person's voter registration. This bill is identical to SB 313.

*Patron - Lingamfelter*

**HB291 Campaign finance; special disclosure requirements for certain committees; civil penalties.** Requires federal and IRS 527 committees contributing more than \$10,000 to candidates in Virginia to register with the State Board of Elections. Information on contributors to federal committees will be made available by the Board through a link to filings at the Federal Election Commission. Information on contributors of \$2,500 or more to 527 committees will be filed with the State Board and available to the public. Candidates accepting more than \$10,000 from a committee must verify that the committee has registered with the State Board. Civil penalties are imposed for accepting or making contributions in violation of the act. This bill incorporates HBs 503 and 1088 and is identical to SB 436.

*Patron - Jones, S.C.*

**HB292 Campaign finance disclosure; definitions; exemptions.** Provides that the exemption for Internal Revenue Code § 501 (c) (3) organizations will also apply to § 501 (c) (4) and (6) organizations so long as the organization does not advocate the election or defeat of an identified candidate. This is a recommendation of the task force that assisted the State Board of Elections in conducting a review of the Campaign Finance Disclosure Act pursuant to HJR 667 (2005). This bill is identical to SB 228.

*Patron - Jones, S.C.*

**HB294 Campaign finance disclosure; definitions; independent expenditures.** Retains the present law amounts that trigger reporting requirements applicable to independent expenditures: \$500 in statewide elections and \$200 in other elections. Clarifies that any person, candidate committee, or political committee may be subject to the independent expenditure reporting requirements. As introduced, this was a recommendation of the task force that assisted the State Board of Elections in conducting a review of the Campaign Finance Disclosure Act pursuant to HJR 667 (2005).

*Patron - Jones, S.C.*

**HB295 Campaign finance disclosure; statements of organization; petty cash funds; depository requirements.** Increases from \$100 to \$200 the amount of a credit card charge that may be reimbursed from petty cash funds by a candidate

campaign committee. Provides that other political committees will have the same authority as a candidate campaign committee (i) to use a petty cash fund and (ii) to invest funds in an interest-bearing account so long as all expenditures are made through the committee's designated depository account. This is a recommendation of the task force that assisted the State Board of Elections in conducting a review of the Campaign Finance Disclosure Act pursuant to HJR 667 (2005). This bill is identical to SB 227.

*Patron - Jones, S.C.*

**HB297 Campaign finance; special reports of large pre-election contributions.** Redefines large contributions requiring special reports to be more than \$5,000 for statewide campaigns, more than \$1,000 for General Assembly campaigns, and more than \$500 for other campaigns. Present law requires reports for contributions greater than \$1,000 in statewide campaigns and \$500 in other campaigns. The bill also requires the special reports to be filed by 5:00 p.m. on the day following receipt, or by 5:00 p.m. on the following Monday if received on a Saturday, rather than "on the next business day."

*Patron - Jones, S.C.*

**HB470 Special elections to fill vacancies in constitutional offices.** Provides that the general law provision calling for a special election to fill a vacancy in a constitutional office overrides any other provision in a charter that may provide a different method to fill the vacancy.

*Patron - Ingram*

**HB773 House of Delegates districts.** Makes technical changes in the boundary line between the Seventeenth and Nineteenth House of Delegates districts within Botetourt County to eliminate splits of three current voting precincts. All of the Cloverdale Precinct will be in the Seventeenth district; all of the Amsterdam and Rainbow Forest Precincts in the Nineteenth District.

*Patron - Putney*

**HB783 Page County School Board; referendum.** Provides for a referendum in the County at the November 2006 election on the question of whether the school board should be elected biennially for staggered four-year terms. This bill is identical to SB 342.

*Patron - Gilbert*

**HB884 Elections; special elections to fill vacancies in constitutional offices; absences.** Provides that the absence from the county or city of a constitutional officer because of service in the armed forces does not create a vacancy in the office unless the officer provides written notice of his resignation. The bill further provides that the power to relieve the officer of his duties or powers during an absence remains the sole prerogative of the officer unless waived by him in writing.

*Patron - Griffith*

**HB929 Elections; absentee ballots and certain deadlines.** Provides that applications for mailed absentee ballots must be received by 5:00 p.m. on the seventh day before the election rather than at least five days before the election.

*Patron - Ingram*

**HB972 Campaign Finance Disclosure Act of 2006.** Enacts a new campaign finance disclosure act; reorganizes and clarifies provisions in the act; amends various cross-references to the act; and repeals the existing act. The bill is the result of a review of the act undertaken by the State Board of Elections pursuant to House Joint Resolution 667 (2005).

*Patron - Jones, S.C.*

**HB1065 Campaign finance disclosure; reports as condition to qualify for office; penalties.** Revises and increases the civil penalties applicable to the filing of incomplete campaign finance reports.

*Patron - Watts*

**HB1143 Campaign finance; filings by candidates and campaign committees; statements of organization.** Provides that a candidate's statement of organization shall be filed within 10 days of appointing a campaign treasurer or designating his campaign committee or depository. The bill retains the present law requirement for a candidate to comply with campaign finance disclosure act provisions upon the acceptance of any campaign contribution. The bill also provides that a General Assembly candidate files his statement of organization with the State Board of Elections and files a copy of it with the local electoral board where he resides.

*Patron - Orrock*

**HB1172 Elections; definitions and age qualification to vote.** Adds language to specify that a person must be 18 years of age "on or before the day" of the election to be qualified to vote in the election or be qualified by law to vote in the special and primary elections held immediately before the general election day by which he will be 18 years of age.

*Patron - Rapp*

**HB1175 Elections; post-election procedures; recounts.** Provides for political party and candidate representatives to be present during certain post-election procedures: any examination of sealed voting devices on authorization of the State Board of Elections; an examination of sealed ballots on authorization of the State Board or local board; and the electoral board meeting to ascertain the results of the election. The bill requires the State Board to post on the Internet notice of changes made to the election night results by local electoral boards and made to certified results by a recount court.

*Patron - Rapp*

**HB1177 Requirements for political campaign advertisements; increased civil penalties.** Increases the civil penalty from an amount not to exceed \$100 to an amount not to exceed \$1,000 for violations of the basic requirements and from an amount not to exceed \$500 to an amount not to exceed \$1,000 for violations of special requirements for radio and television advertisements. The bill also provides for a civil penalty not to exceed \$2,500 for a violation occurring during the 14 days before or on election day, and it raises from \$5,000 to \$10,000 the cap on penalties for multiple broadcasts of one advertisement. As passed, this bill is identical to SB 265.

*Patron - Rapp*

**HB1327 Elections; absentee voting procedures and provisional ballots for certain voters.** Permits a voter who applied for but has not received an absentee ballot to vote a provisional ballot at his polling place upon his signed statement that he has not received or voted an absentee ballot. Current law requires that the voter who did not receive an absentee ballot and who lives in a locality that has established a central absentee voter precinct must be sent to that precinct to vote. This bill is identical to HB 685.

*Patron - McClellan*

**HB1463 Contested election for Governor, Lieutenant Governor, Attorney General, or the General Assembly.** Provides for a surety bond of \$10 per precinct in contested elections for statewide office and \$100 per precinct in contested elections for the General Assembly to be forfeited by a losing contestant to the extent of the contestee's actual costs.

The bill also makes the failure to meet the procedural deadlines for notice and subsequent filings dispositive of the contest and equivalent to a finding against the party failing to meet the deadlines.

*Patron - Brink*

**HB1491 Absentee voting procedures.** Provides a uniform statewide deadline (the close of the polls) for the return of voted absentee ballots to the electoral board or general registrar.

*Patron - Valentine*

**HB1571 Distribution of information on referendum elections.** Allows towns as well as counties and cities to provide for the preparation and printing of an explanation for each referendum question to be submitted to the voters

*Patron - Scott, E.T.*

**SB141 Campaign Finance Disclosure Act of 2006.** Enacts a new campaign finance disclosure act; reorganizes and clarifies provisions in the act; amends various cross-references to the act; and repeals the existing act. The bill is the result of a review of the act undertaken by the State Board of Elections pursuant to HJR 667 (2005).

*Patron - O'Brien*

**SB227 Campaign finance disclosure; statements of organization; petty cash funds; depository requirements.** Increases from \$100 to \$200 the amount of a credit card charge that may be reimbursed from petty cash funds by a candidate campaign committee. Provides that other political committees will have the same authority as a candidate campaign committee (i) to use a petty cash fund and (ii) to invest funds in an interest-bearing account so long as all expenditures are made through the committee's designated depository account. This is a recommendation of the task force that assisted the State Board of Elections in conducting a review of the Campaign Finance Disclosure Act pursuant to HJR 667 (2005). This bill is identical to HB 295.

*Patron - O'Brien*

**SB228 Campaign finance disclosure; definitions; exemptions.** Provides that the exemption for Internal Revenue Code § 501 (c) (3) organizations will also apply to § 501 (c) (4) and (6) organizations so long as the organization does not advocate the election or defeat of an identified candidate. This is a recommendation of the task force that assisted the State Board of Elections in conducting a review of the Campaign Finance Disclosure Act pursuant to HJR 667 (2005). This bill is identical to HB 292.

*Patron - O'Brien*

**SB230 Campaign finance disclosure; definitions; independent expenditures.** Increases the amounts that trigger reporting requirements applicable to independent expenditures from \$500 to \$1,000 in statewide elections and from \$200 to \$500 in other elections. Clarifies that any person, candidate committee, or political committee may be subject to the independent expenditure reporting requirements. As introduced, this was a recommendation of the task force that assisted the State Board of Elections in conducting a review of the Campaign Finance Disclosure Act pursuant to HJR 667 (2005).

*Patron - O'Brien*

**SB265 Requirements for political campaign advertisements; increased civil penalties.** Increases the civil penalty from an amount not to exceed \$100 to an amount not to exceed \$1,000 for violations of the basic requirements and from an amount not to exceed \$500 to an amount not to exceed \$1,000 for violations of special requirements for radio and tele-

vision advertisements. The bill also provides for a civil penalty not to exceed \$2,500 for a violation occurring during the 14 days before or on election day, and it raises from \$5,000 to \$10,000 the cap on penalties for multiple broadcasts of one advertisement. As passed, this bill is identical to HB 1177.

*Patron - Bell*

**SB313 Elections; voter registration; citizenship status.** Requires the Department of Motor Vehicles to furnish monthly lists to the State Board of Elections of license applicants who indicate a non-citizen status on their applications, and directs the State Board to forward the information to the general registrars. Non-citizen status constitutes grounds for cancelling a person's voter registration. This bill is identical to HB 170.

*Patron - Cuccinelli*

**SB342 Page County School Board; referendum.** Provides for a referendum in the County at the November 2006 election on the question of whether the school board should be elected biennially for staggered four-year terms. This bill is identical to HB 783.

*Patron - Obenshain*

**SB429 State Board of Elections; Director of Elections.** Increases the size of the State Board from three to five members. Provides for the position of Director of Elections to be hired by the State Board with the concurrence of at least four of its members, subject to confirmation by the General Assembly, as head of the elections agency, in place of the present position of the Secretary who is a member of the State Board appointed by the Governor. The Director may be removed only by a vote of at least four members of the State Board. This bill is a recommendation of a special subcommittee of the Senate Committee on Privileges and Elections appointed to study SB 989 (2005).

*Patron - Devolites Davis*

**SB434 Elections; permitted use of paper ballots.** Delineates the circumstances when it is permissible to use paper ballots: when the paper ballot is the ballot used in the precinct; for assisting voters at curbside; for provisional votes; when voting equipment is inoperable; for absentee voting; and for certain voters in presidential elections.

*Patron - Devolites Davis*

**SB435 Elections; ascertaining the vote by officers of election; observers of the process.** Provides that observers must be afforded an unobstructed view of the officers of election as they work to ascertain the results of the election.

*Patron - Devolites Davis*

**SB436 Campaign finance; special disclosure requirements for certain committees; civil penalties.** Requires federal and IRS 527 committees contributing more than \$10,000 to candidates in Virginia to register with the State Board of Elections. Information on contributors to federal committees will be made available by the Board through a link to filings at the Federal Election Commission. Information on contributors of \$2,500 or more to 527 committees will be filed with the State Board and available to the public. Candidates accepting more than \$10,000 from a committee must verify that the committee has registered with the State Board. Civil penalties are imposed for accepting or making contributions in violation of the act. This bill incorporates SB 628 and is identical to HB 291.

*Patron - Devolites Davis*

**SB589 Elections; general registrars; performance reviews.** Replaces the requirement that the local electoral



board send a copy of each annual performance review of the general registrar to the State Board of Elections with the requirement to send a summary of the review.

*Patron - Martin*

**SB590 Elections; powers and duties of the State Board of Elections.** Provides that the State Board's required annual training and any additional training of local electoral board members and general registrars shall be provided without charge to them.

*Patron - Martin*

**SB716 House of Delegates districts.** Makes a technical adjustment in a part of the boundary between the Seventy-seventh and Seventy-eighth Districts within the City of Chesapeake to eliminate the split of a current voting precinct. The same adjustment was made to the Senate line, but not the House line, in 2004.

*Patron - Blevins*

## Failed

**HB9 Redistricting process.** Provides a new method for the preparation of state legislative and congressional redistricting plans; spells out standards for developing plans; precludes consideration of incumbency and political data in developing plans; assigns responsibility to the Division of Legislative Services to prepare plans for submission to the General Assembly; and establishes a temporary redistricting advisory commission to advise the Division, disseminate information on plans, and hold hearings for public reaction to plans. This bill is patterned after the Iowa redistricting process.

*Patron - Shuler*

**HB11 Elections; absentee voting.** Provides that qualified voters may vote absentee for any reason. The bill eliminates the present statutory list of specific reasons entitling a voter to cast an absentee ballot. Several special provisions concerning military and overseas absentee voters and disabled voters are consolidated in one new provision. This bill incorporates HB 334 and is identical to HB 562.

*Patron - Parrish*

**HB80 Elections; absentee voting and absentee ballot applications.** Provides that any person who will be age 65 or older on the election day may vote absentee. This bill is identical to HB 763.

*Patron - Spruill*

**HB81 Early voting.** Provides that any registered voter qualified to vote in the election may vote in person from 17 to three days before the election at specified times and at the sites provided in the locality. The provisions for absentee voting remain in effect except that the provisions for in-person absentee voting are superseded by the early voting process during the early voting period.

*Patron - Spruill*

**HB228 Elections; materials and ballots in non-English translations.** Authorizes any county, city, or town to provide translations of elections materials and ballots. Requires "covered" counties, cities, and towns, based on the presence of a language minority population and other factors, to provide translations of elections materials and ballots.

*Patron - Jones, D.C.*

**HB232 Elections; polling place requirements.** Requires to the maximum extent possible that polling places be accessible to voters dependent on public transportation.

*Patron - Jones, D.C.*

**HB301 Absentee ballot applications.** Provides for the submission of applications for absentee ballots to local registrars through the official website of the State Board of Elections. The online application will contain all the information on the standard application, except for the signature requirement, plus a field for the applicant's e-mail address. The State Board website will e-mail the application automatically to the appropriate local registrar and generate an e-mail confirmation of receipt of the application to the applicant. The bill provides that the registrar may compare the voter's signature on the ballot with his signature on his registration application. If the signatures do not appear the same, the ballot will be treated as a provisional ballot and held for further confirmation.

*Patron - Jones, S.C.*

**HB334 Elections; absentee voting.** Provides that qualified voters may vote absentee for any reason. The bill eliminates the present statutory list of specific reasons entitling a voter to cast an absentee ballot. Several special provisions concerning military and overseas absentee voters and disabled voters are consolidated in one new provision. This bill was incorporated into HB 11 and is identical to HB 562.

*Patron - Toscano*

**HB376 Elections; qualifications of candidates; determination of residence.** Makes explicit the authority of the State Board of Elections, local electoral board, or general registrar to request information pertinent to the definition of residence in the elections laws in making the determination whether a person meets the residency requirements to qualify as a candidate and have his name printed on the ballot.

*Patron - Dance*

**HB503 Campaign finance; special disclosure requirements for certain large contributions; civil penalties.** Requires the filing of special reports to disclose the source of funds for large contributions (\$100,000 for statewide candidates and \$25,000 for General Assembly candidates) made by certain political committees, persons, and entities and including special reports on the source of large contributions received by certain political committees, persons, and entities. This bill was incorporated into HB 291 and is identical to HB 1088 and SB 628.

*Patron - Armstrong*

**HB549 Elections; notice of changes in election results in certain statewide elections.** Requires the local electoral boards to notify the State Board of Elections within 24 hours of any changes made in the results of a statewide election after the results are announced on the election night when the margin of victory in that election is less than 1 percent of the total vote cast for the two top candidates. The State Board is required to post the changes on the Internet. This bill was incorporated into HB 1175.

*Patron - Saxman*

**HB562 Elections; absentee voting.** Provides that qualified voters may vote absentee for any reason. The bill eliminates the present statutory list of specific reasons entitling a voter to cast an absentee ballot. Several special provisions concerning military and overseas absentee voters and disabled voters are consolidated in one new provision. This bill is identical to HBs 11 and 334.

*Patron - Amundson*

**HB587 Elections; absentee voting and absentee ballot applications.** Provides that any person who will be age 65 or older on the election day, and any disabled person who is entitled to request assistance in voting, may vote absentee.

*Patron - Watts*

**HB636 House of Delegates districts.** Makes technical adjustments in the boundary line between the Second and Third House of Delegates districts within Russell County in order to reduce split precincts and more closely follow current voter precinct lines. The maximum deviations for the Second and Third districts cannot be determined because the County's precinct line splits census blocks, the smallest geographical unit for which population is reported by the U.S. Census Bureau.

*Patron - Phillips*

**HB656 Virginia Advisory Redistricting Commission.** Creates an advisory commission to draw plans to redistrict General Assembly and congressional districts in the year 2011 and every tenth year thereafter. The General Assembly has power to adopt or amend commission plans. The bill spells out the standards to be followed by the commission in drawing plans and provides for the expiration of the commission following implementation of the decennial redistricting plans.

*Patron - Plum*

**HB685 Elections; absentee voting procedures and provisional ballots for certain voters.** Permits a voter who applied for but has not received an absentee ballot to vote a provisional ballot at his polling place upon his signed statement that he has not received or voted an absentee ballot. Current law requires that the voter who did not receive an absentee ballot and who lives in a locality that has established a central absentee voter precinct must be sent to that precinct to vote. This bill is identical to HB 1327.

*Patron - Brink*

**HB756 Elections; recount procedures.** Requires hard copy optical scan ballots to be rerun through appropriately programmed tabulators in recount proceedings. Present law provides that the tabulator printout will be sufficient unless it is unclear or the court orders the ballots to be rerun. This bill is identical to SB 627.

*Patron - McEachin*

**HB763 Elections; absentee voting and absentee ballot applications.** Provides that any person who will be age 65 or older on the election day may vote absentee. This bill is identical to HB 80.

*Patron - Sickles*

**HB867 House of Delegates districts.** Makes an adjustment in the boundary line between the Nineteenth and Twenty-Second districts within Bedford County. The population of each district remains within two percent of the ideal district population.

*Patron - Byron*

**HB1088 Campaign finance; special disclosure requirements for certain large contributions; civil penalties.** Requires the filing of special reports to disclose the source of funds for large contributions (\$100,000 for statewide candidates and \$25,000 for General Assembly candidates) made by certain political committees, persons, and entities and including special reports on the source of large contributions received by certain political committees, persons, and entities. This bill

was incorporated into HB 291 and is identical to HB 503 and SB 628.

*Patron - Scott, J.M.*

**HB1090 Electoral College.** Provides that the Commonwealth's votes in the Electoral College shall be allocated by the popular vote statewide and in each congressional district. The candidates for President and Vice President who win the popular statewide vote will receive the votes of the two statewide electors and the candidate who wins the popular vote in each congressional district will receive the vote of that district's elector. Maine and Nebraska allocate electoral college votes in this manner.

*Patron - Scott, J.M.*

**HB1092 Officers of election; hours of service.** Provides that the chief and assistant chief officers of election may jointly agree to excuse one of the other officers from the polling place for a brief period in the case of a personal emergency.

*Patron - Scott, J.M.*

**HB1166 Elections; voter registration lists and applications; victims of domestic violence.** Provides that victims of domestic violence may provide a post office box address, in lieu of a residence address, to be shown on any public list of registered voters.

*Patron - Eisenberg*

**HB1253 Elections; voter registration; political party affiliation.** Adds party affiliation to the information that an applicant is asked to provide when registering to vote. The applicant may indicate that he is an independent. Voters registered prior to July 1, 2007, will be designated as independent unless they provide a political party designation in writing to the general registrar. Voters may change their party affiliation or independent status by written notice at any time except during the 28 days before an election when the registration records are closed. The bill does not change Virginia's present primary laws, and all registered voters remain eligible to participate in the primaries of any political party.

*Patron - Hugo*

**HB1415 Elections; general registrars.** Provides that all general registrars shall serve on a five-day per week, full-time basis.

*Patron - Morgan*

**HB1598 Elections; hours that polls are open for voting.** Adds one hour to the time that the polls are open for voting by moving the closing time from 7:00 p.m. to 8:00 p.m. The bill also makes conforming changes to absentee voting laws.

*Patron - Hugo*

**SB65 Elections; absentee voting and absentee ballot applications.** Provides that any person who will be age 75 or older on the election day may vote absentee.

*Patron - Whipple*

**SB150 Elections; electronic voting equipment and paper record requirements; postelection audits of electronic equipment and paper records.** Requires that direct recording electronic devices be equipped to produce a contemporaneous paper record of each vote that can be verified by the voter and used in recounts. Provides for audits of a percentage of the equipment. This bill was incorporated into SB 424.

*Patron - Deeds*

**SB337 Page County School Board; referendum.** Provides for a referendum in the County at the November 2006

election on the question of whether the chairman of the school board should be elected by the County at large.

*Patron - Obenshain*

**SB455 Elections; local electoral boards; certain prohibitions.** Prohibits a member of a local electoral board from being the spouse or other relative of a candidate for or holder of an office filled in whole or in part by voters in the jurisdiction of the electoral board.

*Patron - Devolites Davis*

**SB472 Absentee ballot applications.** Provides for the submission of applications for absentee ballots to local registrars through the official website of the State Board of Elections. The online application will contain all the information on the standard application, except for the signature requirement, plus a field for the applicant's e-mail address. The State Board website will e-mail the application automatically to the appropriate local registrar and generate an e-mail confirmation of receipt of the application to the applicant. The bill provides that the registrar may compare the voter's signature on the ballot with his signature on his registration application. If the signatures do not appear the same, the ballot will be treated as a provisional ballot and held for further confirmation.

*Patron - Norment*

**SB588 Preservation of order at elections.** Provides that the local electoral board or general registrar, rather than the officers of election, may designate, with the consent of the chief local law-enforcement officer, a law-enforcement officer to maintain order at a polling place; and deletes a provision for the appointment of special officers at the polling place.

*Patron - Martin*

**SB607 Elections; recount procedures.** Requires hard copy optical scan ballots to be rerun through appropriately programmed tabulators in recount proceedings. Present law provides that the tabulator printout will be sufficient unless it is unclear or the court orders the ballots to be rerun. This bill incorporates SB 627.

*Patron - Lucas*

**SB627 Elections; recount procedures.** Requires hard copy optical scan ballots to be rerun through appropriately programmed tabulators in recount proceedings. Present law provides that the tabulator printout will be sufficient unless it is unclear or the court orders the ballots to be rerun. This bill was incorporated into SB 607 and is identical to HB 756.

*Patron - Deeds*

**SB628 Campaign finance; special disclosure requirements for certain large contributions; civil penalties.** Requires the filing of special reports to disclose the source of funds for large contributions (\$100,000 for statewide candidates and \$25,000 for General Assembly candidates) made by certain political committees, persons, and entities including special reports on the source of large contributions received by certain political committees, persons, and entities. This bill was incorporated into SB 436 and is identical to HBs 503 and 1088.

*Patron - Deeds*

**SB641 General Assembly members; prohibition of certain gifts and entertainment during legislative sessions; civil penalties.** Prohibits gifts from lobbyists and other persons to General Assembly members during regular legislative sessions.

*Patron - Reynolds*

**SB646 Primary elections; dates and procedures; date of June primary.** Changes the date for the June primary from the second Tuesday in June to the third Tuesday in June.

*Patron - O'Brien*

**SB728 Primary elections; dates and procedures; date of June primary.** Changes the date for the June primary from the second Tuesday in June to the second Tuesday in September.

*Patron - Potts*

## Carried Over

**HB46 Voter registration at offices of the Department of Motor Vehicles and registration records.** Provides that the Department shall maintain a copy of any completed voter registration application received by it until 30 days after the next general election and that the copy may be transmitted by facsimile or electronic means to a general registrar, local electoral board, or the State Board of Elections for the purpose of determining the validity of a provisional ballot. This bill is identical to HB 356 and SB 80.

*Patron - Dance*

**HB293 Campaign finance disclosure; definitions; reporting requirements.** Codifies the "express advocacy" standard. The Virginia Supreme Court held in *Virginia Society for Human Life, Inc. v. Caldwell*, 256 Va. 151, 500 S.E.2d 814 (1998), that the Virginia Campaign Finance Disclosure Act applies only to "express advocacy" and that the phrase "for the purpose of influencing the outcome of an election" will be interpreted to mean "express advocacy." This is a recommendation of the task force that assisted the State Board of Elections in conducting a review of the Campaign Finance Disclosure Act pursuant to HJR 667 (2005). This bill is identical to SB 229.

*Patron - Jones, S.C.*

**HB296 Campaign finance; valuation of certain campaign contributions.** Provides a general rule that the value of in-kind contributions benefiting multiple candidates will be divided equally among the benefiting candidates. However, the maker of the contribution may apportion the value of the contribution among the candidates on an objective basis that is stated in his campaign reports and documented in his records. This is a recommendation of the task force that assisted the State Board of Elections in conducting a review of the Campaign Finance Disclosure Act pursuant to HJR 667 (2005).

*Patron - Jones, S.C.*

**HB356 Voter registration at offices of the Department of Motor Vehicles and registration records.** Provides that the Department shall maintain a copy of any completed voter registration application received by it until 30 days after the next general election and that the copy may be transmitted by facsimile or electronic means to a general registrar, local electoral board, or the State Board of Elections for the purpose of determining the validity of a provisional ballot. This bill is identical to HB 46 and SB 80.

*Patron - Ingram*

**HB375 Campaign advertisements; basic disclosure requirements.** Requires (i) that the disclosure statement on a print media advertisement with multiple pages, folds, or faces shall appear on the first page, fold, or face and (ii) that, in any print media advertisement in which the word "official" appears, the disclosure statement shall be printed in an equiva-

lent or more conspicuous type size, font, and style than the word "official."

*Patron - Brink*

**HB658 Constitutional officers; certain incompatible activities.** Provides that a full-time, compensated constitutional officer who becomes a candidate for a different full-time, compensated elected office will forfeit his constitutional office.

*Patron - Wardrup*

**HB735 Campaign finance; requirement to close certain candidate campaign accounts.** Requires a candidate who holds an elected office either (i) to file a final report for his campaign for that office when he becomes a candidate for a second elected office or (ii) if he has outstanding debts in his campaign for that office, to cease all activity in that campaign except to receive contributions to retire those outstanding debts.

*Patron - Jones, S.C.*

**HB1089 Campaign Finance Disclosure Act; record retention requirements and reviews of campaign finance disclosure reports.** Provides that (i) the State Board of Elections shall review the campaign finance reports of candidates for Governor, Lieutenant Governor, Attorney General, and 10 percent of the candidates for the General Assembly selected at random; (ii) the review shall be for the purposes of (a) reconciling the balance in the campaign depository with the amounts reported in the candidate's reports of receipts and expenditures and (b) reviewing the reports for mathematical accuracy and completeness, including the reporting of specific information required by law; (iii) the Board shall meet publicly to select by a random drawing the General Assembly candidate campaigns to review; (iv) a campaign committee shall be exempt from review if it has received less than \$25,000 in contributions; and (v) the campaign treasurer shall retain, and provide on request by the Board, the bank statements and copies of checks issued on campaign depositories and receipts for campaign fund expenditures greater than \$500. The bill will take effect January 1, 2007.

*Patron - Scott, J.M.*

**HB1243 Election procedures; pollbooks, voting equipment requirements and audits, and recount procedures; pilot program.** Requires the State Board of Elections to design a pilot program to test electronic voting equipment and paper record requirements and incorporate audits of voting equipment. This provision takes effect in due course on July 1, 2006. The remainder of the bill takes effect January 1, 2009, and requires (i) that electronic pollbooks provide a contemporaneous and continuous paper printout of the voters' names and identifying information as their names are recorded and that the local electoral board conduct a postelection audit of the electronic pollbooks; (ii) that direct recording electronic devices be equipped to produce a paper record of each vote that can be verified by the voter and used in recounts and that audits be conducted on a percentage of the equipment; (iii) that the source codes for software used in voting equipment be placed in escrow with the State Board of Elections prior to certification of the equipment for use in Virginia and that the source codes be examined by technical experts; and (iv) that there be a prohibition on any form of wireless electronic communication capability on any direct recorded electronic voting machine, optical ballot tabulator, or other voting or counting device.

*Patron - Hugo*

**HB1432 Elections; definitions; residence; duties of registrars.** Provides that an applicant to register may have more than one place of abode but only one domicile, which he

presently intends as his primary home. Registrars are directed to make reasonable inquiries to assist the applicant to make an accurate determination of his residence status. This bill is identical to HB 1604.

*Patron - Barlow*

**HB1604 Elections; definitions; residence; duties of registrars.** Provides that an applicant to register may have more than one place of abode but only one domicile, which he presently intends as his primary home. Registrars are directed to make reasonable inquiries to assist the applicant to make an accurate determination of his residence status. This bill is identical to HB 1432.

*Patron - Rapp*

**SB80 Voter registration at offices of the Department of Motor Vehicles and registration records.** Provides that the Department shall maintain a copy of any completed voter registration application received by it until 30 days after the next general election and that the copy may be transmitted by facsimile or electronic means to a general registrar, local electoral board, or the State Board of Elections for the purpose of determining the validity of a provisional ballot. This bill is identical to HBs 46 and 356.

*Patron - Watkins*

**SB122 Elections; local electoral boards, general registrars, and their employees.** Provides civil service status for the staffs of electoral boards and general registrars and revises various provisions to recognize the status of employees of the boards and general registrars.

*Patron - O'Brien*

**SB229 Campaign finance disclosure; definitions; reporting requirements.** Codifies the "express advocacy" standard. The Virginia Supreme Court held in *Virginia Society for Human Life, Inc. v. Caldwell*, 256 Va. 151, 500 S.E.2d 814 (1998), that the Virginia Campaign Finance Disclosure Act applies only to "express advocacy" and that the phrase "for the purpose of influencing the outcome of an election" will be interpreted to mean "express advocacy." This is a recommendation of the task force that assisted the State Board of Elections in conducting a review of the Campaign Finance Disclosure Act pursuant to HJR 667 (2005).

*Patron - O'Brien*

**SB231 Campaign finance; valuation of certain campaign contributions.** Provides a general rule that the value of in-kind contributions benefiting multiple candidates will be divided equally among the benefiting candidates. However, the maker of the contribution may apportion the value of the contribution among the candidates on an objective basis that is stated in his campaign reports and documented in his records. The bill exempts literature distributed by local political party committees on behalf of their candidates from the apportionment requirement. As introduced, this was a recommendation of the task force that assisted the State Board of Elections in conducting a review of the Campaign Finance Disclosure Act pursuant to HJR 667 (2005).

*Patron - O'Brien*

**SB272 Elections; a pilot program to test electronic voting equipment and paper record requirements; audits of voting equipment.** Requires the State Board of Elections to design a pilot program to test electronic voting equipment and voter-verified records of votes and to provide for audits of voting equipment. As passed, the bill requires the Board to consult technical experts in the design of the program and makes implementation contingent on funds being appropriated for the program. This is a recommendation of the Joint Subcommittee

Studying Voting Equipment established pursuant to HJR 174 (2004) and SJR 371 (2005).

*Patron - Whipple*

**CSB424 Election procedures; pollbooks, voting equipment requirements and audits, and recount procedures.** Requires (i) that electronic pollbooks provide a contemporaneous and continuous paper printout of the voters' names and identifying information as their names are recorded and that the local electoral board conduct a postelection audit of the electronic pollbooks; (ii) that direct recording electronic devices be equipped to produce a paper record of each vote that can be verified by the voter and used in recounts and that audits be conducted on a percentage of the equipment; and (iii) that the source codes for software used in voting equipment be placed in escrow with the State Board of Elections prior to certification of the equipment for use in Virginia and that the source codes be examined by technical experts. The bill also prohibits any form of wireless electronic communication capability on any direct recorded electronic voting machine, optical ballot tabulator, or other voting or counting device and requires that a percentage of paper ballots be audited during recounts.

*Patron - Devolites Davis*

**CSB658 Elections; voter registration lists and applications; victims of domestic violence.** Provides that victims of domestic violence may provide a post office box address, in lieu of a residence address, to be shown on any public list of registered voters. This bill takes effect January 1, 2007.

*Patron - Ticer*

## Eminent Domain

### Passed

**P HB132 Eminent domain; determining just compensation.** Removes the option of the landowner to choose commissioners to hear an eminent domain case. Only jurors or the court shall be permitted to hear such a matter. All of the jurors in an eminent domain proceeding are required to be freeholders in the jurisdiction of the land in question. Additionally, from of an original panel of 13 jurors, each party will be granted four preemptory strikes.

*Patron - Cosgrove*

**P HB241 Offer of repurchase to former owner; non-waivable right.** Eliminates the language relating to the waiver of the right to the offer of repurchase in cases of eminent domain and clearly states that such right cannot be waived.

*Patron - Suit*

**P HB631 Mandatory dispute resolution orientation session.** Requires that the parties in a condemnation proceeding attend a dispute resolution orientation session.

*Patron - Phillips*

**P HB975 Land use and eminent domain adjacent to certain jet bases; advisory council.** Provides that the governing body of any locality in which a United States Navy Master Jet Base or an auxiliary landing field used in connection with flight operations arising from such Master Jet Base is located shall (i) adopt zoning ordinances that require the governing body to consider certain Navy guidelines in deciding discretionary applications for property in noise levels 70 dB DNL or greater, (ii) undertake an evaluation of undeveloped properties located in noise zones 70 dB DNL or greater to determine the suitability of such properties for rezoning classifications that

would prohibit incompatible uses, (iii) adopt such ordinances or take such other actions as may be recommended in any Joint Land Use Study that has been officially approved by the Navy and the governing body of the locality, and (iv) establish programs to purchase land or development rights from willing sellers in the corridor of land underneath the flight path between the Master Jet Base and the auxiliary landing field known as an interfacility traffic area. Also, such localities are granted authority to exercise the limited right of eminent domain at the request of property owners in acquisition of any lands, easements, and privileges for the purpose of protecting public safety by providing unobstructed airspace for the landing and takeoff of aircraft utilizing such Master Jet Base and preventing incompatible development within Accidental Potential Zone 1 areas surrounding such Master Jet Base. This bill also creates the Oceana/Fentress Military Advisory Council as a subunit of the Virginia Military Advisory Council. The provisions of this act and all authority therein shall terminate in the event that the aircraft and activities necessary to support the operations of a Master Jet Base are designated for realignment outside the locality. This bill is identical to SB 565.

*Patron - Suit*

**P HB1099 Eminent domain.** Raises from \$50,000 to \$75,000 the cap on relocation expenses that may be paid to certain persons displaced from their business or farm operation.

*Patron - Griffith*

**P SB565 Land use and eminent domain adjacent to certain jet bases; advisory council.** Provides that the governing body of any locality in which a United States Navy Master Jet Base or an auxiliary landing field used in connection with flight operations arising from such Master Jet Base is located shall (i) adopt zoning ordinances that require the governing body to consider certain Navy guidelines in deciding discretionary applications for property in noise levels 70 dB DNL or greater, (ii) undertake an evaluation of undeveloped properties located in noise zones 70 dB DNL or greater to determine the suitability of such properties for rezoning classifications that would prohibit incompatible uses, (iii) adopt such ordinances or take such other actions as may be recommended in any Joint Land Use Study that has been officially approved by the Navy and the governing body of the locality, and (iv) assemble available funding from federal, state, and local sources to purchase land or development rights from willing sellers in the corridor of land underneath the flight path between the Master Jet Base and the auxiliary landing field known as an interfacility traffic area. Also, such localities are granted authority to exercise the limited right of eminent domain at the request of property owners in acquisition of any lands, easements, and privileges for the purpose of protecting public safety by providing unobstructed airspace for the landing and takeoff of aircraft utilizing such Master Jet Base and preventing incompatible development within Accidental Potential Zone 1 areas surrounding such Master Jet Base. This bill also creates the Oceana/Fentress Military Advisory Council as a subunit of the Virginia Military Advisory Council. The provisions of this act and all authority therein shall terminate if the aircraft and activities necessary to support the operations of the Master Jet Base are designated for realignment. This bill is identical to HB 975.

*Patron - Stolle*

### Failed

**F HB94 Eminent domain; definition of public uses.** Provides a definition of public uses as embracing only the ownership, possession, occupation, and enjoyment of land by the public or public agencies, and public corporations and public service companies. The bill states that public benefits or

potential public benefits including economic development or private development, an increase in the tax base, tax revenues, employment, or general economic health and welfare shall not be considered when determining whether a use constitutes a public use.

*Patron - Suit*

**HB397 Reimbursement for damages.** Requires the court to award the property owner legal fees and costs in a condemnation proceeding if the petitioner maliciously damaged the property or the court awards the property owner at least 20 percent more than the petitioner's offer.

*Patron - Wittman*

**HB746 Condemnation; economic development.** Provides that no state funds shall be used for any condemnation undertaken for purposes of economic development, including blight removal, unless approved by the General Assembly and the Governor. This bill was incorporated into HB 94.

*Patron - Purkey*

**HB902 Eminent domain; definitions.** Provides that the definition of "public uses" shall not include the taking of private property for the primary purpose of tax-revenue enhancement.

*Patron - Iaquinto*

**HB925 Reimbursement for damages for entry by Virginia Department of Transportation.** Provides that a property owner shall have the right to recover costs against VDOT should he prevail at the condemnation proceeding.

*Patron - Landes*

**SB394 Eminent Domain; public use.** 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. This bill incorporates SB 131, SB 336, and SB 631.

*Patron - Stolle*

## Carried Over

**HB923 Compensation for condemned property.** Includes business losses and highway access in the definition of compensation that a property owner is entitled to should his property be condemned.

*Patron - Landes*

## Fiduciaries Generally

### Failed

**HB441 Fiduciaries; presumption of prudence.** Clarifies when fiduciaries will receive the presumption of prudence in investing and extends the presumption to custodians and custodial trustees.

*Patron - Kilgore*

## Fire Protection

### Passed

**HB1390 Firefighters; local ordinances.** Provides that local ordinances shall not require a minor who achieved firefighter certification as administered by the Department of Fire Programs prior to January 1, 2006, and between the ages of 15 and 16 to repeat the certification after his sixteenth birthday.

*Patron - Hogan*

## Fisheries and Habitat of the Tidal Waters

### Passed

**HB651 Federal sport fish matching funds.** Gives the Virginia Marine Resources Commission the authority to accept federal grant money from the federal Wallop-Breaux Fund. The U.S. Department of the Interior has indicated that Virginia's statutes do not give the agency such authority. The wording, as proposed, would satisfy federal officials.

*Patron - Lewis*

**HB652 Oyster taxes.** Requires oyster taxes be paid to the Virginia Marine Resources Commission. Currently, the Commission's Marine Patrol Officers collect the tax. The bill also directs that the oyster inspection tax be deposited in the Public Oyster Rocks Replenishment Fund.

*Patron - Lewis*

**HB898 Conveyance of Property, Sam's Restaurant.** Authorizes the Governor to convey at fair market value, upon consultation with the Virginia Marine Resources Commission, to Ocean Properties, LLC, an irregular-shaped lot, piece, or parcel of land situate, lying and being in the downtown section of Hampton, Virginia, known as Sam's Restaurant. Such sale and conveyance shall be in a form approved by the Attorney General.

*Patron - Gear*

**HB940 Conveyance of property.** Authorizes the Virginia Marine Resources Commission, on behalf of the Commonwealth, to convey to a private party approximately 1.2 acres, more or less, in the Rappahannock River, subject to any rights of the adjoining property owner as determined by a court of competent jurisdiction.

*Patron - Morgan*

**HB1533 Conveyance of subaqueous lands.** Authorizes the Governor to convey approximately 3.40 acres of subaqueous lands in the Elizabeth River in Norfolk to Moon of Norfolk, L.L.C., 4.11 acres of subaqueous lands in the Elizabeth River in Norfolk to Harbor Point Investors, L.L.C., and 3.6 acres of subaqueous lands in the Elizabeth River in Norfolk to Front Street Investors, L.L.C.

*Patron - Melvin*

**SB634 Subaqueous permits.** Exempts (i) finger piers of up to five feet in width, (ii) L or T head platforms and appurtenant floating dock platforms of up to 400 square feet, and (iii) open-sided shelter roofs and gazebo-type platforms if

allowed by local ordinances, that extend over state-owned, subaqueous lands from having to obtain a permit from the Virginia Marine Resources Commission.

*Patron - Williams*

## Failed

**FHB252 Regulation of the fishing of menhaden.** Directs the Virginia Marine Resources Commission to adopt regulations to implement the Atlantic States Marine Fisheries Commission Fishery Management Plan for Atlantic Menhaden. The bill stipulates that no regulation can impose limits on the fishing of menhaden that are more restrictive than the Atlantic States Marine Fisheries Commission Fishery Management Plan for Atlantic Menhaden. The bill also requires that any moratorium on the fishery be subject to legislative review and repeals the Governor's authority to implement menhaden management measures by proclamation.

*Patron - Cosgrove*

**FHB435 Moratorium on horseshoe crabs.** Places a moratorium on the landings and importation of horseshoe crabs until certain conditions are met. The Virginia Marine Resources Commission is required to promulgate regulations imposing the moratorium.

*Patron - Griffith*

**FHB749 Harvest quota on menhaden.** Limits to 105,783 metric tons the amount of menhaden that can be harvested annually in the Chesapeake Bay and its tributaries from 2006 through 2010. This limit is in accordance with the cap placed on the fishery by the Atlantic States Marine Fisheries Commission in its Atlantic Menhaden Fishery Management Plan.

*Patron - Cosgrove*

**FHB1045 Menhaden fishing limits.** Places an annual limit of 131,000 metric tons on the taking of menhaden by purse nets in the Chesapeake Bay. The Secretary of Natural Resources is to develop a system for monitoring the landings and issue a closure notice if 100 percent of the annual limit is met. The bill also prohibits vessels greater than 70 gross tons from setting nets after 5:00 p.m. on Friday or prior to 6:00 p.m. on Sunday, and between 8:00 a.m. and 6:00 p.m. on a holiday.

*Patron - Wittman*

**FSB2 Crab pot buoys.** Requires the Virginia Marine Resources Commission to promulgate regulations that all crab pot buoys and floats be marked with reflective material so all buoys and floats are visible at night when illuminated.

*Patron - Williams*

**FSB84 Harvest quota on menhaden.** Limits to 105,783 metric tons the amount of menhaden that can be harvested annually in the Chesapeake Bay and its tributaries from 2006 through 2010. This limit is in accordance with the cap placed on the fishery by the Atlantic States Marine Fisheries Commission in its Atlantic Menhaden Fishery Management Plan.

*Patron - Watkins*

## Game, Inland Fisheries and Boating

## Passed

**PHB5 Special fishing license for handicapped.** Authorizes the Department of Game and Inland Fisheries to issue permits to organized groups of physically or mentally handicapped persons to fish on the second Saturday in May in designated waters stocked with trout, without members of the group having to obtain individual licenses. This is emergency legislation. This bill is identical to SB 12.

*Patron - Carrico*

**PHB172 Control of wildlife diseases.** Authorizes the Department of Game and Inland Fisheries to promulgate regulations to (i) eradicate or prevent wildlife diseases and (ii) establish procedures for the condemnation and indemnification of captive wildlife.

*Patron - Lingamfelter*

**PHB362 Composition of Board of Game and Inland Fisheries.** Requires the Board of Game and Inland Fisheries to develop a Governance Manual that sets forth rules and procedures for the conduct of the Board's business. The bill also (i) delineates the duties of the chairman of the Board, (ii) requires the Board to ensure that the Auditor of Public Accounts, or any agent of the Auditor, conducts an annual audit of the accounts and transactions of the Board, and (iii) requires the Board to elect a new chairman and vice-chairman each year. The Director of the Department of Game and Inland Fisheries will be subject to confirmation and reconfirmation by the General Assembly every four years. This bill is identical to SB 564.

*Patron - Lingamfelter*

**PHB574 Youth trapping license.** Establishes the state junior resident trapping license, which can be obtained by any resident under the age of 16 for a fee of \$10. The license entitles the youth to trap throughout the state.

*Patron - Nixon*

**PHB575 Trapping; penalty.** Authorizes the Director of the Department of Game and Inland Fisheries to allow governmental employees and persons holding a commercial Nuisance Annual Permit to visit conibear-style traps once every 72 hours. However, private trappers would continue to be required to visit their conibear traps every day. The bill also clarifies that a trapper can shoot an animal caught in his trap without having to obtain a hunting license and allows the shooting to occur every day of the week, including Sundays during the prescribed seasons.

*Patron - Nixon*

**PHB870 Boating safety course.** Requires courts to order any person who has been convicted of violating a boating law that imposes a penalty of a Class 3 misdemeanor or greater to pass a National Association of State Boating Law Administrators approved boating safety course, accepted by the Department of Game and Inland Fisheries.

*Patron - Byron*

**PHB981 Federal funds for wildlife and fish restoration.** Authorizes the Department of Game and Inland Fisheries to accept federal grant money related to the Pittman-Robinson Act (wildlife restoration) and the Wallop-Breaux Act (sport

fish restoration). The Office of the Inspector General of the U.S. Department of the Interior has indicated to the Department that its audit of these federal funds found that Virginia does not have the statutory authority within the Code of Virginia to accept these funds.

*Patron - Lewis*

**SB12 Special fishing license for handicapped.**

Authorizes the Department of Game and Inland Fisheries to issue permits to organized groups of physically or mentally handicapped persons to fish on the second Saturday in May in designated waters stocked with trout, without members of the group having to obtain individual licenses. This is emergency legislation. This bill is identical to HB 5.

*Patron - Reynolds*

**SB83 Visiting traps; penalty.** Authorizes the Director of the Department of Game and Inland Fisheries to allow government employees and persons holding a Commercial Nuisance Annual Permit to visit conibear-style traps once every 72 hours. However, private trappers would continue to be required to visit their conibear traps every day.

*Patron - Watkins*

**SB564 Composition of Board of Game and Inland Fisheries.** Requires the Board of Game and Inland Fisheries to develop a Governance Manual that sets forth rules and procedures for the conduct of the Board's business. The bill also (i) delineates the duties of the chairman of the Board, (ii) requires the Board to ensure that the Auditor of Public Accounts, or any agent of the Auditor, conducts an annual audit of the accounts and transactions of the Board, and (iii) requires the Board to elect a new chairman and vice-chairman each year. The Director of the Department of Game and Inland Fisheries will be subject to confirmation and reconfirmation by the General Assembly every four years. This bill is identical to HB 362.

*Patron - Stolle*

## Failed

**HB6 Free hunting and fishing licenses.** Allows every resident of the Commonwealth who has served in an armed conflict or peacekeeping mission after September 11, 2001, to obtain the state resident hunting license, the state resident fishing license, and the big game license, at no charge for one year.

*Patron - Wright*

**HB150 Releasing dogs upon or near posted land; penalty.** Prohibits releasing dogs at the border of or upon the posted land of another without permission with the intent to cause them to run across the prohibited land for the purpose of flushing game and driving it to a place where it may be taken by persons who do not have permission to hunt on the land across which the dogs have been released.

*Patron - Cole*

**HB632 Hunting on Sundays.** Allows hunting on Sundays west of the Blue Ridge Mountains.

*Patron - Phillips*

**HB711 Hunting on Sunday, local option.** Allows localities to authorize hunting on Sunday. Currently, the law prohibits hunting on Sunday, except for raccoons, which can be hunted until 2:00 am on Sunday.

*Patron - Ware, O.*

**HB938 Board of Game and Inland Fisheries.** Changes the Board of Game and Inland Fisheries from a super-

visory board to a policy board. The bill gives the Governor and not the Board the authority to appoint the Director of the Department of Game and Inland Fisheries. However, the person who is serving as the Director on July 1, 2006, will continue in that position until he resigns or is terminated; whereupon, the Governor will appoint the new Director. This bill was incorporated into HB 362.

*Patron - Morgan*

**HB939 Game wardens.** Gives the Director of the Department of Game and Inland Fisheries the power to appoint all game wardens. Currently, the Director is required to hire from within the ranks of wardens if he is seeking to hire for a law-enforcement position above the rank of game warden. An exception to this hiring requirement is that the Director can hire from outside the agency's game warden force, if the position requires such knowledge, skill, or abilities that do not exist within the pool of applicants.

*Patron - Morgan*

**HB979 Governance by executive branch supervisory boards.** Requires the Attorney General to meet with all appointed members of executive branch supervisory boards, commissions or councils, and explain to them their duties, responsibilities and potential liabilities. The bill also requires the Board of Game and Inland Fisheries to develop a Governance Manual that sets forth the rules and procedures for the conduct of the Board's business. In addition, the bill (i) delineates the duties of the chairman of the Board and (ii) requires an annual audit of the agency's operations. This bill was incorporated into HB 362.

*Patron - Abbitt*

**HB1061 Sale of bear parts.** Allows the sale of bear parts from bears legally hunted in the Commonwealth by hunters or permitted resellers.

*Patron - Watts*

**HB1075 Boating safety course.** Requires courts to order any person who has been convicted of violating a boating law that imposes a penalty of a Class 3 misdemeanor or greater to pass a National Association of State Boating Law Administrators approved boating safety course, accepted by the Department of Game and Inland Fisheries. This bill was incorporated into HB 870.

*Patron - Dudley*

**HB1076 Towing persons on the water.** Requires vessels towing a person on an inflatable tube to carry an observer on the vessel and the person being towed is required to wear a life preserver.

*Patron - Dudley*

**HB1130 Appointments to the Board of Game and Inland Fisheries.** Changes the manner in which appointments are made to the 11-member Board of Game and Inland Fisheries. Currently, all members are appointed by the Governor. This bill will have the Governor appoint six members, the Speaker of the House of Delegates will appoint three members and the Senate Committee on Rules will appoint two members. The appointment will be made with the appointing authorities alternating in their selection of new members. The Governor will make the first appointment to fill a vacancy on the Board, followed by the Speaker and the Senate Committee on Rules. This bill was incorporated into HB 362.

*Patron - Cline*

**HB1131 Annual audit of the Board of Game and Inland Fisheries.** Requires the Auditor of Public Accounts to



conduct an annual audit of the accounts of the Board of Game and Inland Fisheries. This bill was incorporated into HB 362.

*Patron - Cline*

**SB718 Hunters for the Hungry donations.** Increases the cost of the resident big game license by \$1 and the nonresident big game license by \$2. The amount of the increases will be allocated to the Hunters for the Hungry.

*Patron - Stolle*

## Carried Over

**HB872 Mandatory boating safety education; penalty.** Makes it a Class 4 misdemeanor for anyone to operate a motorboat without having successfully completed an approved boating safety education course. The education requirement is phased-in so that by July 1, 2015, all motorboat operators will have been required to complete and pass the course or an equivalency exam. The Board is directed to develop and administer the mandatory boating safety education program through the promulgation of regulations, taking into account comments from the public. There are a number of ways a person can comply with the law other than successfully completing an approved course, such as passing an equivalency examination, possessing a valid license issued to maritime personnel, etc.

*Patron - Byron*

**HB1078 Speed limits on certain lakes.** Establishes a maximum speed limit of 35 miles per hour on Smith Mountain Lake between sunset and sunrise. Anyone who exceeds this limit is subject to a fine of up to \$250.

*Patron - Dudley*

**SB387 Deer hunting on Sunday.** Allows hunting on the first Sunday of early archery deer season, early muzzle-loader deer season, and general firearms deer season.

*Patron - Stolle*

**SB528 Boating safety.** Makes it a Class 4 misdemeanor for anyone to operate a motorboat on the waters of Smith Mountain Lake without having successfully completed an approved boating safety education course. The education requirement is phased in so that by July 1, 2015, all motorboat operators will have been required to complete and pass the course or an equivalency exam. The Board of Game and Inland Fisheries is directed to develop and administer the mandatory boating safety education program through the promulgation of regulations, taking into account comments from the public. There are a number of ways a person can comply with the law other than successfully completing an approved course, such as passing an equivalency examination, possessing a valid license issued to maritime personnel, etc. The bill also repeals the current law that requires at least one game warden to patrol Smith Mountain Lake during the boating season. Persons participating in regattas, races, marine parades, tournaments or exhibitions approved by the Board of Game and Inland Fisheries or the U.S. Coast Guard are exempt from having to complete a boating safety course.

*Patron - Newman*

## General Assembly

### Passed

**HB65 Commission on Unemployment Compensation.** Repeals the expiration date of the Commission on Unemployment Compensation. This bill is identical to SB 79.

*Patron - Purkey*

**HB542 General Assembly and State and Local Government Conflict of Interest Act.** Makes several amendments so the General Assembly and State and Local Government Conflict of Interest Acts include (i) clarifying that individual stocks and amounts should be listed, (ii) requiring net rather than gross amounts regarding disclosure of business interests, (iii) requiring disclosure of previously deferred compensation when the filer has begun to receive such compensation, (iv) requiring disclosure of payments made by a filer to a lobbyist for representation, (v) adding definitions for "deferred compensation," "deferred compensation plan," and "contingent liability," and (vi) revising the definition of "close financial association." The bill also provides an extension for filing deadlines under the Acts that may fall on a weekend or a legal holiday. The bill is the recommendation of the HJR 186 (2004) Joint Subcommittee Studying Conflicts of Interests and Lobbyist Disclosure Filings.

*Patron - Griffith*

**HB614 Special Advisory Commission on Mandated Health Insurance Benefits; staffing.** Directs the Joint Legislative Audit and Review Commission (JLARC) to provide staff assistance to the Special Advisory Commission on Mandated Health Insurance Benefits. JLARC would join the State Corporation Commission's Bureau of Insurance and the Health Department in staffing the Special Advisory Commission. JLARC is charged with assessing, analyzing, and evaluating the social and economic costs and benefits of any proposed mandated health insurance benefit or mandated provider, and reporting its findings to the Special Advisory Commission.

*Patron - O'Bannon*

**HB788 Joint Commission on Health Care.** Extends the sunset provision for the Joint Commission on Health Care for three years, to July 1, 2010.

*Patron - Morgan*

**HB885 National Conference of Commissioners on Uniform State Laws (NCCUSL).** Provides that the Director of the Division of Legislative Services is a Commissioner rather than an Associate Commissioner as currently provided under NCCUSL's Constitution.

*Patron - Griffith*

**HB886 Duties of the Division of Legislative Services and the Division of Legislative Automated Systems.** Moves from DLS to DLAS the responsibility for the preparation and publication of the annual liaison booklet designating information officers of state departments, agencies, boards, and commissions.

*Patron - Griffith*

**HB1074 General Assembly; additional compensation.** Clarifies that members of the General Assembly are not entitled to receive additional compensation for attending meetings of boards, commissions, and other bodies when the General Assembly is in active session. In addition, when a house has a pro forma session, members who attend meetings held in

the buildings on Capitol Square will not be entitled to additional compensation. They will be expected to attend the session to receive the session per diem.

*Patron - Dudley*

**HB1178 General Assembly; Senate and House Committees on Standards of Conduct.** Provides that membership of the Committee on Standards of Conduct of the House and Senate Rules Committees will be determined by the rules of each house. This bill incorporates HB 1142.

*Patron - Rapp*

**HB1233 Manufacturing Development Commission.** Establishes the Manufacturing Development Commission as a legislative commission to assess the manufacturing needs in the Commonwealth and formulate legislative and regulatory remedies to ensure the future of the manufacturing sector in Virginia. The bill also provides that the Secretary of Commerce and Trade serve ex officio. The provisions of this act expire on July 1, 2009. In addition, if the Commission is not funded during its first year of study, the Joint Rules Committee must approve its expenses. However, if the Commission is not funded for any year thereafter, the provisions of this act shall expire July 1 of the fiscal year that the Commission fails to receive funding. This bill is identical to SB 261.

*Patron - Purkey*

**HB1440 Virginia Sesquicentennial American Civil War Commission.** Establishes the Virginia Sesquicentennial American Civil War Commission to prepare for and commemorate the 150th anniversary of Virginia's participation in the American Civil War.

*Patron - Howell, W.J.*

**SB19 Administrative Law Advisory Committee.** This bill provides that the chairman of the Administrative Law Advisory Committee may be a member of and must be appointed by the Virginia Code Commission. Other amendments to the bill allow, rather than require, the representation from certain entities and limits the total membership of the Advisory Committee to 12 members.

*Patron - Mims*

**SB79 Commission on Unemployment Compensation.** Repeals the expiration date of the Commission on Unemployment Compensation. This bill is identical to HB 65.

*Patron - Watkins*

**SB261 Manufacturing Development Commission.** Establishes the Manufacturing Development Commission as a legislative study commission. The Commission will be responsible for assessing manufacturing needs and formulating legislative and regulatory remedies to ensure the future of the manufacturing sector in Virginia. The Commission will expire July 1, 2009. This bill is identical to HB 1233.

*Patron - Wagner*

**SB438 Joint Commission on Health Care.** Extends the sunset provision for the Joint Commission on Health Care to July 1, 2010, allowing the Commission to continue for another three years.

*Patron - Lambert*

**SB443 Brown v. Board of Education Scholarship Program and Fund; penalty.** Strengthens and modifies the Brown v. Board of Education Scholarship Program and Fund to accomplish the purposes of the Program more effectively and efficiently. This bill enhances and increases educational opportunities for eligible persons by adding certain career and technical education postsecondary schools in the Commonwealth

and the College-Level Examination Program (CLEP) to the list of approved education programs in which recipients may enroll. This bill also (i) provides that awards may be used to cover the costs of textbooks for approved education programs; (ii) clarifies the duration of awards for career and technical education and training programs, and CLEP; (iii) authorizes the Brown v. Board of Education Scholarship Awards Committee to determine approved education programs to preserve the purpose for which the Program was created; (iv) exempts scholastic records, personally identifiable information, scholarship applications, confidential letters and statements, and certain other related information pertaining to applicants and recipients of scholarships awarded by the Brown v. Board of Education Scholarship Awards Committee, and deliberations of the Committee relating to the review and consideration of awards, scholarship renewal, setting the annual maximum scholarship award, and the cancellation, rescindment, or recovery of awards from FOIA; (v) provides definitions; (vi) authorizes the Awards Committee to cancel, rescind, and recover awards; (vii) allows students to take courses of a religious or theological nature to satisfy undergraduate elective requirements for a liberal arts nonreligious degree; (viii) requires applicants to sign acceptance forms, affirming the submitted information and agreeing to pursue the education program for which the award was given to its completion; (ix) establishes criteria for the renewal of awards; (x) requires education agencies to credit promptly student accounts after awards have been disbursed; and (xi) makes certain technical amendments. In addition, the second and third enactment clauses of Chapter 753 and Chapter 834 of the 2005 Acts of Assembly are repealed. The second enactment clause of these chapters permitted students enrolled in approved education programs upon the expiration of the Program to complete their course of study. The third enactment clauses of these chapters provided that the State Council of Higher Education must review and approve the application for renewal of scholarship awards to students who were enrolled in approved education programs upon the expiration of the Program. This bill is a recommendation of the Brown v. Board of Education Scholarship Awards Committee.

*Patron - Lambert*

**SB711 Commission on Electric Utility Restructuring.** Authorizes the Commission on Electric Utility Restructuring to appoint persons who are not members of the Commission to any subcommittee that the Commission may establish. The measure also specifically authorizes the Commission to evaluate and assess the implications of the scheduled expiration of capped rates.

*Patron - Norment*

## Failed

**HB7 General Assembly; introduction limits.** Prohibits a member of the General Assembly from introducing more than a combined total of 12 bills, joint resolutions, and resolutions during any regular session of the General Assembly. Exceptions to this limitation include legislation that (i) commends, congratulates, or memorializes and is not referred to a standing committee under the rules of the respective house; (ii) relates to the administration of government and is introduced at the request of the Governor; (iii) involves the confirmation of gubernatorial or circuit court appointees or the election of judges or other officials by the General Assembly; and (iv) affects the procedures or schedule of the General Assembly. The provisions of the bill will expire on July 1, 2008.

*Patron - Purkey*

**HB687 General Assembly; office allowances.** Provides an alternative office expense allowance arrangement for General Assembly members. Members may continue the present nonvouchered arrangement or change to an accountable plan within the meaning of the Internal Revenue Code regulations. Under the alternative plan, members will be required to substantiate their business expenditures on a quarterly basis and return any amount in excess of the substantiated expenses. The bill also provides a separate office equipment allowance not to exceed \$2,000 during a two-year period. Members will be required to submit a voucher and accompanying receipts prior to receiving payment for equipment expenses. The Clerk of the House of Delegates and the Clerk of the Senate, under the direction of their respective Rules Committees, are required to establish policies in their houses regarding the transfer of office equipment purchased with the allowance to the Commonwealth when the equipment falls into disuse or the member leaves office. The Clerks must submit by November 1, 2006, the policies and forms needed to implement the bill to their respective Rules Committees for approval.

*Patron - Brink*

**HB740 Virginia Code Commission.** States explicitly that the Code Commission is authorized to publish a renumbered code and delineates savings provisions to assure that references to prior and new code provisions are given effect. The bill is a recommendation of the Virginia Code Commission.

*Patron - Landes*

**HB837 Virginia Budget Office.** Establishes in the legislative branch a Virginia Budget Office.

*Patron - Frederick*

**HB1052 Tax legislation; sunset date.** Requires a sunset date on all taxation bills that add new taxes or increase tax rates.

*Patron - Reid*

**HB1142 General Assembly; Senate and House Committees on Standards of Conduct.** Incorporates provisions of the rules of the Senate and the House of Delegates that relate to membership on the Rules Committee subcommittee on Standards of Conduct of each house. This bill was incorporated into HB 1178.

*Patron - Cline*

**HB1365 Joint Commission on Transportation Accountability.** Creates the Joint Commission on Transportation Accountability to carry out close legislative oversight of state agencies with transportation responsibilities.

*Patron - Wardrup*

**HB1377 The Keep Our Promise Act of 2006.** Reinstates the Personal Property Tax Relief Act of 1998 at 100 percent reimbursement for qualifying vehicles effective January 1, 2007.

*Patron - Frederick*

**HB1477 Bills that create or increase fees; consideration by House Finance Committee or Senate Finance Committee.** Provides that the House Finance Committee and Senate Finance Committee, before considering any revenue bill that creates or increases a fee of the Commonwealth, may require a written report from the Department of Taxation that includes any or all of the following: (i) when the fee was first established; (ii) the dates and amounts by which the fee has increased over the past 10 years; (iii) the purpose for the revenue from the fee, and whether any amounts of such revenue

have been spent for other purposes in the past 10 years; (iv) the total annual amount of revenues raised from the fee in each of the past 10 years; and (v) the estimated amount of revenues that will be generated by the proposed increase and the reason for the increase.

*Patron - Lingamfelter*

**SB20 First-day introduction of VRS bills; 2007 Code Project.** Moves the requirement concerning the first-day introduction VRS bills into a separate section so that it may be placed with other similar sections that establish first-day introduction deadlines for certain types of bills. This is a recommendation of the Code Commission as part of the 2007 Code Project.

*Patron - Mims*

**SB174 Public-Private Transportation Act; Public-Private Education Facilities and Infrastructure Act; guidelines; Public-Private Partnership Advisory Commission.** Requires the review of the terms and conditions of interim or comprehensive agreements for qualifying projects under the Public-Private Transportation and Public-Private Education Facilities and Infrastructure Acts by the appropriating body before the final execution of such agreements by the responsible public entity. "Appropriating body" is defined in the bill as the body responsible for appropriating or authorizing funding for the project. The bill also requires specific provisions to be included in the guidelines that must be adopted by responsible public entities (RPE's) under each of the Acts. In addition, the bill establishes the Public-Private Partnership Advisory Commission to review the terms of the interim and comprehensive agreements prior to signing by state RPE's and to provide non-binding, advisory opinions regarding the terms of such agreements.

*Patron - Wampler*

**SB208 Office of Children's Services Ombudsman.** Creates, within the legislative branch, the Office of Children's Services Ombudsman. The mission of the office is to protect children and parents from harmful agency action or inaction; investigate the acts of state and local administrative agencies adversely affecting children; recommend appropriate changes toward the goals of safeguarding the rights of children and parents; and promote higher standards of competency, efficiency, and justice in the administration of child protection and child welfare laws. The office is to be headed by a Director appointed by the Joint Rules Committee. The bill also contains an exemption from the Freedom of Information Act for active investigations conducted by the office.

*Patron - Edwards*

**SB693 The Council on Capitol Square.** Establishes a permanent council to operate, maintain, and preserve Capitol Square, which includes the State Capitol, the Executive Mansion, the Bell Tower, and the area surrounding the Capitol enclosed by the iron fence installed in 1818 and its extension. The council will have the sole authority to coordinate and approve any additions, improvements, or renovations and will oversee the state-appropriated funds for the operation, maintenance, and renovation of Capitol Square.

*Patron - Norment*

## Carried Over

**HB954 Auditor of Public Accounts; powers.** Provides that authorities, commissions, districts, or other political subdivisions, the members of whose governing body are not elected by popular vote, and any legal entity created by those bodies shall be subject to periodic external reviews in accor-

dance with the provisions of the Legislative Program Review and Evaluation Act. The bill also authorizes the Auditor of Public Accounts or his legal representatives to examine the accounts and books of these entities at the request of the Joint Legislative Audit and Review Commission.

*Patron - Joannou*

**CSB705 Joint Commission on State Government Programs.** Creates the Joint Commission on State Government Programs as a legislative agency. The bill sets out the Commission's membership, terms, staffing, and powers and duties.

*Patron - Stolle*

## General Provisions of Virginia Code

### Passed

**PHB1011 Emblems; state fish and bat.** Redesignates the Brook Trout as the official fish of the Commonwealth and corrects the spelling of the name of the state bat. The Code section that recognized the Brook Trout as the official state fish was inadvertently repealed during the recodification of Title 1 last year. The Brook Trout has been the Commonwealth's official fish since 1993.

*Patron - Hurt*

### Failed

**FHB765 Emblems, designations and honors; storyteller laureate.** Creates the honorary position of Storyteller Laureate of Virginia, to be appointed by the Governor from a list of nominees submitted by the Virginia Storytelling Alliance. Each storyteller laureate shall serve a term of two years with no restrictions on reappointment.

*Patron - Sickles*

**FHB1256 Storyteller Laureate of Virginia.** Creates the position of Storyteller Laureate in the Commonwealth. The storyteller laureate will be appointed by the Governor and receive an annual honorarium of \$5,000 to promote storytelling in the Commonwealth.

*Patron - Hugo*

**FHB1273 Official emblems and designations of the Commonwealth; Freedom Flag as the official remembrance of September 11, 2001.** Designates the Freedom Flag, designed by Richard Nicholas Melito, as the official flag of remembrance of September 11, 2001, in Virginia.

*Patron - Janis*

**FHB1524 Jurisdiction of lands acquired by the United States; reversion to the Commonwealth; conveyance of certain lands by the Governor.** Authorizes the Governor to convey the Commonwealth's reversionary interest to a locality should the United States Congress approve a military facility for closure pursuant to the federal Defense Base Closure and Realignment Act of 1990 and (i) all or a portion of the land upon which such facility is located is conveyed to the United States with a provision in the deed that upon abandonment or use for any purpose other than that stated in the deed, such land shall revert to the Commonwealth or (ii) title to any such land otherwise reverts to the Commonwealth pursuant to the provisions of subsection B of § 1-405. The bill also pro-

vides that the approval of the Governor is not necessary when the Commonwealth conveys its reversionary interest to a locality.

*Patron - Ward*

**F SB682 State Song.** Designates "Shenandoah" as the interim state song.

*Patron - Colgan*

### Carried Over

**CHB156 Emblems and designations of the Commonwealth; state amphibian.** Designates the Shenandoah Mountain Salamander (*Plethodon Virginia*) as the official state amphibian.

*Patron - Ward*

**CSB696 Reversion of certain land to the Commonwealth.** Authorizes the Governor to convey the reversionary interest in certain land to the locality in which the land is located.

*Patron - Williams*

## Guardian and Ward

### Passed

**PHB796 Virginia Uniform Transfer to Minors Act; custodians.** Allows two people to be joint custodians for a single minor under the Virginia Uniform Transfer to Minors Act. Each joint custodian shall have full power and authority to act alone with respect to the custodial property, and if either resigns, dies, becomes incapacitated or is removed, the remaining person becomes sole custodian.

*Patron - Fralin*

## Health

### Passed

**PHB13 Reporting of tuberculosis strains with antimicrobial drug susceptibilities.** Removes the option of submitting to the local health director a report of antimicrobial drug susceptibilities performed by a laboratory certified to perform such testing in lieu of submitting a representative and viable sample of initial cultures positive for tubercle bacilli to the Virginia Division of Consolidated Laboratory Services. The bill requires that the Virginia Division of Consolidated Laboratory Services establish a library of isolates from persons with active tuberculosis disease for the purpose of disease strain analysis as indicated by epidemiological investigations. This bill is identical to SB112.

*Patron - Hamilton*

**PHB48 Chesapeake CHAMPS program.** Repeals Chapter 598 of the Acts of Assembly of 1991. CHAMPS, Inc. was originally incorporated to assist in the coordinated medical care between the Health Department and community volunteer physicians who agreed to see patients for episodic care. However, it was never established as a 501(c)(3) organization and is currently defunct. The repeal of Chapter 598 is by the recommendation of the Chesapeake Health Department and the Vir-

ginia Code Commission and will not result in any adverse effects on current Department of Health programs.

*Patron - Landes*

**HB267 Certificate of public need.** Authorizes the submission of an application for an increase in nursing home beds, either on-site or through relocation within the same city or county, for a facility that was licensed for less than 40 beds under certain specific conditions. The approval shall not affect whether Requests for Applications are issued before the beds have been operated for two years. The bill has a sunset of June 30, 2007, as well as an emergency clause.

*Patron - Cole*

**HB381 Certificate of public need; authorization of certain amendment.** Authorizes, notwithstanding the provisions of the moratorium on nursing home bed construction or additions that was in effect until July 1, 1996, or the provisions of two previous authorizations for amendments to the relevant certificate, the Commissioner of Health to accept and approve a request to amend the conditions of a certificate of public need issued as an exception to a former restriction on filing applications for nursing home bed projects. The bill authorizes the facility to request an amendment to its previous certificate of public need to admit persons, other than residents of the cooperative units, to its nursing home facility beds. The facility must be: (i) operated by an association described in § 55-458; (ii) created in connection with a real estate cooperative; and (iii) providing its residents a level of nursing services consistent with the definition of continuing care in Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2. This bill applies to one facility to which the original certificate of public need was issued prior to October 3, 1995. The certificate shall expire no later than June 30, 2009.

*Patron - Suit*

**HB413 Virginia Cord Blood Bank Initiative.** Establishes the Virginia Cord Blood Bank Initiative as a public resource for Virginians for the treatment of patients with life-threatening illnesses or debilitating conditions, for use in advancing basic and clinical research, and, in the event of a terrorist attack, to be used in the treatment of the injured citizens of the Commonwealth. The Initiative will be established as a nonprofit legal entity to collect, screen for infectious and genetic diseases, perform tissue typing on, cryopreserve, and store umbilical cord blood and will be a collaborative consortium covering all geographical regions of Virginia. The State Health Commissioner will develop or arrange for or contract with a nonprofit entity for the development of the Initiative. Medical schools, hospitals, biotechnology companies, regional blood banks, laboratories, and others will be requested to participate and assist in the design and implementation of the Initiative. Participants will estimate the costs of implementation and the Commissioner will assist in the development of cost estimates, compare and evaluate the estimates, and negotiate with the participants. The Commissioner will also coordinate the design of the Initiative, such as appropriate contact with pregnant women, obtaining informed consent for donations, storage periods, recycling of the samples and the sale or transfer of the samples being withdrawn from storage for use in basic or clinical research, and the development of reasonable rates and fees for cord blood products. The Initiative will conduct outreach and research, particularly for ethnic and racial minorities. Information will be disseminated through health departments and Medicaid. Women will be offered the opportunity to donate umbilical cord blood; however, no woman will be required to make a cord blood donation. Health care entities must disclose financial remuneration for the collection of the cord blood prior to harvesting it. No person who objects to transfusion or transplantation of blood on the basis of bona fide

religious beliefs will be required to participate in the Initiative. The Initiative will be implemented with such funds as may be appropriated or otherwise made available for its purpose. The Commissioner must, upon implementation of the Initiative, seek the development of a nonprofit entity to assume the operation and administration of it and may seek federal, state, and private grant funds for its continuation. This bill is a recommendation of the Joint Subcommittee to Study Medical, Ethical, and Scientific Issues Relating to Stem Cell Research in the Commonwealth (HJR 588 of 2005). This bill is identical to SB 370.

*Patron - Marshall, R.G.*

**HB577 Residential placements of children; reimbursement restrictions; regulatory requirements for licensure; reporting and other regulations.** Requires the Boards and Departments of Education, Juvenile Justice, Mental Health, Mental Retardation and Substance Abuse Services, and Social Services to promulgate regulations that require, as a condition of initial licensure of, and, if appropriate, license renewal, that the applicant (i) be personally interviewed by Department personnel to determine the qualifications of the owner or operator before granting an initial license; (ii) provide evidence of having relevant prior experience before any initial license is granted; (iii) provide, as a condition of initial license or renewal licensure, evidence of staff participation in training on appropriate siting of the residential facilities for children, good neighbor policies, and community relations; and (iv) be required to screen residents prior to admission to exclude individuals with behavioral issues, such as histories of violence, that cannot be managed in the relevant residential facility. In addition, the departments must notify relevant local governments and placing and funding agencies, including the Office of Comprehensive Services, of multiple health and safety or human rights violations in children's residential facilities for which the relevant department serves as lead licensure agency when such violations result in the lowering of the licensure status of the facility to provisional; post on the department's website information concerning the application for initial licensure of or renewal, denial, or provisional licensure of any residential facility for children located in the locality; require all licensees to self-report lawsuits against or settlements with residential facility operators relating to the health and safety or human rights of residents and any criminal charges that may have been made relating to the health and safety or human rights of residents; require proof of contractual agreements or staff expertise to provide educational services, counseling services, psychological services, medical services, or any other services needed to serve the residents in accordance with the facility's operational plan; and modify the term of the license (or, in the case of the Department of Juvenile Justice, the certificate) based on a change in compliance. The Department of Social Services will be given the additional responsibility for disseminating or posting an accurate list of licensed and operating group homes and other residential facilities for children by locality with information on services and identification of the lead licensure agency. In the event a group home or residential facility has its licensure status lowered to provisional as a result of multiple health and safety or human rights violations, all children placed by CSA in the facility must be assessed to determine whether it is in the best interests of each child to be removed from the facility and placed in a fully licensed facility and additional placements are prohibited until full licensure status has been restored. Prior to placing a child across jurisdictional lines, the local family assessment and planning team must also explore all appropriate community services for the child; document that no appropriate placement is available in the locality; and report the rationale for placement to the community policy and management team (CPMT). The CPMTs are required to report annually to the office of Comprehensive Ser-

vices on the gaps in services needed to keep children in the local community and any barriers to the development of the services. The CPMTs are also required to notify receiving school divisions of placements across jurisdictional lines and to identify children with disabilities and foster care children to expedite enrollment and special education. A second enactment requires emergency regulations for the licensure and certification requirements and a third enactment requires that the emergency regulations include provisions addressing HB 2461 (2005) and SB 1304 (2005). This bill is a recommendation of the Joint Subcommittee Studying Private Youth and Single Family Group Homes pursuant to HJR 685 (2005).

*Patron - Nixon*

**HB594 Emergency medical services; oxygen training.** Directs the State Board of Health to prescribe regulations authorizing emergency medical services personnel to possess and administer oxygen with the authority of the local medical director and a licensed emergency medical services agency.

*Patron - Lohr*

**HB610 Facilitating an emergency medical services quality of care initiative; civil immunity and privileged communications.** Facilitates the development of a quality of care initiative in the emergency medical services system by providing civil immunity for members of entities monitoring such care and rendering their communications privileged in the same manner as provided to other professional groups.

*Patron - O'Bannon*

**HB625 Determination of hazardous human remains.** Allows the Commissioner of the Department of Health, in conjunction with the Governor, to determine if human remains are hazardous to the public health. If remains are determined to be hazardous, the Commonwealth is charged with handling and disposition of the remains and shall erect a memorial at the disposition site. "Hazardous human remains" means those remains contaminated with an infectious, radiologic, chemical or other dangerous agent.

*Patron - O'Bannon*

**HB714 Local health partnership authorities; sunset repealed.** Repeals the sunset clause that allows the article on local health partnership authorities to expire on July 1, 2006, thereby establishing the law indefinitely. The law provides that government and private entities may join forces to address the health care needs of an area and assist in providing such services in a coordinated manner so as to eliminate duplication and inefficiency. This bill is identical to SB 252.

*Patron - McQuigg*

**HB758 Medical Assistance Services; State Plan amendment or application for waiver.** Requires the Department of Medical Assistance Services (DMAS) to convene a Medicaid Revitalization Committee to prepare recommendations for a State Plan amendment or an application for a waiver, including but not limited to a research and demonstration project waiver pursuant to Section 1115 of Title XIX of the Social Security Act, as amended, to reform and revitalize Virginia's Medicaid program. The recommendations shall include fundamental elements to move toward greater emphasis on the state's role in purchasing healthcare services, leveraging the forces of the marketplace to customize services to meet the needs of Virginia's various Medicaid populations, enhancing personal responsibility and empowering individuals to manage their healthcare, bridging public and private coverage, and containing the growth of Medicaid expenditures in the Commonwealth. By May 15, 2007, DMAS shall prepare, submit, and seek approval of any required State Plan amendments or waiver authority. Enactment clauses require emergency regula-

tions upon obtaining approval of the waiver and authorize DMAS to use electronic media, when in compliance with the Administrative Process Act, in the regulatory process. The provisions of the bill are subject to an appropriation of funds in the general appropriation act.

*Patron - Hamilton*

**HB759 Medicaid; public-private long-term care partnership program.** Requires the Board of Medical Assistance Services to include, in the state plan for medical assistance services, a provision, when authorized by and in compliance with federal law, to establish a public-private long-term care partnership program between the Commonwealth of Virginia and private insurance companies that must be designed to reduce Medicaid costs for long-term care by delaying or eliminating dependence on Medicaid for such services through encouraging the purchase of private long-term care insurance policies designated by the Department as "qualified state long-term care insurance partnerships" that may be used as the first source of benefits for the participant's long-term care. The components of the program, including the treatment of assets for Medicaid eligibility and estate recovery, must be structured in accordance with federal law and applicable federal guidelines. A second enactment clause requires DMAS to collaborate with the Department of Human Resource Management to encourage state employees to participate in the partnership program.

*Patron - Hamilton*

**HB760 Health care data reporting; safety and quality of care.** Requires the Commissioner of Health to determine, along with the Board of Medicine, any data concerning safety and quality health care services rendered by physicians to Medicaid recipients that should be identified, collected, and disseminated. Also requires sufficient funding to be identified to cover the costs to physicians of this additional reporting requirement.

*Patron - Hamilton*

**HB831 Family Access to Medical Insurance Security Plan.** Requires that, insofar as feasible, individuals eligible for Family Access to Medical Insurance Security (FAMIS) Plan must be enrolled in health maintenance organizations. The bill modifies the present requirement that the health care benefits provided under FAMIS must be through the existing Department of Medical Assistance Services' contracts with health maintenance organizations and other providers, or through new contracts with HMOs, health insurance plans, or other entities or through employer-sponsored health insurance.

*Patron - Welch*

**HB851 Hospital standing orders or protocols for certain vaccinations.** Authorizes hospitals to provide or arrange for the administration of influenza and pneumococcal vaccinations to their patients when standing orders or protocols for the immunizations have been approved by a member or committee of the hospital's medical staff. The standing order or protocol will waive the requirement for specific written physician orders for influenza and pneumococcal immunizations; however, the standing order or protocol will not supersede a physician's authority to issue specific written orders relating to immunizations. The standing order or protocol for administration of the vaccines must be in accordance with the most recent recommendations of the Advisory Committee on Immunization Practices (ACIP) of the Centers for Disease Control and Prevention; medical contraindications must be ascertained; the patient's wishes and any religious objections must be determined; and informed consent must be obtained from the patient or his legal representative. The vaccinations must be documented in the patient's health record. Approval of a standing

order or protocol for the administration of the vaccines will be deemed to satisfy the requirement for a bona fide practitioner-patient relationship.

*Patron - O'Bannon*

**HB853 Health records privacy.** Clarifies that health records may be disclosed by a health care entity in connection with the health care entity's own health care operations, as specified in federal regulation (45 C.F.R. § 164.501), or in the normal course of business.

*Patron - O'Bannon*

**HB1134 Sewage sludge fee.** Requires the Board of Health to promulgate regulations establishing an initial fee of \$5,000 to be imposed upon permit holders and applicants and a fee not to exceed \$1,000 for the reissuance, amendment or modification of a permit. Fees collected are to be deposited into the Sludge Management Fund for the administration and management of the Department of Health's sewage sludge program. Currently, the Board may adopt regulations requiring permittees to pay a reasonable fee, not to exceed \$2,500, for the processing of the application for a sewage sludge permit.

*Patron - Cline*

**HB1391 Virginia Congenital Anomalies Reporting and Education System.** Requires the Commissioner of the Department of Health to provide for a secure system that protects the confidentiality of data and information for which reporting is required to implement the Virginia Congenital Anomalies Reporting and Education System (VaCARES). The system may include online data entry and a minimum data set is specified, including names, gender, diagnosis, etc. The bill deletes current reporting requirements concerning the parent's service in Vietnam and possible exposure to Agent Orange and certain outdated language relating to the Board's regulations. Hospitals, the only facilities required to report birth defects to VaCARES, are authorized to view personally identifiable information in the system "as approved by the Commissioner and upon receipt by the Commissioner of sworn affirmation from each such person that the confidentiality of the information will be preserved."

*Patron - Hogan*

**HB1398 Nursing homes, assisted living facilities, adult day care, home care organizations, and hospice; barrier crimes.** Removes the phrase "moral turpitude" from the description of crimes that would constitute a barrier to employment in nursing homes, assisted living facilities, adult day care, home care organizations, and hospice care. This bill is identical to SB 620.

*Patron - Hamilton*

**SB112 Reporting of tuberculosis strains with antimicrobial drug susceptibilities.** Removes the option of submitting to the local health director a report of antimicrobial drug susceptibilities performed by a laboratory certified to perform such testing in lieu of submitting a representative and viable sample of initial cultures positive for tubercle bacilli to the Virginia Division of Consolidated Laboratory Services. The bill requires that the Virginia Division of Consolidated Laboratory Services establish a library of isolates from persons with active tuberculosis disease for the purpose of disease strain analysis as indicated by epidemiological investigations. This bill is identical to HB 13.

*Patron - Howell*

**SB116 Immunization of children against certain diseases.** Sets out the minimum requirements for the immunization of children for the State Board to include in their regulations. The requirements bring the Commonwealth in line with

the Immunization Schedule developed and published by the Centers for Disease Control and Prevention, Advisory Committee on Immunization Practices, the American Academy of Pediatrics, and the American Academy of Family Physicians. The bill also requires the State Board of Health to review the section annually and make recommendations to the Governor, the General Assembly, and the Joint Commission on Health Care. The bill is contingent on funding.

*Patron - Howell*

**SB117 Immunization of patients against certain diseases.** Adds the requirement of a booster dose of tetanus toxoid, reduced diphtheria toxoid, and acellular pertussis (Tdap) vaccine in accordance with the board's regulations, which shall also require that, prior to entering sixth grade, a child must have another booster dose of Tdap if more than five years have elapsed since the last dose. This bill is contingent on funding.

*Patron - Howell*

**SB119 Virginia Donor Registry.** Clarifies that the Virginia Transplant Council (VTC) is the agency responsible for the creation, compilation, maintenance, and modification of the Virginia Donor Registry, currently referred to in the Code of Virginia as the Organ and Tissue Donor Registry. The bill consists primarily of technical amendments to arrive at this clarification, including the reordering of the VTC's responsibilities to list the Registry first and updating of the VTC's voting and nonvoting associate membership.

*Patron - Howell*

**SB190 Summary suspension of licenses of certain group homes and residential facilities under certain circumstances; penalty.** Authorizes the Superintendent of Public Instruction, the Director of the Department of Juvenile Justice, and the Commissioner of Social Services to issue orders of summary suspension of a license to operate a group home or other residential facility for children, in cases of immediate and substantial threat to the health, safety, and welfare of residents. The bill also authorizes the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services to issue orders of summary suspension of a license to operate a group home or other residential facility for adults, in cases of immediate and substantial threat to the health, safety, and welfare of residents. Since DMHMRSAS obtained identical summary suspension authority for children's group homes and residential facilities in 2005, this bill provides consistency in the legal authority for the interdepartmental licensure program for children's residential facilities by giving all four departments the authority to address egregious circumstances while ensuring due process for the licensees or certificate holders. Emergency regulations are required by the second enactment clause. Technical amendments are also included. This bill is a recommendation of the Joint Subcommittee Studying Private Youth and Single Family Group Homes pursuant to HJR 685 (2005).

*Patron - Martin*

**SB252 Local health partnership authorities; sunset repealed.** Repeals the sunset clause that allows the article on local health partnership authorities to expire on July 1, 2006, thereby establishing the law indefinitely. The law provides that government and private entities may join forces to address the health care needs of an area and assist in providing such services in a coordinated manner so as to eliminate duplication and inefficiency. This bill is identical to HB 714.

*Patron - Puller*

**SB370 Virginia Cord Blood Bank Initiative.** Establishes the Virginia Cord Blood Bank Initiative as a public

resource for Virginians for the treatment of patients with life-threatening illnesses or debilitating conditions, for use in advancing basic and clinical research, and, in the event of a terrorist attack, to be used in the treatment of the injured citizens of the Commonwealth. The Initiative will be established as a nonprofit legal entity to collect, screen for infectious and genetic diseases, perform tissue typing on, cryopreserve, and store umbilical cord blood and will be a collaborative consortium covering all geographical regions of Virginia. The State Health Commissioner will develop or arrange for or contract with a nonprofit entity for the development of the Initiative. The medical schools, hospitals, biotechnology companies, regional blood banks, laboratories, and others will be requested to participate and assist in the design and implementation of the Initiative. Participants will estimate the costs of implementation and the Commissioner will assist in the development of cost estimates, compare and evaluate the estimates, and negotiate with the participants. The Commissioner will also coordinate the design of the Initiative, such as appropriate contact with pregnant women, obtaining informed consent for donations, storage periods, recycling of the samples and the sale or transfer of the samples being withdrawn from storage for use in basic or clinical research, and the development of reasonable rates and fees for cord blood products. The Initiative will conduct outreach and research, particularly for ethnic and racial minorities. Information will be disseminated through health departments and Medicaid. Women will be offered the opportunity to donate umbilical cord blood; however, no woman will be required to make a cord blood donation. Health care entities must disclose financial remuneration for the collection of the cord blood prior to harvesting it. No person who objects to transfusion or transplantation of blood on the basis of bona fide religious beliefs will be required to participate in the Initiative. The Initiative will be implemented with such funds as may be appropriated or otherwise made available for its purpose. The Commissioner must, upon implementation of the Initiative, seek the development of a nonprofit entity to assume the operation and administration of it and may seek federal, state, and private grant funds for its continuation. This bill is a recommendation of the Joint Subcommittee to Study Medical, Ethical, and Scientific Issues Relating to Stem Cell Research in the Commonwealth (HJR 588 of 2005). This bill is identical to HB 413.

*Patron - Saslaw*

**SB428 Information sharing among users of the Virginia Congenital Anomalies Reporting and Education System.** Allows hospitals, medical facilities, and other persons required to report birth defect data to a secure system established by the Commissioner. Hospitals are also authorized to view existing information in the secure system, as authorized by the Commissioner of Health, in order to prevent duplication of reportable information and to facilitate follow-up of patients and minimize costs, while preserving the confidentiality of personally identifiable data and health record information. This bill establishes certain minimum reporting requirements and eliminates the reporting requirement related to Agent Orange exposure. For the purposes of only complying with the reporting requirements, authorized users of the system must provide written affirmation to the Commissioner that the confidentiality of information will be preserved, as a condition to access personally identifiable data. The advisory committee to assist the Board of Health with the promulgation of regulations to implement the system has been retained; however, the specificity of the contents of the regulations has been removed.

*Patron - Lambert*

**SB519 Designation as rural hospital.** Establishes in state law that any medical care facility licensed as a hospital will be considered a rural hospital on and after September 30,

2004, pursuant to 42 U.S.C. §1395ww(d)(8)(E)(ii)(II), if (i) the hospital is located in an area defined as rural by federal statute or regulation; (ii) the Board of Health defines, in regulation, the area in which the hospital is located as a rural health area or the hospital as a rural hospital; or (iii) the hospital was designated, prior to October 1, 2004, as a Medicare-dependent small rural health hospital, as defined in 42 U.S.C. §1395ww(d)(5)(G)(iv).

*Patron - Puckett*

**SB620 Nursing homes, assisted living facilities, adult day care, home care organizations, and hospice; barrier crimes.** Removes the phrase "moral turpitude" from the description of crimes that would constitute a barrier to employment in nursing homes, assisted living facilities, adult day care, home care organizations, and hospice care. This bill is identical to HB 1398.

*Patron - Hawkins*

## Failed

**HB123 Medical assistance services; mental health services for at-risk youth.** Requires the Director of the Department of Medical Assistance Services to develop and apply for a waiver to obtain Medicaid coverage for children in need of mental health services and who are at risk of institutional placement due to the need for those services. The waiver would be designed to provide behavioral, respite care, and family support services. The number of waiver slots requested would be dependent upon appropriations for this purpose. The bill requires the waiver to be submitted to the federal Centers for Medicare and Medicaid Services by October 1, 2006, and provides for the development of emergency regulations to implement the waiver. The bill is contingent upon appropriations.

*Patron - Fralin*

**HB189 Licensure of abortion clinics.** Requires all abortion clinics, defined as any facility, other than a hospital or an ambulatory surgery center, in which 25 or more first trimester abortions are performed in any 12-month period, to be licensed and to comply with the requirements currently in place for ambulatory surgery centers, except the requirement for a certificate of public need. The Board of Health may also waive certain structural requirements.

*Patron - Marshall, R.G.*

**HB229 Medical Assistance; prevention of chronic conditions.** Requires the Department of Medical Assistance Services to include in the state plan a provision for payment of medical assistance for prevention of chronic conditions that, if not prevented, result in long-term treatment and associated costs. "Chronic conditions" includes obesity, diabetes, and high blood pressure.

*Patron - Jones, D.C.*

**HB373 I-SaveRX Prescription Drug Program.** Requires the Secretary of Health and Human Resources to enter into discussions with the states that are participating in the I-SaveRx prescription drug program implemented by the State of Illinois in October 2004. The memorandum of understanding shall be executed by January 1, 2007, and requires various assessments of the program and reports to the Governor and the relevant standing committees of the General Assembly. This bill incorporates HB 388.

*Patron - Carrico*

**HB388 I-SaveRX Prescription Drug Program.** Requires the Secretary of Health and Human Resources to



enter into discussions with the states that are participating in the I-SaveRx prescription drug program implemented by the State of Illinois in October 2004. The memorandum of understanding shall be executed by January 1, 2007, and requires various assessments of the program and reports to the Governor and the relevant standing committees of the General Assembly. This bill was incorporated into HB 373.

*Patron - Englin*

**HB426 Comprehensive Services Act; receipt of funds.** Requires children's residential facilities to be Medicaid providers in order to be eligible for reimbursement under this Act. This bill also allows the Director of the Department of Medical Assistance Services to enroll out-of-state residential facilities to be Medicaid providers if they are providing services to children under the Act. This bill was incorporated into HB 577.

*Patron - Nutter*

**HB437 Medical Assistance Services; autism waiver.** Requires the Director of the Department of Medical Assistance Services to develop and seek a Medicaid waiver to establish a program for long-term support of children with autism, including treatment using applied behavior analysis. The number of waiver slots requested would be dependent upon appropriations for this purpose. The bill requires the waiver to be submitted to the federal Centers for Medicare and Medicaid Services by October 1, 2006, and provides for the development of emergency regulations to implement the waiver. The bill is contingent upon appropriations.

*Patron - Griffith*

**HB555 Regulation of medical care services; circulator duties.** Directs the Board of Health to require by regulation that circulator duties during surgical procedures be performed by a registered nurse who is present in the operating room and qualified by training and experience in operating room nursing. The bill defines "circulator duties."

*Patron - Cox*

**HB586 Nursing homes; staffing regulations.** Requires a minimum of three and one-half hours of direct care services per resident per 24-hour period as averaged quarterly, to be reported to the State Board of Health using payroll information as reported to the Internal Revenue Service.

*Patron - Watts*

**HB637 Health records; destruction.** Requires facilities holding health records to notify individuals and allow them to obtain their records before such records are destroyed. This bill also makes technical corrections to outdated references in the Code.

*Patron - Phillips*

**HB688 Land application of sewage sludge.** Prohibits the land application of sewage sludge beginning January 1, 2007, unless the sewage sludge is applied in the same locality in which it is generated. The departments that have oversight of the spreading of sewage sludge, the Health Department and the Department of Environmental Quality, are required to certify that the sewage sludge is being applied in a manner that protects human health and the environment, and the Department of Conservation and Recreation is to certify that the nutrient management plan for applying the sewage sludge protects water quality.

*Patron - Abbitt*

**HB690 Sewage sludge.** Prohibits sewage sludge from being stored at a site where it is being land applied for more than three days prior to application.

*Patron - Hogan*

**HB757 Medical assistance services; certain reform initiatives.** Requires the Board of Medical Assistance Services to implement and authorize contracting for the delivery of effective disease management for individuals with chronic mental or physical disorders. Further, the Board shall implement, insofar as feasible, an online electronic and appropriately encrypted system, including electronic funds transfer technology and electronic benefits cards, e-prescribing, prospective electronic real-time utilization review of services and claims, point-of-sale and point-of-contact submission of claims and payments when possible and online recipient eligibility review and eligibility verification. Health care providers will be encouraged to implement the use of electronic health records. Enactment clauses authorize the Director of the Department of Medical Assistance Services to design fail-safe mechanisms to ensure that no recipient is denied necessary medical or health-care services because of technology deficiencies during the implementation of the online system and require the Boards of Pharmacy and Medical Assistance Services to collaborate in developing an e-prescription system, properly encrypted and protected after considering various issues relating to electronic signatures, interception of e-mailed prescriptions, issuance of more than one prescription on a document, any required form for e-prescriptions, staff transmission of e-mails for prescribers, application, if any, of the Uniform Electronic Transactions Act, Chapter 42.1 (§ 59.1-479 et seq.) of Title 59.1, and any other issues the Boards may deem relevant.

*Patron - Hamilton*

**HB787 Local health partnership authorities; sunset repealed.** Repeals the sunset clause that allows the article on local health partnership authorities to expire on July 1, 2006, thereby establishing the law indefinitely. The law provides that government and private entities may join forces to address the health care needs of an area and assist in providing such services in a coordinated manner so as to eliminate duplication and inefficiency.

*Patron - Brink*

**HB1062 DMHMRSAS; pilot program for older adults with mental illness; report.** Requires the Department of Mental Health, Mental Retardation and Substance Abuse Services to develop a two-year pilot program to provide specialized services for older adults (age 65 and older) who have serious mental illness. The bill sets forth program requirements and objectives, and includes evaluation criteria. The bill requires both interim and final reports.

*Patron - Watts*

**HB1139 Board of Health; regulation of hospice programs.** Requires the Board of Health to develop staffing regulations specific to entities that are concurrently licensed as a hospice and an assisted living facility that would not require the presence on each shift of a registered nurse for any concurrently licensed facility that has no more than four beds and operates within an integrated healthcare system.

*Patron - Cline*

**HB1151 Restrictions on funding of family planning services.** Prohibits the Departments of Health, Medical Assistance Services, and Social Services from making any payment, grant, or expenditure of any state funds used for family planning services, pregnancy testing, and follow-up services to subsidize directly or indirectly abortion services or administra-

tive expenses or to any organization or affiliate of any organization that provides abortion services. "Family planning services" is defined as preconception services that limit or enhance fertility, including contraception methods, the management of infertility, preconception counseling, education, and general reproductive health care. No referrals for abortion services may be made by organizations receiving state funds. Organizations receiving state family planning funds must be independently incorporated from any organization that provides abortion services, must not share the same or similar name, facilities, expenses, employee wages or salaries, equipment, or supplies, and must maintain financial records demonstrating strict compliance with the funding prohibition. An audit must be performed at least every three years.

*Patron - Lingamfelter*

**HB1274 Health professions; abortion complications reporting; penalty.** Requires physicians to report medical treatment for complications arising as a result of an induced abortion. Patient identifiers are not included in the information reported.

*Patron - Janis*

**HB1394 Medical assistance services.** Requires the development and implementation of an online electronic and appropriately encrypted system for recipient eligibility review and eligibility verification, with software designed to detect inaccuracies and to issue alert notices of potential changes in circumstances or program violations. An enactment clause authorizes the Director of the Department of Medical Assistance Services to design fail-safe mechanisms to ensure that no recipient is denied necessary medical or health care services because of technology deficiencies during the implementation of the online system. This bill was incorporated into HB 757.

*Patron - Welch*

**HB1472 Medicaid; family planning services.** Requires the state plan for medical assistance services to include a provision for payment for family planning services to individuals with a family income up to 133 percent of the federal poverty level. These services shall include items such as gynecological examinations, screening for breast and cervical cancer, contraceptive counseling, sexually transmitted disease testing, and referrals for pregnancy and prenatal care. The services shall not include abortions or abortion referrals. The bill contains a technical amendment.

*Patron - Saxman*

**HB1474 Viral hepatitis; certain awareness program.** Requires the State Health Commissioner to establish and administer a viral hepatitis awareness program for the purpose of distributing information to Virginians who are at risk for exposure to viral hepatitis, with emphasis on the risks of viral hepatitis C (HCV) exposure and infection with HCV among Virginia's veterans. The State Health Commissioner is required to provide information by electronic means on the etiology, prevention, and effects of, as well as treatment and testing for, HCV and other viral hepatitis strains, with particular emphasis on veterans and infection with HCV. Upon request, hard copies of the information must be made available.

*Patron - Carrico*

**SB207 Board of Health regulations; guidelines for staffing of nursing homes.** Requires the Board of Health, in its licensure regulations, to establish staffing guidelines for nursing homes and certified nursing facilities to ensure the delivery of quality care that shall establish a minimum of three and one-half hours of direct care services per resident per 24-hour period.

*Patron - Edwards*

**SB426 Certificate of Public Need; reduced rate for health care services to the medically indigent.** Defines "reduced rate," for the purpose of the Commissioner's conditions on approval of a certificate of need, as including the operating losses of a provider network's facility located in a medically underserved area as defined by the Human Resources and Services Administration of the U.S. Department of Health and Human Services. Currently, under Board of Health regulations, the Commissioner of Health is authorized to condition a certificate of need on the agreement of the applicant to provide health care services at a reduced rate to the medically indigent or to accept patients needing specialized care.

*Patron - Lambert*

**SB647 Certificate of birth resulting in stillbirth.** Modifies the law relating to certificates of birth resulting in stillbirth to provide retroactive application to any circumstances occurring after July 1, 2003, (the effective date of the law), in which the individual listed as the mother or father on a report of fetal death occurring in the Commonwealth did not have knowledge of his right to request a certificate of birth resulting in stillbirth. The bill also revises the law to provide, consistent with the Board of Health's regulations, that when no report of spontaneous fetal death is available to establish the event, documentation from the following sources is acceptable: the physician or licensed nurse midwife who provided care to the mother, documentation from the medical record maintained at the hospital of occurrence, copy of the report of spontaneous fetal death, or documentation from the funeral service director (if such services were provided).

*Patron - O'Brien*

## Carried Over

**HB129 State Board of Health; emergency orders.** Allows the Board to declare an area a hazard to the public health and require that sewer service be offered if existing sewer service is available within one-half mile of the affected area and sufficient capacity exists.

*Patron - Cosgrove*

**HB343 Board of Health; regulation of hospice programs.** Requires the Board of Health to develop staffing regulations specific to entities that are concurrently licensed as a hospice and an assisted living facility. The regulations would require the presence on each shift of a licensed practical nurse rather than a registered nurse.

*Patron - Sherwood*

**HB444 Stem cell research authorized; requirements.** Authorizes stem cell research involving the derivation and use of human embryonic stem cells, human embryonic germ cells, and human adult stem cells from any source if approved by the Stem Cell Research Oversight Committee. Requires each institution to establish a Stem Cell Research Oversight Committee specifically for the purpose of evaluating and approving such proposals and projects. Additionally, the bill requires that for embryonic stem cells to be eligible for research in the Commonwealth they must meet each of the following requirements: (i) the stem cells must have been donated from in vitro fertilization clinics and must have been created for the purposes of fertility treatment; (ii) the stem cells must have been in excess of the needs of the individuals seeking such treatment and would otherwise be discarded (as determined in consultation with the individuals seeking fertility treatment); and (iii) the stem cells must have been donated by

such individuals with written informed consent and without any financial or other inducements.

*Patron - Shuler*

**HB572 Medical assistance services; burial expenses disregarded.** Increases the disregard from countable resources when calculating Medicaid eligibility from \$3,500 to \$5,000.

*Patron - Nixon*

**HB768 Health care providers; use of reprocessed single-use medical devices; civil penalty.** Prescribes requirements for the use of reprocessed single-use medical devices, other than needles and syringes, by health care providers. The requirements include notice to patients and the patient's ability to refuse the use of reprocessed single-use devices, liability for the safety and effectiveness of such devices, and remedies in the event of a violation of the section. Health care providers include institutions licensed under Title 32.1 as well as individuals licensed under Title 54.1 of the Code of Virginia.

*Patron - Sickles*

**HB875 Access to over-the-counter medications containing the drug Dextromethorphan (DXM).** Requires the State Health Commissioner, in the exercise of his authority to act for the Board of Health when it is not in session pursuant to § 32.1-20, to utilize the authority provided to the Board in § 32.1-13, relating to the suppression of nuisances dangerous to public health, to issue an emergency order prescribing corrective actions to restrict access to over-the-counter medications containing the drug Dextromethorphan (DXM) such as, but not limited to, brand and generic cough syrups. Access to the ingredients used to make methamphetamine has been recently restricted in this manner.

*Patron - Frederick*

**HB1035 Medical assistance services; Inspector General for Medical Assistance Services established.** Establishes the Office of Inspector General for Medical Assistance Services for the purpose of providing objective review and evaluation of all activities and services of the Department of Medical Assistance Services and investigation and diligent prosecution of provider or recipient fraud and abuse and sets out the powers and duties of the Inspector General, including access to medical records and reporting requirements.

*Patron - Hamilton*

**HB1504 Certificate of public need; exemption.** Exempts from the definition of "medical care facility" a specialized center for the provision of magnetic resonance imaging (MRI) restricted to obese, disabled, or claustrophobic patients.

*Patron - Hamilton*

**HB1607 Special foods for the management of phenylketonuria.** Provides for the reimbursement, in an amount not to exceed \$2,000 per diagnosed person per year, to the parents or guardian of a child identified as being a legal resident of the Commonwealth and who is diagnosed as requiring treatment for phenylketonuria (PKU), for the purchase of special food products required in the management of phenylketonuria.

*Patron - Gear*

**SB684 Certificate of public need; exemption.** Exempts from the definition of "medical care facility" a specialized center for the provision of magnetic resonance imaging (MRI) restricted to obese, disabled, or claustrophobic patients.

*Patron - Lambert*

## Highways, Bridges and Ferries

### Passed

**HB1 Adjustment of claims resulting from certain contracts.** Repeals Chapter 8 of Title 33.1, which relates to adjustment of claims resulting from contracts entered into prior to July 1, 1976, for construction of state highways. This bill is a recommendation of the Virginia Code Commission.

*Patron - Landes*

**HB2 Richmond-Petersburg Turnpike Authority; Elizabeth River Tunnel Commission.** Eliminates from Title 33.1 (Highways, Bridges, and Ferries) obsolete references to the Richmond-Petersburg Turnpike Authority and the Elizabeth River Tunnel Commission. This bill is a recommendation of the Virginia Code Commission.

*Patron - Landes*

**HB143 Naming highways, bridges, and interchanges.** Allows the Commonwealth Transportation Board to name highways, bridges, and interchanges that are part of any state highway system, provided they are not named for living people.

*Patron - Cole*

**HB201 Local toll facilities.** Allows adjoining counties, cities, and towns to enter into agreements for the construction and operation of toll highways, bridges, and ferries within their boundaries.

*Patron - Marshall, R.G.*

**HB226 Mobility goals for addressing the transportation needs of populations with limited mobility.** Requires the Commonwealth Transportation Board, in cooperation with other local, regional, or statewide agencies and entities vested with transportation planning responsibilities, to establish specific mobility goals for addressing the transportation needs of populations with limited mobility and incorporate such goals in the development and implementation of the Statewide Transportation Plan required by § 33.1-23.03.

*Patron - Jones, D.C.*

**HB511 Worrell Family Bridge.** Designates the Virginia Route 662 bridge over Burks Fork Creek the "Worrell Family Memorial Bridge."

*Patron - Armstrong*

**HB589 Blue Star Memorial Highway.** Designates a portion of Old Keene Mill Road in Fairfax County a "Blue Star Memorial Highway."

*Patron - Watts*

**HB643 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 - Phillips*

**HB665 Outdoor advertising; vegetation control.** Establishes a consistent statewide standard for vegetation control throughout the Commonwealth, including inside municipalities. The bill would clearly establish applicability of the statewide standard inside municipalities and throughout the Commonwealth, but also respect the beautification projects of local governments, by granting VDOT the authority to impose on a billboard company requesting approval of a vegetation

control permit, the obligation to relocate or replant vegetation according to a landscaping plan approved by VDOT, at the sole cost of the billboard company.

*Patron - Wardrup*

**HB666 Awarding of design-build contracts by Commonwealth Transportation Board.** Eliminates the number and dollar limitations on awarding of design-build contracts by the Commonwealth Transportation Board.

*Patron - Wardrup*

**HB667 Contracts for maintenance of components of Interstate Highway System.** Requires that, with a few exceptions, all maintenance on components of the Interstate Highway System in Virginia be carried out under contracts awarded by the Commonwealth Transportation Commissioner and approved by the Commonwealth Transportation.

*Patron - Wardrup*

**HB671 Design-build contracts.** Allows counties, cities, and towns to award contracts for the construction of transportation projects on a design-build basis.

*Patron - Wardrup*

**HB672 Naming highways and bridges.** Requires the Commonwealth Transportation Board to receive resolutions from affected local governing bodies in support of a highway or bridge naming before naming a highway or bridge and requires that costs of producing, placing, and maintaining signs indicating the names of highways and bridges be borne by the locality in which they are located. Highways and bridges are not to be named for living people.

*Patron - Wardrup*

**HB673 Commonwealth Transportation Board; election of certain members by General Assembly.** Provides for election of the non-at-large members of the Commonwealth Transportation Board by the General Assembly.

*Patron - Wardrup*

**HB676 Annual report by CTC to General Assembly.** Requires the Commonwealth Transportation Commissioner (CTC) annually to report in writing to the General Assembly, no later than November 30 of each year, on all actions, accomplishments, achievements, and initiatives of the Virginia Department of Transportation in the preceding fiscal year that involved outsourcing, privatization, and downsizing. The bill further requires the CTC to provide, in writing to the General Assembly, detailed and specific plans for outsourcing, privatization, and downsizing in the current fiscal year.

*Patron - Wardrup*

**HB677 Annual report by Commonwealth Transportation Commissioner certain accomplishments, actions, and initiatives of the Virginia Department of Transportation.** Requires that the Commonwealth Transportation Commissioner annually report in writing to the General Assembly, no later than November 30 of each year, on all actions and initiatives of the Virginia Department of Transportation in the preceding fiscal year that involved outsourcing, privatization, and downsizing. The Commissioner is further required to provide, in writing to the General Assembly, detailed and specific plans for outsourcing, privatization, and downsizing in the current fiscal year, including, but not limited to, appropriate asset management and intelligent transportation system functions and services.

*Patron - Wardrup*

**HB801 Interstate Public-Private Transportation Partnership Compact.** Establishes the Interstate Public-Private Transportation Partnership Compact.

*Patron - Fralin*

**HB809 Primary and secondary system highway projects undertaken by counties.** Grants counties carrying out construction projects under § 33.1-75.3 the same power to enter property to survey transportation projects granted the Commonwealth Transportation Commissioner. The bill also provides that (i) any county without an existing franchise agreement shall have the same authority as the Department pertaining to the relocation of utilities and (ii) whenever so requested by any county, funding of any project may be supplemented solely by state funds to avoid complying with additional federal requirements, provided that a determination has been made by the Department that adequate state funds are available to fully match federal funds and the Department can meet its federal obligation authority.

*Patron - Fralin*

**HB821 Rural Rustic Road program.** Allows roads with average daily traffic volumes of no more than 1,000 vehicles to qualify for the Rural Rustic Road program. Present law limits roads in the program to average daily traffic volumes of no more than 500 vehicles.

*Patron - May*

**HB824 Installation and maintenance of certain signs.** Authorizes any town to request and pay for the installation of "children at play" signage by the Virginia Department of Transportation without the approval of the county in which the town is located.

*Patron - May*

**HB843 High-occupancy vehicle lanes; penalties.** Increases the fine for first-time HOV lane violations in Northern Virginia to \$125. The fine for a second violation within five years of the original violation is increased to \$250. Additionally, any subsequent violation within five years of the original violation carries a penalty of three demerit points.

*Patron - Frederick*

**HB877 Construction by state and local employees.** Provides that the Commonwealth Transportation Board may enter into written agreements with localities for the building and maintenance of any of the roads in any system of state highways by local employees provided that: (i) the locality has obtained a cost estimate for the work of not less than \$300,000 nor more than \$650,000 and (ii) the locality has issued an invitation for bid and has received fewer than two bids from private entities to build or maintain such roads.

*Patron - Frederick*

**HB977 Shortline Railway Preservation and Development Fund.** Creates a Shortline Railway Preservation and Development Fund to foster retention, maintenance, and improvement of shortline railways and development of railway transportation support facilities that are essential to the Commonwealth's continued economic growth, vitality, and competitiveness in national world markets.

*Patron - Abbitt*

**HB1219 James B. Tabb Sr. Memorial Highway.** Designates the portion of Virginia Route 615 from the intersection with Virginia Route 616 to the intersection with Virginia Route 5000 as the "James B. Tabb Sr. Memorial Highway."

*Patron - Barlow*

**HB1248 HOV lanes; exemption for clean special fuel vehicles.** Extends the "sunset" to 2007 authorizing the use of HOV lanes by vehicles bearing clean special fuel vehicle license plates. This bill also provides that all clean special fuel vehicle license plates issued after July 1, 2006, be issued with a new design distinctively different from the design of the previous plates. Also, on HOV lanes serving the I-95/395 corridor, only vehicles registered with and displaying clean special fuel vehicle license plates prior to July 1, 2006, shall be treated as vehicles displaying special license plates issued under this section. This bill also directs the Commissioner of the Division of Motor Vehicles to develop procedures to ensure that all potential purchasers of clean special fuel vehicle license plates receive adequate notice of the benefits, risks and timelines required for the issuance of these plates. In addition, this bill raises the annual fee for clean special fuel vehicle license plates from \$10 to \$25, with funds being paid to the HOV Enforcement Fund for use by Virginia State Police for enhanced HOV enforcement. This bill also increases first and second offense fines in Planning District Eight to \$125 and \$250 respectively.

*Patron - Hugo*

**HB1282 Industrial access roads.** Changes the term "industrial" sites to "economic development" sites to include nonmanufacturing as well as manufacturing developments.

*Patron - Johnson*

**HB1543 Rural Addition Program.** Provides that neither the Commonwealth Transportation Board nor the Commonwealth Transportation Commissioner shall promulgate regulations diminishing funds allocated or allocable to any county for use under the Rural Addition Program if the county has taken private roads or constructed roads not built to standards set forth by the Department of Transportation. The bill further provides that, in those counties where the bill is applicable, a local ordinance must state that any and all streets that are not constructed to meet the standards necessary for inclusion in the system of state highways must be privately maintained and will not be eligible for acceptance into the system of state highways unless improved to current Department of Transportation standards with funds other than those appropriated by the General Assembly and allocated by the Commonwealth Transportation Board. This bill incorporates HB 792 and HB 1515.

*Patron - Fralin*

**HB1547 Alma C. White Memorial Bridge.** Designates the Virginia Route 631 bridge at Little Creek Dam Road the "Alma C. White Memorial Bridge."

*Patron - Rapp*

**HB1581 Interstate Route 81 Corridor; diversion of truck traffic.** Requires the Commonwealth of Virginia, through the Secretary of Transportation and the Rail Advisory Board, to complete a comprehensive feasibility plan to define the conditions that would be necessary to divert the maximum amount feasible of the long-haul, through-truck freight traffic to intermodal rail in the Interstate Route 81 Corridor.

*Patron - Cline*

**HB1582 Transportation agreements between local governments and local school divisions.** Provides that any local government or combination of governments within planning district 16 may enter into cooperative agreements with a local school division for the use of school vehicles for public transportation purposes during non-school hours. Such agreements may utilize public or private funds for addressing the costs of the program. An enactment clause provides that if no

such agreements are entered into by July 1, 2010, the provisions of the act will expire on July 1, 2010.

*Patron - Orrock*

**HB1597 Blue Star Memorial Highway.** Designates the entire portion of U.S. Route 236 and Braddock Road between U.S. Route 123 and U.S. Route 28 the "Blue Star Memorial Highway."

*Patron - Hugo*

**SB13 Industrial access roads.** Changes the term "industrial" sites to "economic development" sites to include nonmanufacturing as well as manufacturing developments.

*Patron - Reynolds*

**SB87 Outdoor advertising; vegetation control.** Establishes a consistent statewide standard for vegetation control throughout the Commonwealth, including inside municipalities. The bill would clearly establish applicability of the statewide standard inside municipalities and throughout the Commonwealth, but also respect the beautification projects of local governments, by granting VDOT the authority to impose on a billboard company requesting approval of a vegetation control permit, the obligation to relocate or replant vegetation according to a landscaping plan approved by VDOT, at the sole cost of the billboard company.

*Patron - Watkins*

**SB193 Allocation of highway construction funds for rail projects.** Allows the Commonwealth Transportation Board to allocate up to 10 percent of funds available for highway construction to undertaking and financing of rail projects that, in its determination, will result in mitigation of highway congestion.

*Patron - Williams*

**SB196 Construction by state and local employees.** Provides that the Commonwealth Transportation Board may enter into written agreements with localities for the building and maintenance of any of the roads in any system of state highways by local employees provided that: (i) the locality has obtained a cost estimate for the work of not less than \$300,000 nor more than \$650,000 and (ii) the locality has issued an invitation for bid and has received fewer than two bids from private entities to build or maintain such roads.

*Patron - Williams*

**SB198 Rail Advisory Board.** Provides that the members of the Rail Advisory Board are not subject to the provisions of § 2.2-3112 (prohibited conduct concerning personal interest in a transaction).

*Patron - Williams*

**SB213 O. Winston Link Trail.** Establishes the O. Winston Link Trail.

*Patron - Edwards*

**SB304 Commonwealth Transportation Board.** Provides for election of the non-at-large members of the Commonwealth Transportation Board by majority vote of the members elected to each house of the General Assembly.

*Patron - Williams*

**SB425 Interstate Public-Private Transportation Partnership Compact.** Establishes the Interstate Public-Private Transportation Partnership Compact.

*Patron - Williams*

**SB454 HOV lanes; exemption for clean special fuel vehicles.** Extends the "sunset" to 2007 authorizing the use of

HOV lanes by vehicles bearing clean special fuel vehicle license plates. This bill also provides that all clean special fuel vehicle license plates issued after July 1, 2006, be issued with a new design distinctively different from the design of the previous plates. Also, on HOV lanes serving the I-95/395 corridor, only vehicles registered with and displaying clean special fuel vehicle license plates prior to July 1, 2006, shall be treated as vehicles displaying special license plates issued under this section. This bill also directs the Commissioner of the Division of Motor Vehicles to develop procedures to ensure that all potential purchasers of clean special fuel vehicle license plates receive adequate notice of the benefits, risks and timelines required for the issuance of these plates. In addition, this bill raises the annual fee for clean special fuel vehicle license plates from \$10 to \$25, with funds being paid to the HOV Enforcement Fund for use by Virginia State Police for enhanced HOV enforcement. This bill also increases first and second offense fines in Planning District Eight to \$125 and \$250 respectively.

*Patron - Devolites Davis*

**SB484 Jimmy Maloney Memorial Highway.** Designates the portion of U.S. Route 60W between Virginia Route 646 and Virginia Route 1611 the "Jimmy Maloney Memorial Highway."

*Patron - Norment*

**SB485 Jack L. Massie Memorial Bridge.** Designates each of the Virginia Route 199 twin bridges over College Creek the "Jack L. Massie Memorial Bridge."

*Patron - Norment*

**SB532 Blue Star Memorial Highway.** Designates a portion of Old Keene Mill Road in Fairfax County a "Blue Star Memorial Highway."

*Patron - O'Brien*

**SB614 Virginia-North Carolina Interstate Toll Road Compact.** Establishes the Virginia-North Carolina Interstate Toll Road Compact to set, impose, and collect tolls for use of Interstate Route Interstate 95.

*Patron - Wagner*

**SB650 Nicely Memorial Bridge.** Designates the Interstate 64 bridge over the Cowpasture River in Allegheny County the "Nicely Memorial Bridge."

*Patron - Deeds*

**SB663 Mobility goals for addressing the transportation needs of populations with limited mobility.** Requires the Commonwealth Transportation Board, in cooperation with other local, regional, or statewide agencies and entities vested with transportation planning responsibilities, to establish specific mobility goals for addressing the transportation needs of populations with limited mobility and incorporate such goals in the development and implementation of the Statewide Transportation Plan required by § 33.1-23.03.

*Patron - Miller*

**SB721 Revenue-sharing funds for systems in certain counties, cities, and towns.** Expands the present revenue-sharing fund program for counties to include cities and towns as well. The annual match limit is raised to \$1 million per locality, and the total limit on state funds is raised to \$50 million. Up to half of local contributions may take the form of proffers. Since the program now applies to all localities (not just counties), the present section embodying the program is repealed, and the new program is relocated to the article of

Chapter 1 of Title 33.1 dealing with overall allocations of highway improvement funds.

*Patron - Saslaw*

## Failed

**HB88 Traffic-calming studies.** Requires that the Virginia Department of Transportation, at the request of county boards of supervisors, conduct traffic-calming studies and implement measures based on the results of such studies.

*Patron - Cole*

**HB117 Primary highway system construction funds allocation.** Replaces primary system lane miles with vehicle registrations as a factor in allocating primary highway system construction funds among the nine highway construction districts.

*Patron - Marshall, R.G.*

**HB119 Primary highway system construction funds allocation.** Replaces primary system lane miles with vehicle registrations as a factor in allocating primary highway system construction funds. The bill also allocates primary system construction funds among the Commonwealth's 23 planning districts, rather than among the nine highway construction districts.

*Patron - Marshall, R.G.*

**HB133 Tolls on U.S. Route 17 in Chesapeake.** Requires VDOT to impose and collect tolls for use of U.S. Route 17 in Chesapeake.

*Patron - Cosgrove*

**HB165 Primary and secondary highway construction funds allocations.** Revises the formulas used to allocate primary and secondary highway construction funds so that such funds are allocated on the basis of population.

*Patron - Lingamfelter*

**HB166 Virginia Defense Facility and Transportation Improvement Fund and Program.** Establishes the Virginia Defense Facility and Transportation Improvement Fund and Program. The Fund is to consist of \$250 million of annual collections of state recordation taxes. Its proceeds are to be allocated by the Commonwealth Transportation Board to highway construction districts wherein federal defense facilities or bases are expanded as the result of actions of the Base Realignment and Closure Commission, and are to be used for transportation infrastructure improvements. The provisions of the bill would expire on July 1, 2011.

*Patron - Lingamfelter*

**HB198 Interstate Route 81 Development Authority.** Creates the Interstate Route 81 Development Authority to identify, undertake, and finance construction of rail and highway projects in the Interstate Route 81 corridor that will improve highway safety in the Interstate Route 81 corridor and facilitate the movement of cargo within and through the Interstate Route 81 corridor by rail rather than by truck. The activities of the Authority will be financed through the imposition and collection of tolls for the operation of trucks and tractor-trailer combinations in the Interstate Route 81 corridor.

*Patron - Marshall, R.G.*

**HB200 Fees on trucks.** Requires the Commonwealth Transportation Board to impose a fee on trucks and combination vehicles for use in maintaining state highways. The Board is to calculate, impose, and collect a fee for damage done to highways by certain vehicles. The amount of the fee is to be

based on the difference between the amount received annually by the Commonwealth from the federal government for highway maintenance and the annual cost to the Commonwealth of repairing damage done to the highways of the Commonwealth by vehicles subject to the fee. The amount of the fee and the method of payment are to be determined by the Board. The fee is to be imposed on a vehicle-by-vehicle basis and no vehicle upon which a fee is assessed is to be operated on any highway of the Commonwealth if the fee is not paid in full on or before the date upon which payment of the fee is due.

*Patron - Marshall, R.G.*

**HB236 Virginia Regional Transportation Authority.** Establishes the Virginia Regional Transportation Authority to plan, finance, construct, and operate transportation projects and improve air quality. The bill is patterned on the Georgia Regional Transportation Authority established in Georgia in 1999.

*Patron - Jones, D.C.*

**HB309 Alternative fuel vehicles; high-occupancy lanes; penalty.** Extends the sunset authorizing HOV lane use by vehicles bearing clean special fuel license plates to July 1, 2007. This bill was incorporated into HB 1248.

*Patron - Rust*

**HB399 Littering on highways; community service; penalty.** Requires any person convicted of littering on any highway to perform a mandatory minimum of 100 hours of community service, administered by the Department of Transportation, picking up litter/trash while wearing a blaze orange vest with the phrase "I AM A LITTERBUG." Unsuccessful completion shall result in a misdemeanor conviction of up to 12 months in jail and/or a fine of \$2,500.

*Patron - Wittman*

**HB409 Dulles Toll Road; tolls.** Imposes certain conditions on the increase and use of tolls on the Dulles Toll Road.

*Patron - Marshall, R.G.*

**HB440 Integrated Directional Sign Program.** Requires that whenever any county, city, town, or any agency or instrumentality thereof applies for signage as part of the Integrated Directional Sign Program (IDSP) administered by the Department of Transportation or its agents and the signage is denied by the Department or any of its agents, all moneys expended by the county, city, or town in connection with any such application must be refunded in full by the Department.

*Patron - Crockett-Stark*

**HB446 Interstate Route 81 Corridor; diversion of truck traffic.** Requires the Commonwealth of Virginia, through the Secretary of Transportation and its Rail Advisory Board, to complete a comprehensive feasibility plan to define the conditions that would be necessary to divert at least 60 percent of the long-haul, through-truck freight traffic to intermodal rail in the Interstate Route 81 Corridor. This bill was incorporated into HB 1581.

*Patron - Shuler*

**HB490 Publication of notice of certain local decisions required.** Requires that whenever a governing body approves a change in zoning or takes any similar action that involves or potentially will involve construction of new structures or expansion of existing structures whose construction or expansion would require or reasonably be expected to require the construction, reconstruction, improvement, or expansion of any transportation facility, and such transportation facility construction, reconstruction, improvement, or expansion is not provided for in the most recent six-year improvement plan of

the Department of Transportation, the local governing body must publish a notice to that effect at least once a week for two successive weeks in a newspaper published or having general circulation in the affected locality.

*Patron - Frederick*

**HB494 HOV lanes.** Prohibits imposition and collection of tolls for use of HOV lanes by vehicles having the required number of occupants.

*Patron - Frederick*

**HB495 High-occupancy vehicle (HOV) facilities.** Permits law-enforcement vehicles to use HOV facilities only when responding to an emergency call or in an emergency situation, unless occupied by the otherwise required minimum number of occupants.

*Patron - Frederick*

**HB580 Primary system highway construction funds allocation.** Allocates primary system highway construction funds among the nine highway construction districts on the basis of the ratio of vehicle miles traveled on primary highways divided by the lane miles of primary highways in each highway construction district, weighted 90 percent, and a need factor, weighted 10 percent.

*Patron - Watts*

**HB604 Alternative fuel vehicles; high-occupancy lanes.** Alternative fuel vehicles; high-occupancy lanes. Extends the sunset authorizing HOV lane use by vehicles bearing clean special fuel license plates to July 1, 2008. This bill was incorporated into HB 1248.

*Patron - Amundson*

**HB640 Low-water bridge in Pound.** Requires Dickenson County to transfer ownership of the low-water bridge in the Town of Pound to the Virginia Department of Transportation (VDOT) and requires VDOT to take the bridge into the secondary highway system.

*Patron - Phillips*

**HB655 Alternative fuel vehicles; high-occupancy lanes.** Extends the sunset authorizing HOV lane use by vehicles bearing clean special fuel license plates to July 1, 2008. The bill also amends the definition of "clean special fuel" by adding that such vehicles must average more than 50 miles per gallon. This bill was incorporated into HB 1248.

*Patron - Plum*

**HB669 State/local "revenue-sharing" transportation improvement projects.** Increases the project cap from \$500,000 to \$1 million and the amount of the Commonwealth's participation in the "revenue-sharing" programs from \$10 million to \$20 million annually. This bill was incorporated into HB 681.

*Patron - Wardrup*

**HB675 Interstate Public-Private Transportation Partnership Compact.** Establishes the Interstate Public-Private Transportation Partnership Compact with North and South Carolina. This bill was incorporated into HB 801.

*Patron - Wardrup*

**HB681 Special funds for highway improvements in localities.** Expands the present revenue-sharing fund program for counties to include cities and towns as well. The annual match limit is raised to \$4 million per locality, and the total limit on state funds is raised to \$100 million. Since the program now applies to all localities (not just counties), the present section embodying the program is repealed, and the

new program is relocated to the article of Chapter 1 of Title 33.1 dealing with overall allocations of highway improvement funds.

*Patron - Scott, E.T.*

**HB716 Highways; dumping litter; penalty.** Authorizes a court to order, in addition to other penalties, the suspension of the driver's license of the defendant convicted of a second or subsequent offense of dumping litter on the highway.

*Patron - McQuigg*

**HB724 State-Local Intersection Partnership Program.** Establishes the State-Local Intersection Partnership Program under which the Commonwealth Transportation Board will annually allocate \$100 million to local governments to be used exclusively for the purpose of undertaking highway improvement, construction, reconstruction, expansion, reconfiguration, and alteration projects to address issues associated with intersection congestion and safety by providing funding to counties, cities, and towns, subject to a local contribution of at least 25 percent of project cost, for the construction of turn lanes, extension of existing turn lanes, and construction of roundabouts and pedestrian safety facilities, including but not necessarily limited to pedestrian overpasses and underpasses.

*Patron - McQuigg*

**HB792 Subdivision streets; taking of streets into state secondary highway system.** Provides that subdivision streets do not need to meet VDOT standards if they serve fewer than three families per mile, and that VDOT cannot refuse to honor any request to take a subdivision street into the state secondary system because the street does not meet VDOT standards if the street serves fewer than three families per mile. This bill was incorporated into HB 1543.

*Patron - Abbitt*

**HB810 Funds involving construction, reconstruction, and improvement of the "Smart Road."** Provides that if allocations are not made in this year's budget bill to fund any future construction, reconstruction, or improvement of the "Smart Road" in the Salem Highway Construction District, the Commonwealth Transportation Commissioner shall reimburse the Salem Highway Construction District for any and all funds expended to date on the "Smart Road."

*Patron - Fralin*

**HB876 HOV lane penalties; hiring of State Police officers to enforce HOV lane restrictions.** Changes all fines imposed for HOV lane violations to civil penalties and provides for deposit of all these penalties in a special fund. Requires the State Police to calculate how many State Police officers can be paid out of this fund and to hire that number of officers and assign them solely to HOV lane enforcement.

*Patron - Frederick*

**HB911 Urban Highway Congestion Mitigation Fund.** Establishes the Urban Highway Congestion Mitigation Fund, consisting of an annual allocation by the Commonwealth Transportation Board of \$250 million from funds available for highway construction projects. The Fund would be used to make allocations and grants to cities and urban counties for the construction of highway projects that would result in substantial mitigation of local and regional highway congestion.

*Patron - Oder*

**HB947 George P. Coleman Bridge; tolls.** Requires that the tolls be removed from the George P. Coleman Bridge.

*Patron - Morgan*

**HB989 Prohibition on transportation of hazardous materials; penalty.** Bans transportation of hazardous materials on VA Rte. 674 in Fairfax County between VA Rte. 123 and VA Rte. 606.

*Patron - Shannon*

**HB1085 Commonwealth Mass Transit Fund.** Increases the percentage of Transportation Trust Fund revenues flowing to the Commonwealth Mass Transit Fund from 14.7 percent to 19 percent.

*Patron - Scott, J.M.*

**HB1104 Special funds for highway improvements in localities.** Expands the present revenue-sharing fund program for counties to include cities and towns as well. The annual match limit is raised to \$4 million per locality, and the total limit on state funds is raised to \$100 million. Any local contributions may take the form of proffers. Since the program now applies to all localities (not just counties), the present section embodying the program is repealed, and the new program is relocated to the article of Chapter 1 of Title 33.1 dealing with overall allocations of highway improvement funds.

*Patron - Athey*

**HB1127 Rail Enhancement Fund.** Requires that 50 percent of expenditures from the Rail Enhancement Fund in any calendar year be for intermodal rail projects.

*Patron - Cline*

**HB1195 Statewide Transportation Plan; inadequacy of local or regional system.** Requires the Commonwealth Transportation Board to establish and apply an impact fee in any locality or region where pursuant to a comprehensive review, it determines that transportation needs are not being adequately met. The bill requires the Board to collect a fee from the builder of each new residential or commercial unit constructed in the locality or region until it determines that the transportation needs in the locality or region are being adequately met and are likely to remain so for at least the next five years. The fee shall be based on standards and criteria established by the Board, including but not limited to (i) average levels of traffic congestion and vehicle miles traveled by residents in such locality or region, (ii) the pro-rata impact of each residential or commercial unit on the existing transportation network, and (iii) the pro-rata impact of each additional residential or commercial unit on the costs of improving, expanding or developing new transportation systems in order to adequately meet the needs of such new development. The Board shall allocate all fees collected under these provisions to a special account within the Transportation Trust Fund on behalf of the locality or localities subject to the fee requirement. The Board shall make disbursements from such account for the improvement, maintenance or expansion of the transportation system in such locality or region. Upon a determination by the Board that the local or regional transportation system is adequate and is likely to remain adequate for at least the next five years, the Board shall release to the locality or localities all funds that may remain in the Transportation Trust Fund on their behalf.

*Patron - Marshall, R.G.*

**HB1257 Transportation funding for Northern Virginia and Hampton Roads.** Provides funding for transportation projects in Northern Virginia (i.e. the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park, and the Counties of Arlington, Fairfax, Loudoun, and Prince William, and Hampton Roads (i.e. the Cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg, and the Counties



of Gloucester, Isle of Wight, James City, Southampton, and Surry) as follows: (i) dedicates a pro-rata portion of one-third of all insurance license tax revenues, based on population, to Northern Virginia and to Hampton Roads, and (ii) dedicates \$20 million in FY 07 and \$25 million annually thereafter in state recodation tax revenues to Northern Virginia, and dedicates \$10 million in FY 07 and \$15 million annually thereafter to Hampton Roads. The funds for each region are deposited into separate, newly created special funds, and are dedicated solely for transportation projects in each region. Bonds are authorized to be issued annually with a face value up to two-thirds of the amount estimated to be deposited into each fund for each respective fiscal year, with the proceeds to be used for transportation projects in each region. The transportation projects to be funded in Hampton Roads shall be determined by the Hampton Roads Metropolitan Planning Organization with the advice and consent of the members of the House Appropriations and Senate Finance Committee members residing in Planning District 23.

*Patron - Hugo*

**HB1395 Tolls; motorcycles.** Allows motorcycles toll-free use of VDOT-controlled toll facilities.

*Patron - Gear*

**HB1397 Department of Rail and Public Transportation.** Requires the Department of Rail and Public Transportation to provide sufficient state matching funds for the federal FTA Section 5311 Rural Public Transportation program to guarantee that the local match required by the program does not exceed 25 percent.

*Patron - Wittman*

**HB1466 Plan for use of HOT lanes by bus rapid transit operators in the Washington-Fredericksburg Corridor.** Requires the Virginia Department of Rail and Public Transit, in cooperation with the Virginia Department of Transportation and in consultation with local providers of bus rapid transit services in the Washington-Fredericksburg Corridor, to develop and implement a plan that allows bus rapid transit service providers to take maximum advantage of HOT lanes.

*Patron - Eisenberg*

**HB1479 Transportation; Smart Tag and EZ Pass discount.** Requires that Smart Tag and EZ Pass users be given a 10 percent discount when using such devices to pay for roadway tolls.

*Patron - Marshall, R.G.*

**HB1515 Rural Addition Program.** Provides that neither the Commonwealth Transportation Board nor the Commonwealth Transportation Commissioner shall promulgate regulations diminishing funds allocated or allocable to any county with a population of less than 40,000 for use under the Rural Addition Program by reason of not having met subdivision ordinance requirements. This bill was incorporated into HB 1543.

*Patron - Kilgore*

**HB1580 Interstate Route 81 improvements.** Requires the Virginia Department of Transportation (VDOT) forthwith to halt all negotiations with STAR Solutions under the Public-Private Transportation Act of 1995 for the construction of improvements to Interstate Route 81 in Virginia. The bill also requires VDOT to identify those areas along the Interstate Route 81 Corridor that have higher traffic volumes and congestion levels and solicit proposals from private entities to plan for and construct improvements accordingly.

*Patron - Cline*

**HB1613 Insurance license tax revenue; dedication to mass transit.** Dedicates an amount equal to the difference between one-third of the estimated revenue to be collected for all insurance license taxes for each fiscal year and the estimated revenue from the motor vehicle insurance license tax; and increases the motor vehicle insurance license tax from two and one-fourth percent to four and one-half percent.

*Patron - Ebbin*

**SB3 Commonwealth Transportation Commissioner.** Provides for election of the Commonwealth Transportation Commissioner by the Commonwealth Transportation Board with the consent of the Governor for a term of four years. In the event of a vacancy, an Acting Commissioner would be appointed by the Governor until the vacancy is filled by the Commonwealth Transportation Board. The salary of the Commonwealth Transportation Commissioner would be fixed by the Commonwealth Transportation Board. This bill has been referred for study under SJR 60.

*Patron - Williams*

**SB10 Secondary highway system; rural additions.** Allows any road in Wythe County to be taken into the secondary system as a rural addition if such road was recorded in the Wythe County Circuit Court Clerk's Office prior to November 1, 1999.

*Patron - Reynolds*

**SB11 Highway ingress and egress.** Requires the Commonwealth Transportation Commissioner to permit the construction and maintenance of ingress and egress to and from highways to intersecting private roads and adjoining private property.

*Patron - Reynolds*

**SB14 HOV lanes.** Prohibits imposition and collection of tolls for use of HOV lanes by vehicles having the required number of occupants.

*Patron - Puller*

**SB103 Industrial access grants.** Extends the terms of an October 9, 2001, access grant made by VDOT to Floyd County until March 30, 2007.

*Patron - Reynolds*

**SB124 Primary and secondary highway construction funds allocations.** Revises the formulas used to allocate primary and secondary highway construction funds so that such funds are allocated on the basis of population.

*Patron - O'Brien*

**SB126 Highway maintenance and construction by state employees.** Increases the limit on the value of highway maintenance and construction projects that may be carried out by state employees from \$300,000 to \$1 million. This bill was incorporated into SB 196.

*Patron - O'Brien*

**SB163 George P. Coleman Bridge; tolls.** Requires that the tolls be removed from the George P. Coleman Bridge.

*Patron - Norment*

**SB192 Hampton Roads Bridge and Tunnel.** Establishes the Hampton Roads Bridge and Tunnel Authority and transfers from VDOT to the Authority control of and responsibility for seven facilities in Hampton Roads. The bill allows the Authority to impose and collect tolls for the use of these facilities and provides for the eventual transfer to the Authority

control of and responsibility for the Chesapeake Bay Bridge-Tunnel as well.

*Patron - Williams*

**SB297 Environmental impact study; Woodrow Wilson Bridge.** Requires the Secretaries of Transportation and Natural Resources to conduct an environmental impact study including an analysis of the impact of HOT lanes and any other strategies used to expedite the movement of traffic between the Springfield Interchange and the Woodrow Wilson Bridge.

*Patron - Cuccinelli*

**SB307 Urban Highway Congestion Mitigation Fund.** Establishes the Urban Highway Congestion Mitigation Fund, consisting of an annual allocation by the Commonwealth Transportation Board of \$250 million from funds available for highway construction projects. The Fund would be used to make allocations and grants to cities and urban counties for the construction of highway projects that would result in substantial mitigation of local and regional highway congestion. This bill has been referred for study under SJR 60.

*Patron - Williams*

**SB329 Transportation construction and maintenance.** Revises Virginia's transportation construction and maintenance allocation system in accordance with recommendations made by the Joint Legislative Audit and Review Commission to the 2002 Session of the General Assembly. This bill has been referred for study under SJR 60.

*Patron - Wagner*

**SB397 Interstate Route 81 improvements.** Directs the Virginia Department of Transportation to immediately halt all negotiations with STAR Solutions under the Public-Private Transportation Act for the construction of improvements to Interstate Route 81 in Virginia. This bill contains an emergency clause.

*Patron - Hanger*

**SB423 Highway construction districts.** Replaces VDOT's current nine highway construction districts with seven and specifies the territory embraced within each district. The size of the Commonwealth Transportation Board is also reduced by two to accommodate the reduction in the number of Board members appointed on a district-residence basis. This bill has been referred for study under SJR 60.

*Patron - Williams*

**SB437 Commonwealth Transportation Board; election of certain members by legislative appointing authorities.** Provides for the appointment of the five at-large citizen members of the Commonwealth Transportation Board by the Speaker of the House of Delegates, who shall appoint three of the five members, and the Senate Committee on Rules, which shall appoint the other two members. The Governor shall continue to appoint the remaining citizen members who must be residents of the nine construction districts. The bill will take effect only upon approval of the voters of a constitutional amendment to provide a six-year term for the Governor. 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 was incorporated into SB 304.

*Patron - Devolites Davis*

**SB476 Local road indebtedness; state funds.** Requires the Commonwealth to match dollars generated by a local transportation referendum. However, such state funds may not be used by the locality for debt service, nor shall the

funds be deemed to constitute the full faith and credit of the Commonwealth.

*Patron - Colgan*

**SB512 Low-water bridge in Pound.** Requires the Virginia Department of Transportation to reimburse Dickenson County for expenses incurred in reconstructing the low-water bridge in the Town of Pound.

*Patron - Puckett*

**SB555 Commonwealth Transportation Safety Fund; court-ordered payments for certain offenses related to the operation of motor vehicles.** Establishes the Commonwealth Transportation Safety Fund, to be used to fund capital projects and operations necessary to improve the safety of the Commonwealth's roads, and to provide for increased law-enforcement on Virginia's interstates and roads through the Highway Safety Corridor Program. Upon conviction of certain dangerous driving offenses and traffic infractions for which the Department of Motor Vehicles assigns 6 demerit points, a court shall order the offender to make a payment into the Fund. The court shall collect the payments on behalf of the Commonwealth, and remit the payments to the Fund. This bill was incorporated into SB 393.

*Patron - Stolle*

**SB606 Commonwealth Transportation Board; election of certain members by General Assembly.** Provides for election of the non-at-large members of the Commonwealth Transportation Board by the General Assembly. This bill was incorporated into SB 304.

*Patron - Stolle*

**SB642 Route 610 bridge over the Norfolk Southern Railway right-of-way in Wythe County.** Requires the Norfolk Southern Railway to repair and maintain the Virginia Route 610 bridge over the Norfolk Southern Railway right-of-way 2.25 miles east of Virginia Route 712 and 1.6 miles west of the intersection of Virginia Route 613 in Wythe County so as to allow the structure to be posted by the Department of Transportation for a 16-ton weight limit.

*Patron - Puckett*

**SB671 Department of Rail and Public Transportation.** Requires the Department of Rail and Public Transportation to provide sufficient state matching funds for the federal FTA Section 5311 Rural Public Transportation program to guarantee that the local match required by the program does not exceed 25 percent.

*Patron - Rerras*

**SB686 Transportation Future Fund.** Establishes the Transportation Future Fund (the Fund) to support the design and construction of surface transportation infrastructure of long-term statewide significance. Fund investments include: design and construction of the Third Crossing of Hampton Roads; construction of the Southeastern Parkway and improvements to U.S. Route 460 and Interstate Route 64 in Hampton Roads; expansion of Metrorail service to Tyson's Corner; completion of environmental impact studies associated with the Eastern and Western Bypasses in the Virginia suburbs of Washington, D.C.; completion of location studies and reservation of rights-of-way in connection with a Potomac River bridge between the American Legion Bridge (Interstate Route 495) and the U.S. Route 15 bridge; establishment of high-occupancy toll lanes on Interstate Routes 95, 395, and 495 in the Virginia suburbs of Washington, D.C., in the Fredericksburg-Washington corridor; expansion of Interstate Route 66 both within and outside the Capital Beltway; and completion of environmental impact studies associated with improvements to rail service,

additional truck lanes, and improvements to choke points and dangerous locations in the Interstate Route 81 corridor. The Fund is to be financed through a \$0.01 cent increase in the sales and use tax and through establishment of toll roads. This bill was incorporated into SB 708.

*Patron - Potts*

**SB725 Insurance license tax revenue; dedication to mass transit.** Dedicates an amount equal to the difference between one-third of the estimated revenue to be collected for all insurance license taxes for each fiscal year and the estimated revenue from the motor vehicle insurance license tax; and increases the motor vehicle insurance license tax from two and one-fourth percent to four and one-half percent. This bill was incorporated into SB 708.

*Patron - Colgan*

**SJ165 Interstate Route 81 improvements.** Requests the Virginia Department of Transportation to address urgently needed improvements to the Interstate Route 81 Corridor. In so doing, the Department of Transportation shall expeditiously take the following actions: (i) subject to federal law and regulation, plan for and construct additional capacity as needed to accommodate increasing traffic and address safety concerns; (ii) direct federal highway construction aid that may be available or may become available for Interstate Route 81 in Virginia under the recently passed SAFETEA-LU and other federal legislation, to critical safety and capacity improvements including, where appropriate, additional lanes to assist trucks in climbing steep grades; and (iii) plan and develop, with the cooperation of the Virginia Department of Rail and Public Transportation and private rail companies, an east-west rail project that will have the effect of reducing the number of trucks traveling the Interstate Route 81 Corridor.

*Patron - Hanger*

## Carried Over

**HB662 Chesapeake Bay Bridge-Tunnel.** Requires the Chesapeake Bay Bridge and Tunnel Commission to obtain authorization from the General Assembly before undertaking the construction and operation of any tunnel paralleling an existing tunnel or making provision for the financing of any such project.

*Patron - Wardrup*

**HB767 Transportation Trust Fund; dedication of certain surplus revenue.** Dedicates to the Transportation Trust Fund 75 percent of any annual general fund surplus revenues remaining after any required deposits to the Revenue Stabilization Fund and to the Virginia Water Quality Improvement Fund.

*Patron - Sickles*

**HB841 Local Partnership Programs.** Requires the Department of Transportation and localities to agree upon a payment schedule for reimbursement of funds to the locality for moneys expended on projects under any Local Partnership Program.

*Patron - Frederick*

**HB1184 Commonwealth Transportation Board; election of certain members by legislative appointing authorities.** Provides for the appointment of the five at-large citizen members of the Commonwealth Transportation Board by the Speaker of the House of Delegates, who shall appoint three of the five members, and the Senate Committee on Rules, which shall appoint the other two members. The Governor shall continue to appoint the remaining citizen members who

must be residents of the nine construction districts. The bill will take effect only upon approval of the voters of a constitutional amendment to provide a six-year term for the Governor. 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).

*Patron - Purkey*

**HB1254 Outdoor advertising.** Provides for adjustment or relocation of certain outdoor advertising structures in lieu of payment of just compensation in certain condemnation actions.

*Patron - Hugo*

**HB1287 Rural Rustic Road Program.** Limits the discretion of the Department of Transportation in paving roads as part of the Rural Rustic Road Program when such paving is requested by a local governing body.

*Patron - Saxman*

**HB1481 Secondary highway system; rural additions.** Allows any road in Wythe County to be taken into the secondary system as a rural addition if such road was recorded in the Wythe County Circuit Court Clerk's Office prior to November 1, 1999.

*Patron - Crockett-Stark*

**HB1574 Integrated Directional Sign Program.** Allows localities, upon written request to the Commonwealth Transportation Commissioner, to opt out of the Integrated Directional Sign Program administered by the Department of Transportation.

*Patron - Barlow*

**SB4 Outdoor advertising.** Provides for adjustment or relocation of certain outdoor advertising structures in lieu of payment of just compensation in certain condemnation actions.

*Patron - Williams*

**SB148 Integrated Directional Signing Program.** Requires VDOT to provide by regulation that businesses that do not provide public restroom facilities, food, lodging, fuel, or destination recreational opportunities will be included as eligible for signage under the Integrated Directional Signing Program.

*Patron - Deeds*

**SB222 Integrated Directional Signing Program.** Requires the Virginia Department of Transportation, to the maximum extent not inconsistent with federal law, to provide for signage under the Integrated Directional Signing Program directing motorists traveling on Interstate Route 264 to the Virginia Sports Hall of Fame and the Children's Museum of Virginia.

*Patron - Quayle*

**SB285 Highway construction districts; Gloucester County.** Transfers Gloucester County from the Fredericksburg highway construction district to the Hampton Roads highway construction district.

*Patron - Norment*

**SB346 Highway maintenance, construction, or reconstruction payments to Town of Broadway.** Requires the Commonwealth Transportation Commissioner, subject to the approval of the Commonwealth Transportation Board, to make payments for maintenance, construction, or reconstruction of highways to the Town of Broadway.

*Patron - Obenshain*

**CSB431 Prohibition on transportation of hazardous materials; penalty.** Bans transportation of hazardous materials on VA Rte. 674 in Fairfax County between VA Rte. 123 and VA Rte. 606.

*Patron - Devolites Davis*

## Homestead and Other Exemptions

Failed

**FHB39 Homestead exemption.** Increases the current homestead exemption to \$10,000 from \$5,000 and the exemption for dependents under homestead to \$1,000 from \$500.

*Patron - Tata*

**FHB192 Exemption of certain retirement benefits from creditor process.** Conforms the state exemption of retirement benefits to that allowed under new federal bankruptcy law.

*Patron - Kilgore*

## Hotels, Restaurants, Summer Camps and Campgrounds

Failed

**FHB689 Farmers markets exempt from restaurant requirements.** Exempts local retail farmers markets that have been established by any locality from the Board of Health's requirements for licensure of restaurants and other food services.

*Patron - Abbitt*

## Housing

Passed

**PHB699 Housing Authorities Law.** Makes various changes to the Housing Authorities Law to update its provisions. The bill adds several definitions including "blighted area," "blighted property," "conservation area," "redevelopment area," and "spot blight abatement plan." The bill also reconfirms that the elimination of blight in a redevelopment area, the prevention of blight in a conservation area, and the designation of individual properties as blighted pursuant to a spot blight abatement plan are public uses and purposes. In addition, the bill (i) updates referendum provisions; (ii) clarifies that written notice sent by certified mail is required to all record owners at their last known address as indicated in the records of the treasurer, current real estate tax records, or the records of any other officer responsible for collecting taxes prior to the use of eminent domain and spot blight abatement proceedings is required; (iii) clarifies that an owner in a proposed redevelopment or conservation area has the right to present testimony before the local governing body objecting to the designation of an area as a redevelopment or conservation area, and to acquisition of their property by negotiated purchase or the use of eminent domain; and (iv) clarifies that farm

structures are generally exempt from the Housing Authorities Law and that the right to establish redevelopment or conservation areas and use the process of spot blight abatement shall not abrogate the right to farm as protected in § 3.1-22.28. The bill includes various technical amendments.

*Patron - Suit*

**PHB744 Uniform Statewide Building Code; enforcement actions; transfer of ownership.** Provides that when the local building official has initiated an enforcement action against the owner of a building or structure and the owner subsequently transfers ownership to an entity in which the owner holds more than 50 percent of the ownership interest, the pending enforcement action shall continue to be enforced against the owner.

*Patron - Marshall, D.W.*

**PSB46 Local rehabilitation zones.** Authorizes localities to designate housing rehabilitation zones for the establishment of incentives to rehabilitate housing stock in the zone and to perform general improvement of the neighborhood. Incentives include reduced user fees, special tax incentives, special zoning, expedited permitting, and the waiver of tax liens under certain circumstances. In addition, the locality is authorized to establish a special service district to expand or improve the public infrastructure in the zone.

*Patron - Locke*

**PSB184 Housing programs for ex-offenders.** Directs the Director of the Department of Housing and Community Development to develop a strategy, in consultation with the Virginia Housing Development Authority, for the creation and implementation of housing programs and community development for the purpose of meeting the housing needs of persons who have been released from federal, state, and local correctional facilities into communities. This bill is a recommendation of the Joint Subcommittee Studying the Commonwealth's Program for Prisoner Reentry to Society (2005).

*Patron - Puller*

**PSB450 Abatement of lead hazards; disclosure of lead risks or the identification of a child as having an elevated blood-lead level; retaliation deemed noncompliance; civil penalty.** Establishes the two essential lead program elements relating to lead poisoning prevention that are lacking in Virginia but are required by federal agencies for the 2006 grant cycle. The bill provides an enforcement mechanism for control of lead hazards and protections from termination of the rental agreement or other retaliatory action after written notification of (i) a lead hazard in the dwelling unit or (ii) that a child of the tenant, who is an authorized occupant in the dwelling unit, has an elevated blood lead level. The bill also requires the landlord to maintain the painted surfaces of the dwelling unit in compliance with the Property Maintenance Code and the Uniform Statewide Building Code and provides that the failure to do so will entitle the tenant to terminate the rental agreement. This bill is a recommendation of the Joint Subcommittee to Study Lead Poisoning Prevention (SJR 380), 2005.

*Patron - Lambert*

Failed

**FHB217 Spot blight abatement; costs for repair or disposal of property.** Authorizes a locality exercising the power to acquire or repair blighted property to assess against the owner the anticipated costs of any repair or disposal of the property. The costs that are assessed will be a lien on the property.

*Patron - Jones, D.C.*

**FHB748 Spot blight abatement; eminent domain.** Provides that for purposes of determining just compensation for property condemned pursuant to spot blight abatement provisions, the value of the property condemned shall be determined as follows: (i) 50 percent of compensation to be based on the fair market value of the property at the time of condemnation, (ii) 25 percent of compensation to be based on projected fair market value of the land one year after completion of the redevelopment project, and (iii) 25 percent of compensation to be based on projected value of the land three years after completion of the redevelopment project. This bill was incorporated into HB 699.

*Patron - Purkey*

**FHB1196 Building permit; impact fees.** Allows localities to adopt provisions for the assessment of impact fees prior to issuance of a building permit. The impact fees may be assessed in relation to the adequacy of education, transportation, parks, or public safety needs. Such fees shall be a pro rata share of the costs of reasonable and necessary capital improvements attributable to the proposed development. Prior to any impact fee assessment, the locality must identify the particular public facility needs in its comprehensive plan, and must have in place a capital improvement program that provides a reasonable basis for determining the extent or level of inadequacy of such facilities in the area of the proposed development. If the locality does not apply impact fees paid by a developer to the capital project that served as the basis for such assessment within six years of collection, then the developer may seek a writ of mandamus to compel the locality to do so.

*Patron - Marshall, R.G.*

**FHB1419 Housing authorities; public hearings.** Requires housing authorities to hold at least one public hearing to receive the views of citizens within the area of operation of the housing authority before giving final approval to its budget for submission to the governing body. This bill was incorporated into HB 699.

*Patron - Alexander*

**FHB1552 Fair Housing Law; unlawful discrimination; sexual orientation.** Adds sexual orientation as an unlawful discriminatory housing practice.

*Patron - Scott, J.M.*

**FSB294 Powers of regional and consolidated housing authorities.** Prohibits any regional housing authority or consolidated housing authority from acquiring property through the exercise of the power of eminent domain. This bill, which amends the article relating to regional housing authorities, applies to consolidated housing authorities because the provisions of the chapter applicable to regional housing authorities are applicable, by statutory reference, to consolidated housing authorities. Currently, regional housing authorities and consolidated housing authorities enjoy the same power of eminent domain that is statutorily afforded to housing authorities created for cities and counties.

*Patron - Cuccinelli*

**FSB356 Powers of regional and consolidated housing authorities.** Prohibits any regional housing authority or consolidated housing authority from acquiring property through the exercise of the power of eminent domain. This bill, which amends the article relating to regional housing authorities, applies to consolidated housing authorities because the provisions of the chapter applicable to regional housing authorities are applicable, by statutory reference, to consolidated housing authorities. Currently, regional housing authorities and consolidated housing authorities enjoy the same power of emi-

nent domain that is statutorily afforded to housing authorities created for cities and counties.

*Patron - Cuccinelli*

## Carried Over

**CHB92 Virginia Housing Partnership Trust Fund; dedicating recordation tax revenues.** Changes the name of the Virginia Housing Partnership Trust Fund to the Virginia Housing Trust Fund. The bill provides for 50 percent of the annual revenue collections from taxes and fees imposed pursuant to the Virginia Recordation Tax Act (§ 58.1-800 et seq.) that are in excess of the official estimates in the general appropriation act to be transferred to the Fund. The bill also provides that a portion of the fund shall be used to provide matching funds to localities that have both established a local housing fund and appropriated local moneys to the fund. Under the bill, the Department of Housing and Community Development is required to establish criteria for the allocation of the matching funds to eligible localities and to annually report on the allocation of matching funds. In addition, the bill authorizes grants to be made from the Fund to support innovative housing projects and low and moderate income housing projects that are located in areas experiencing extreme shortages of such housing.

*Patron - Suit*

**CHB184 Spot blight abatement; condemnation.** Provides that any property acquired by eminent domain pursuant to spot blight abatement provisions shall not be rezoned by a locality to a more intensive use than that which existed at the time of the condemnation.

*Patron - Marshall, R.G.*

**CHB1174 Community Housing Tax Credit.** Establishes a tax credit that would replace the current low-income housing tax credit. Any developer or investor who builds or substantially rehabilitates a multifamily housing project that qualifies for the federal low-income housing tax credit would be eligible for a tax credit equal to 50 percent of the cost to acquire the land for the multifamily housing project. However, the credit would not exceed an amount equal to \$5,000 multiplied by the number of low-income housing units placed in service as a result of the project. The developer or investor would not be able to claim more than \$500,000 in tax credit in any taxable year. The credit would have a five-year carryover period. Any unused credit could be transferred to another taxpayer for use on a Virginia income tax return. The Board of Housing and Community Development would be required to promulgate guidelines for the credit.

*Patron - Rapp*

**CHB1451 Uniform Statewide Building Code; violations; penalty.** Provides that where the violation is of the Maintenance Code relating to occupancy limitations on dwelling and efficiency units in a locality where the local governing body has taken official action to enforce the Maintenance Code, any owner or other person, firm, or corporation convicted of such a violation may also be punished by confinement in jail for not more than 12 months. Currently, any violation of the Building Code is punishable by a fine of not more than \$2,500.

*Patron - Hull*

**CSB102 The Board of Housing and Community Development; definition of combustible fibers.** Requires the Board of Housing and Community Development to promulgate regulations to exclude waste paper products from the definition of "combustible fibers."

*Patron - Blevins*

**CSB277 Virginia Housing Partnership Trust Fund; dedicating recordation tax revenues.** Changes the name of the Virginia Housing Partnership Trust Fund to the Virginia Housing Trust Fund. The bill provides for \$0.02 of the recordation tax to be transferred to the Fund. The bill also provides that a portion of the fund shall be used to provide matching funds to localities that have both established a local housing fund and appropriated local moneys to the fund. Under the bill, the Department of Housing and Community Development is required to establish criteria for the allocation of the matching funds to eligible localities and to annually report on the allocation of matching funds. In addition, the bill authorizes grants to be made from the Fund to support innovative housing projects and low and moderate income housing projects that are located in areas experiencing extreme shortages of such housing.

*Patron - Whipple*

**CSB311 Housing authority law; spot blight abatement; interest on liens.** Gives a locality a lien on property declared a nuisance when the locality, and not the owner, abates or removes the nuisance at its expense. The bill provides that this lien shall bear interest at the legal rate of interest established in § 6.1-330.53, beginning on the date the removal or abatement is completed through the date on which the lien is paid. The bill also provides for the same interest rate for liens on property declared to be blighted.

*Patron - Cuccinelli*

**CSB667 Carbon monoxide detectors; required in certain rental dwelling units in the Commonwealth.** Amends the Virginia Residential Landlord and Tenant Act and other sections on landlord and tenant law to require landlords to install and maintain carbon monoxide detectors in all rental dwelling units that contain or are serviced by a carbon-based-fueled appliance or device that produces by-products of combustion, have an attached garage or carport, or are adjacent to a parking space. The bill also imposes an obligation on the tenant to not remove or tamper with a carbon monoxide detector.

*Patron - Ruff*

## Institutions for the Mentally Ill; Mental Health Generally

Passed

**P HB774 Community services boards and behavioral health authorities; joint agreements.** Allows for joint agreements between two or more community services boards or behavioral health authorities for the purpose of (i) providing treatment, habilitation, or support services for consumers with specialized and complex service needs and associated managerial, operational, and administrative services and support, and (ii) promoting clinical, programmatic, or administrative effectiveness. The bill also allows for an administrator or management body to coordinate the activities of the joint agreement, and gives this administrator or body various powers and duties, including accepting funds from various public and private sources, hiring staff, and entering into service contracts on behalf of the community services boards and behavioral health authorities subject to the agreement.

*Patron - Nixon*

**P HB1037 Sexually violent predators.** Establishes within the Department of Mental Health, Mental Retardation and Substance Abuse Services, the Office of Sexually Violent

Predator Services to administer provisions relating to the civil commitment of sexually violent predators.

*Patron - Hamilton*

**P HB1038 Civil commitment of sexually violent predators.** Adds to the list of offenses that qualify as sexually violent offenses: abduction with intent to defile, abduction of a child under 16 years of age for the purpose of prostitution, carnal knowledge of a child between 13 and 15 years of age, and carnal knowledge of minors in custody of the court or state. The requirement that the complaining witness be under 13 years of age for aggravated sexual battery to qualify is removed. A felony conviction for conspiracy to commit or attempt to commit any of the qualified offenses is added as a qualifying offense. Incompetent defendants will be reviewed by the Commitment Review Committee. The bill provides that the Static-99 will be used to identify prisoners who will be forwarded to the Commitment Review Committee (CRC) for assessment and that if the Director of the Department of Corrections and the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services agree that no specific scientifically validated instrument exists to measure the risk assessment of a prisoner, the prisoner may be evaluated by a psychiatrist or psychologist to determine if he should be forwarded to the CRC. The bill provides factors for a court to consider in deciding whether to release a person on conditional release, such as living arrangements, availability of supervision, and access to treatment. A person on conditional release will be subject to mandatory GPS monitoring. The bill also adds abduction with intent to extort money or for immoral purposes to the felonies for which a presentence report is required. The provisions regarding qualifying offenses will be effective January 1, 2007, the remainder of the bill will be effective July 1, 2006.

*Patron - Griffith*

**P HB1359 Sexually violent predators.** Authorizes the Department of Mental Health, Mental Retardation and Substance Abuse Services to contract with the Department of Corrections to provide services for the monitoring and supervision of civilly committed sexually violent predators who are on conditional release. The bill also states that if the judge places a civilly committed sexually violent predator on conditional release, the person shall be subject to electronic monitoring of his location by a GPS (Global Positioning System) tracking device. This bill has an emergency clause and is identical to SB 318.

*Patron - Bell*

**P HB1583 Protecting incapacitated people from identity theft.** Protects the identity of incapacitated individuals from identity theft by requiring the sealed filing of the social security number in any petition to a Circuit Court for the appointment of a guardian and conservator.

*Patron - Eisenberg*

**P SB318 Sexually violent predators.** Authorizes the Department of Mental Health, Mental Retardation and Substance Abuse Services to contract with the Department of Corrections to provide services for the monitoring and supervision of civilly committed sexually violent predators who are on conditional release. The bill also states that if the judge places a civilly committed sexually violent predator on conditional release, the person shall be subject to electronic monitoring of his location by a GPS (Global Positioning System) tracking device. This bill has an emergency clause and is identical to HB 1359.

*Patron - Howell*

**SB353 Mental health; appeal of an involuntary admission or certification order.** Grants the circuit court discretion to rely on the existing psychological evaluation from the commitment hearing which is being appealed, or to request a new evaluation.

*Patron - Howell*

**SB400 Economic Development for Virginians with Disabilities Grant Program.** Creates a grant fund to be distributed to nonprofit organizations that sell donated goods and spend at least 75 percent of their revenues employing or training people with disabilities or people with a workplace disadvantage. The term "people with a workplace disadvantage" is defined as people who have had felony convictions or past alcohol or substance abuse problems.

The grant funds are to assist with capital costs associated with construction of retail stores and other employment facilities. The program shall be administered by the Secretary of Health and Human Resources. This bill is contingent upon the appropriation of funds.

*Patron - Hanger*

## Failed

**HB43 Mental health; outpatient treatment orders.** Changes the criteria for ordering outpatient mental health treatment rather than involuntary inpatient treatment. Strikes the requirement that a person be found to be a danger to himself or others and instead requires a finding that assisted outpatient treatment will be sufficient to prevent him from harming himself or others.

*Patron - Albo*

**HB352 Mental health; emergency custody and temporary detention orders.** Extends the maximum emergency custody period to six hours and allows the community services board to determine the facility for temporary detention after the order has been issued.

*Patron - Hamilton*

**HB353 Mental health; transportation of individuals to be admitted.** Requires that any individual certified for admission to a mental health facility, or being transported due to an emergency custody order or a temporary detention order, be transported by the sheriff's office of the appropriate jurisdiction. Repeals section allowing any judge or special justice to order a person admitted to a mental health facility to be placed in the custody of any responsible person, including a representative of the facility in which the person is temporarily placed during the temporary detention period, for the sole purpose of transporting the person to the proper facility.

*Patron - Hamilton*

**HB899 Temporary detention process; transportation by sheriffs.** Specifies that temporary detention orders shall require the sheriff of the appropriate jurisdiction to execute the order and transport the person subject to the order. However, the order may request the assistance of other law-enforcement agencies if the sheriff is unable to execute the order or provide transportation.

*Patron - Gear*

**SB319 Sexually violent predators.** Establishes within the Department of Mental Health, Mental Retardation and Substance Abuse Services, the Office of Sexually Violent Predator Services to administer provisions relating to the civil

commitment of sexually violent predators. This bill was incorporated into SB 559.

*Patron - Howell*

**SB352 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. This bill was incorporated into SB 290.

*Patron - Howell*

**SB602 Background checks; providers licensed by DMHMRSAS.** Allows a provider licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services to hire for compensation a person who has been convicted of not more than one offense of assault and battery of a police officer under § 18.2-57, or an equivalent offense in another state, if (i) more than five years have elapsed since the conviction and (ii) the hiring provider determines, based upon a screening assessment, that the criminal behavior was substantially related to the applicant's substance abuse and that the person has been successfully rehabilitated and is not a risk to consumers based on his criminal history background and his substance abuse history.

*Patron - Reynolds*

## Carried Over

**SB18 Mental health; mandatory outpatient treatment.** Establishes a program of mandatory outpatient treatment in those jurisdictions served by a community services board that the Commissioner designates as having adequate and appropriate resources for the provision of mandatory outpatient treatment. The bill authorizes mandatory outpatient treatment only for persons previously hospitalized due to noncompliance with prescribed psychiatric treatment. The bill requires that a specific written treatment plan be prepared by the community services board that gives consideration to the treatment preferences of the individual and explicitly bars the forcible administration of medication. The bill also authorizes law-enforcement personnel to transport the individual to a treatment facility for persuasion and evaluation by a treatment provider only when the individual has substantially failed to comply with the treatment plan without good cause, and only for a three-hour period, including transportation time. The bill limits the duration of the court order to 180 days or less, and provides the person with procedural protections, including the right to an adversary hearing, the right to counsel, the right to an appeal, and the right to a jury trial on appeal.

*Patron - Marsh*

**SB309 Mental health; outpatient treatment orders.** Changes the criteria for ordering outpatient mental health treatment rather than involuntary inpatient treatment. Strikes the requirement that a person be found to be a danger to himself or others and instead requires a finding that assisted outpatient treatment will be sufficient to prevent him from harming himself or others.

*Patron - Cuccinelli*

## Insurance

## Passed

**HB261 Insurance agents; compliance with continuing education requirements.** Allows an insurance agent who

obtained the required continuing education course credits but failed to submit proof of compliance within the permitted time to submit proof of compliance after the State Corporation Commission has issued a notice of impending termination of the agent's license. To make such a late submission of proof of compliance, the agent is required to submit the proof of compliance and pay filing fees and a \$500 penalty within the 30-day period following the Commission's issuance of notice of impending termination of the license. An agent who has had multiple licenses terminated will be able to apply for new licenses within the 90-day period after termination upon payment of one administrative penalty of \$1,000, regardless of the number of licenses for which he applies.

*Patron - Hargrove*

**HB323 Health insurance; provider panel contracts.** Requires any carrier that rents or leases its provider panel to unaffiliated carriers to make available a list of those unaffiliated carriers to its providers, upon request. The list shall be updated monthly if it is available in electronic format.

*Patron - Morgan*

**HB383 Home service contract providers.** Establishes requirements for the business of providing home service contracts, which are agreements to perform the repair, replacement or maintenance of property, or indemnification therefor, with regard to components, parts, appliances, or systems of a covered residential dwelling. Providers are required to be licensed by the State Corporation Commission, to either insure its obligations to contract holders or maintain a funded reserve account, and to make certain disclosures to contract purchasers. Providers are subject to premium tax at a rate of 2.25 percent of their provider fees.

*Patron - Suit*

**HB573 Burial insurance; agent licensing.** Increases the maximum amount of burial association group life insurance certificate that may be solicited with respect to members of such an association, pursuant to a limited burial insurance authority, to \$10,000. Currently the maximum is \$7,500.

*Patron - Nixon*

**HB761 Small employer health group pooling.** Authorizes the establishment of cooperatives for the purpose of offering, providing or facilitating the provision of coverage for health care services to participating small employers. Membership in health group cooperatives is limited to employers with not more than 50 eligible employees. A small employer health group cooperative is deemed to be a single entity for purposes of negotiating the terms, including premium rates of coverage. Cooperatives shall elect to either be the policyholder of a group policy covering employer-members or a sponsoring entity that facilitates the provision of separate policies for each of its employer-members. If a cooperative elects to be the group policyholder, the agreement shall address the collection of funds from employer-members when one employer-member fails to remit its share of the premium.

*Patron - Hamilton*

**HB1001 Liability insurance policies; notices.** Limits the circumstances pursuant to which insurers are required to provide notice of reduction in coverage or increase in premiums. Such notices are not required if the policy is issued to a large commercial risk, the policy is retrospectively rated, or a renewal offer or policy is sent to the insured not less than 45 days prior to its effective date, or 90 days prior if it is a medical malpractice policy. Insureds shall be advised of the specific reasons for the increase and the amount of the increase, or reasons for a reduction in coverage, or that the information may be obtained from the agent or insurer. The

requirement that certain insured persons receive 45 days' notice of a liability insurance premium increase, or 90 days' notice of a medical malpractice insurance premium increase, will apply only to insurer-initiated premium increases, which excludes increases resulting from requested changes in coverage or policy limits requested by the insured and changes in the insured's operations and rating exposures.

*Patron - Rust*

**HB1041 Health maintenance organizations; Medicaid coverage.** Exempts health maintenance organization contracts that provide coverage to Medicaid enrollees under plans administered by the Department of Medical Assistance Services (DMAS) from certain measures providing for regulatory oversight by the Bureau of Insurance. Measures from which such contracts are exempted include evidence of coverage, schedules of charges for enrollee coverage for health care services, and certain disclosure requirements. The measure specifically does not limit the Bureau's authority to consult with DMAS prior to taking action against any person providing Medicaid benefits.

*Patron - Kilgore*

**HB1044 Health maintenance organizations.** Exempts health maintenance organizations that report a capital and surplus amount of at least \$4,500,000 from the obligation to file statements of covered and uncovered expenses with the State Corporation Commission. The measure also provides that identification cards issued to a subscriber do not constitute evidence of coverage under a certificate, agreement, or contract.

*Patron - Kilgore*

**HB1275 Insurance coverage; recovery of attorney's fees in action on surety bond.** Eliminates the ability of an individual to recover his costs and attorney's fees in a civil action to determine what coverage exists under a surety bond. The ability to recover such costs and fees in an action to determine coverage under a fidelity bond is not affected.

*Patron - Janis*

**HB1429 Credit life insurance; interest on proceeds.** Exempts credit life insurance that is payable in whole or in part to a creditor that is an affiliate of the insurer and that does not charge postdeath interest on the indebtedness, from requirements that insurers pay interest on the proceeds of a life insurance policy.

*Patron - Purkey*

**SB255 CRESPA; confidentiality of documents.** Establishes protections for the confidentiality of documents and other materials obtained by the State Corporation Commission pursuant to an investigation of a title insurance company or agent in the course of an investigation under the Consumer Real Estate Settlement Protection Act.

*Patron - Wagner*

**SB474 Insurance; actuarial statements.** Requires insurers to submit an actuarial opinion summary, written by the insurer's appointed actuary, to the State Corporation Commission if they are required to submit an actuarial opinion. Currently, the actuarial opinion is referred to as a "summary of opinion or issues."

*Patron - Colgan*

**SB498 Fire Programs Fund.** Authorizes the Virginia Fire Services Board to revise allocations to eligible localities.

*Patron - Puckett*

**SB546 Insurance companies; dividends and distributions.** Prohibits a domestic insurer from declaring or paying



a dividend or other distribution from any source other than earned surplus without the State Corporation Commission's prior approval. The measure defines an extraordinary dividend or distribution, and provides that insurers may declare an extraordinary dividend or distribution conditioned upon the Commission's approval. The Commission is authorized to limit or disallow the payment of ordinary dividends by insurers that are financially distressed or troubled. The bill also (i) prohibits domestic insurers from entering into transactions with persons within an insurance company holding system if their purpose is to avoid the review that is required of material transactions between insurers that are members of an insurance company holding system and their affiliates; (ii) requires the quality of an insurer's earnings and the extent to which the earnings include extraordinary items to be considered in determining whether an insurer's surplus to policyholders is reasonable in relation to its outstanding liabilities; and (iii) requires insurers that are members of an insurance company holding system to report dividends and other distributions to the Commission within five business days following their declaration and at least 30 days prior to their payment; currently, such distributions must be reported within two days following their declaration.

*Patron - Stosch*

**SB586 Insurers; change of domicile.** Removes the requirement that insurers file copies of amendments to their bylaws with the State Corporation Commission when they change their state of domicile.

*Patron - Miller*

**SB593 Licenses of reinsurance intermediaries and managing general agents.** Authorizes the State Corporation Commission to place on probation, suspend, revoke, or refuse to issue or renew the license of a reinsurance intermediary or managing general agent that has had its corporate existence or certificate of organization, trust, partnership, authority, or registration terminated, cancelled, surrendered, or revoked.

*Patron - Watkins*

**SB610 Medical malpractice insurance.** Extends from July 1, 2006 to July 1, 2008 the effective date of the state-operated risk management plan allowing certain qualifying physicians and sole community hospitals to purchase insurance from a risk management plan to be administered by the Department of Treasury. The introduced bill was a recommendation of the Joint Subcommittee Studying Risk Management Plans for Physicians and Hospitals. The plan will not be established unless appropriate funding for it is provided in the 2008 budget bill.

*Patron - Newman*

**SB632 Virginia Birth-Related Neurological Injury Compensation Act; redetermination of claim.** Allows for an opportunity for a second review by the Commission in the case of any child born between January 1, 1988, and July 1, 1993, if such application for review is filed by July 1, 2007. The review may only occur in those cases where (i) the claim was timely filed and dismissed on the basis of the injury not being caused by a deprivation of oxygen or mechanical injury and (ii) the panel reported in the hearing that the injuries did not meet the definition of a birth-related neurological injury.

*Patron - Edwards*

## Failed

**HB222 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 con-

sumer 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 no more than \$20 for each freeze, removal of the freeze, or temporary lift of the freeze. Violations are punishable as a Class 1 misdemeanor. A person violating the requirements is liable to an injured person for the greater of actual damages or \$1,000, and reasonable costs and attorney fees.

*Patron - Jones, D.C.*

**HB258 Health Care Funding Act; penalties.** Requires every employer with more than 10,000 employees to report annually to the Commissioner of Labor and Industry the amount spent, and the percentage of its payroll that was spent, on health insurance costs for its employees. If the percentage of payroll spent on health insurance costs is less than the state-wide average of the percent of wages that was spent on employee health insurance costs by all employers in the Commonwealth with more than 250 employees, the employer is required to pay an amount equal to the difference between what the covered employer spends for health insurance costs and an amount equal to the required percent of the total wages it paid to its employees. The revenue from the assessment is paid in to the Virginia Family Access to Medical Insurance Security Plan Trust Fund. Violations are subject to civil penalties.

*Patron - Ward*

**HB359 Credit life insurance; age restrictions.** Eliminates the authorization for credit life insurance policies to be issued that cease or reduce coverage for debtors age 70 or older.

*Patron - Kilgore*

**HB403 Virginia Health Insurance Risk Pool.** Establishes the Virginia Health Insurance Risk Pool. The pool is designed to operate a program offering health insurance coverage for individuals who are otherwise denied health insurance. The initial pool rate may not be less than 125 percent and may not exceed 150 percent of rates established as applicable for individual standard rates. Coverages available under the Virginia Health Insurance Risk Pool shall be made available not later than January 1, 2007. This bill was incorporated into HB 761.

*Patron - Dance*

**HB478 Small employer health insurance pooling.** Authorizes employers with no more than 100 eligible employees to enter into pooling agreements under which a designated attorney-in-fact contracts on their behalf for group health insurance coverage for their employees. The small employers that are party to such an agreement constitute a single employer for purposes of pricing and other terms of the coverage under a group health benefit plan. This bill was incorporated into HB 761.

*Patron - Frederick*

**HB623 Health insurance; mandated coverage for treatment of malignant brain tumors.** Requires health insurers, health maintenance organizations, and corporations providing healthcare coverage subscription contracts to provide coverage for treatment of a malignant brain tumor otherwise covered by the policy, contract, or plan that the covered patient elects to have performed at a National Cancer Institute center of excellence located within 300 miles of the patient's residence.

*Patron - O'Bannon*

**FHB624 Health insurance; mandated coverage for treatment of morbid obesity.** Requires health insurers, health maintenance organizations, and corporations providing health-care coverage subscription contracts, to provide coverage for the treatment of morbid obesity through recognized surgical procedures designed to produce weight loss in patients with morbid obesity if performed at a Bariatric Surgery Center of Excellence. Currently, these entities are required to offer and make available coverage for treatment of morbid obesity.

*Patron - O'Bannon*

**FHB832 Office of Managed Care Ombudsman.** Requires the Office of the Managed Care Ombudsman, upon reviewing the insurance and health records of a covered person, to present a recommendation regarding whether health care services or benefits for the covered person are covered under the managed care health insurance plan. If the Office recommends that the plan covers such services or benefits and the carrier continues to deny coverage for such services or benefits, the denial may be considered by a court as evidence of bad faith.

*Patron - Welch*

**FHB894 Health insurance; mandated coverage for treatment of inborn errors of metabolism.** Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for treatment of inborn errors of metabolism that involve amino acid, carbohydrate, and fat metabolism and for which medically standard methods of diagnosis, treatment, and monitoring exist.

*Patron - Gear*

**FHB1167 Victims of domestic violence; use of alternative contact information by health care providers and insurers.** Requires any health plan, health care clearinghouse, or health care provider that is a covered entity under the federal Health Insurance Portability and Accountability Act of 1996 to use alternative contact information when requested by a victim of domestic violence.

*Patron - Eisenberg*

**FHB1324 Plan for increased health insurance competition.** Directs the Commissioner of Insurance to develop, by July 1, 2008, a plan to double health insurance provider competition in rural areas of the Commonwealth.

*Patron - Nutter*

**FHB1405 Health insurance; mandated coverage for treatment by intensity modulated radiation therapy.** Requires health insurers, health maintenance organizations, and corporations providing healthcare coverage subscription contracts to provide coverage for the treatment by intensity modulated radiation therapy (IMRT), including solid compensator-based IMRT, of tumors in situations in which extremely high precision is required in order to spare essential surrounding normal tissue, when such treatment is performed pursuant to protocol dose volume constraints approved by the institutional review board of any United States medical teaching college or the National Cancer Institute.

*Patron - Wittman*

**FHB1437 Small employer health insurance associations.** Authorizes employers with no more than 100 eligible employees to form associations to obtain group health insurance coverage for their employees. The small employers that are members of such an association shall be deemed to constitute a single entity for purposes of premium rates and issuance

and renewal of coverage. This bill was incorporated into HB 761.

*Patron - Melvin*

**FHB1558 Workers' compensation; subrogation.** Provides that an employer's workers' compensation premium shall not be adversely affected by a settlement between the insurance carrier and the injured employee in which the insurance carrier has agreed to waive its right of subrogation as to any amount that could have otherwise been recovered.

*Patron - Bell*

**FBSB161 Health insurance; assignment of benefits to emergency room physicians.** Requires health insurers to pay health care benefits directly to a physician who has rendered medical screening and stabilization services under the Federal Emergency Medical Treatment and Active Labor Act, if the insured specifically authorizes such an assignment of payment of the benefits. Insurance contracts shall not prohibit the payment of benefits directly to physicians for care provided pursuant to the federal law.

*Patron - Norment*

**FBSB638 Victims of domestic violence; use of alternative contact information by health care providers and insurers.** Requires any health plan, health care clearinghouse, or health care provider that is a covered entity under the federal Health Insurance Portability and Accountability Act of 1996 to use alternative contact information when requested by a victim of domestic violence.

*Patron - Ticer*

## Carried Over

**CHB253 Health insurance; refusal to accept assignments prohibited.** Prohibits health insurers from refusing to accept an assignment of benefits made by a patient to a physician.

*Patron - Cosgrove*

**CHB322 Health insurance; carrier business practices.** Prohibits a health insurance carrier from establishing or implementing a policy or procedure that allows the carrier to deny payment of a claim solely because the covered subscriber or dependent has not responded to an inquiry regarding the existence of other health insurance coverage. The measure also requires carriers to pay clear claims submitted electronically within 14 days following receipt. Currently, all clear claims must be paid within 40 days, regardless of the medium by which the claim is submitted.

*Patron - Morgan*

**CHB657 Health insurance; mandated coverage for habilitative services for children.** Requires health insurers, health maintenance organizations, and corporations providing health care coverage subscription contracts to provide coverage for medically necessary habilitative services for persons younger than 19 years.

*Patron - Plum*

**CHB890 Motor vehicle insurance policies; access to recorded data; civil penalties.** Prohibits motor vehicle insurers from including in policies any provision that authorizes the insurer to obtain access to data that is electronically stored in an electronic data recording device in the motor vehicle.

*Patron - Gear*

**CHB945 Pharmacy benefits managers.** Establishes requirements for the regulation and registration of pharmacy

benefits managers, which are entities that administer or manage prescription drug benefits and whose services include the procurement of prescription drugs at a negotiated rate for dispensation within the Commonwealth, processing prescription drug claims, administering payments related to prescription drug claims, and negotiating contractual arrangements with pharmacy providers. The measure also establishes requirements for disclosures and other contractual provisions in agreements between pharmacy benefits managers and pharmacy providers. The measure also prohibits health insurers, corporations providing preferred provider subscription contracts, and health maintenance organizations from imposing upon any person receiving pharmaceutical benefits furnished under a policy, plan, or contract a different copayment, fee, or condition for persons that have prescriptions filled at a participating pharmacy other than a mail order pharmacy, regardless of the number of months for which the prescription is written.

*Patron - Morgan*

**HB946 Health insurance; assignment of benefits to emergency room physicians.** Requires health insurers to pay health care benefits directly to a physician who has rendered medical screening and stabilization services under the Federal Emergency Medical Treatment and Active Labor Act, if the insured specifically authorizes such an assignment of payment of the benefits. Insurance contracts shall not prohibit the payment of benefits directly to physicians for care provided pursuant to the federal law. A similar provision is applicable to the state employees' health insurance plan.

*Patron - Morgan*

**HB1302 Life insurance; payment of benefits to designee of beneficiary.** Authorizes the named beneficiary of record of an individual life insurance policy to designate one or more persons to receive all or a portion of the proceeds of the policy to which the beneficiary is entitled, unless otherwise prohibited by law. The insurer shall honor such designation if it is in writing, signed by the beneficiary, attested by a notary public, and received by the insurer prior to paying the proceeds to the beneficiary.

*Patron - Alexander*

**SB144 Health care services billing information.** Requires providers of healthcare services to give patients, upon request, statements that identify each service provided, the charge for the service, and the amount of each charge that is not reimbursed and will be billed to the patient.

*Patron - Deeds*

**SB160 Health insurance; payment for services rendered by non-participating providers.** Requires that the notice sent by health insurers, health services plans, and health maintenance organizations to insureds, subscribers, and enrollees with the payment for services of a nonparticipating physician or osteopath include a statement that the nonparticipating provider has the right to recover \$250 or three times the amount of the payment, whichever is less, if the payment is not made within 30 days of receipt of the payment from the insurer.

*Patron - Norment*

**SB525 Health maintenance organizations.** Allows any insurance company or health services plan that organizes and operates a health maintenance organization to also be licensed as a health maintenance organization.

*Patron - Newman*

## Juvenile Justice

### Carried Over

**HB548 Department of Juvenile Justice; education costs.** Requires the Department of Juvenile Justice to pay the education expenses for any juvenile who is placed in a correctional residential facility and is educated by the local schools of a district other than his original district.

*Patron - Saxman*

## Labor and Employment

### Failed

**HB539 Minimum wage.** Increases the minimum wage from its current federally mandated level of \$5.15 per hour to \$6.15 per hour effective July 1, 2006; to \$7.15 per hour effective July 1, 2007; and to \$8.15 per hour effective July 1, 2008. For subsequent years, the minimum wage will be adjusted annually on July 1 to reflect changes in the Consumer Price Index for the preceding calendar year, as determined by the Commissioner of Labor and Industry.

*Patron - Callahan*

**HB1363 Minimum wage.** Increases the minimum wage from its current federally mandated level of \$5.15 per hour to \$6.15 per hour effective January 1, 2007, to \$7.15 per hour effective January 1, 2008, and to \$8.15 per hour effective January 1, 2009, unless a higher minimum wage is required by the federal Fair Labor Standards Act.

*Patron - Toscano*

**SB480 Minimum wage.** Increases the minimum wage from its current federally mandated level of \$5.15 per hour to \$6.15 per hour effective July 1, 2006; to \$7.15 per hour effective July 1, 2007; and to \$8.15 per hour effective July 1, 2008. For subsequent years, the minimum wage will be adjusted annually on July 1 to reflect changes in the Consumer Price Index for the preceding calendar year, as determined by the Commissioner of Labor and Industry.

*Patron - Colgan*

### Carried Over

**HB566 Payment of wages and salaries; wage payments.** Authorizes employers to pay wages and salaries by credit to a prepaid debit card or card account, without the employee's affirmative consent, if the employee fails to designate a financial institution to which payment could be made by electronic automated fund transfer. An employer making payment by prepaid debit card or card account shall use a financial institution with locations reasonably available to its employees and shall arrange to allow an employee at least one free withdrawal per pay period. Currently, payment via prepaid debit card or card account requires the affirmative consent of the employee, though such consent is not required if the employee has not designated a financial institution to which payment by electronic automated fund transfer could be made and the employee is employed at an amusement park.

*Patron - Nixon*

**HB943 Child labor; hour limits.** Limits the number of hours a child age 16 or 17 who has not graduated from high

school or equivalent can work to 45 hours per week and 9 hours per day. Currently, there is no limit on the number of hours such children are allowed to work. The measure also codifies the rules limit on hours of work applicable to children age 14 and 15, which are 40 hours per week and 8 hours per day.

*Patron - Morgan*

**HB1048 Document verification for employment of illegal immigrants; penalty.** Requires employers to obtain employment eligibility verification documentation as specified in Form I-9 indicating that a prospective employee is legally eligible for employment in the United States. Employers are required to retain such Form I-9 documentation of eligibility for employment on each of their employees for the same period they are required to keep such records under federal law. Violations involving the knowing employment of persons not legally eligible for employment in the United States, in addition to being Class 1 misdemeanors, are punishable by a fine of \$10,000. The Department of Labor and Industry is required to provide access to a computer database to assist employers in determining whether prospective employees are legally eligible for employment. An employer that hires persons not legally eligible for employment in the United States will be ineligible to participate in foreign labor certification programs for a period of three years following conviction.

*Patron - Reid*

**HB1051 Employment service centers; penalty.** Prohibits public funding of employment services unless the provider of the services verifies that the persons receiving services are legally eligible for employment in the United States. The service providers are required to maintain a database that identifies each applicant for employment services and contains confirmation of the applicant's legal eligibility for employment in the United States. The measure is subject to enforcement by the Commissioner of Labor and Industry.

*Patron - Reid*

**HB1569 Contracting for the provision of foreign employment services.** Prohibits any corporation, limited liability company, business trust, or partnership from contracting for the provision of foreign employment services unless the services provider delivers to the client company documentation verifying that the services provider has filed all reports and paid all federal and state taxes and maintained workers' compensation insurance required of an employer in the Commonwealth with respect to all of the services provider's employees who are aliens with an H-1B or L-1 temporary worker visa and who work at a facility owned or operated by the client company, or pursuant to an arrangement that provides that the individuals are subject to the direction and control of the client company. The client company is required to maintain records documenting that the employment services provider provided the client company with the required documentation. A violation is a Class 1 misdemeanor. Violations are also subject to a civil penalty of not more than \$10,000.

*Patron - Reid*

## Libraries

### Passed

**HB209 Public Records Act; electronic records.** Updates the Public Records Act to include provisions relating to the management and archiving of electronic records. The bill creates new definitions for electronic records, lifecycle,

metadata, conversion, and migration, and amends the powers and duties of the Library Board to be medium-neutral and to allow the Library to issue regulations and guidelines related to the lifecycle of records, generally. The bill requires the custodians of records to convert and migrate electronic data as necessary to maintain access to these records. Finally, the bill allows the Library to conduct audits of the record keeping practices of agencies subject to the act, and to file the audit reports with the Governor and the General Assembly. The bill also includes numerous technical amendments. This bill is a recommendation of the HJR 6 study (2004).

*Patron - Cox*

**HB210 State Publications Depository Program.** Amends the State Publications Depository Program to include electronic publications, and clarifies that the requirements of the Program apply to all state agencies in any branch of government. The bill allows The Library of Virginia to authorize agencies to send certain publication information to the Library, instead of the publications themselves, to facilitate the collection and dissemination of state publications in electronic form. The bill creates a new reporting requirement for The Library of Virginia to annually report to the Governor and the chairmen of the House and Senate Committees on General Laws, the House Appropriations Committee, and the Senate Finance Committee which agencies do not send The Library of Virginia the publications required under the Depository Program. The bill creates a new chapter for the Depository Program, and includes a policy statement. The bill also repeals a current provision requiring The Library of Virginia to annually compile a listing of publications printed by each state agency during the previous fiscal year, which it must currently do in addition to the statutory requirement that it annually compile a catalog of all publications currently available at each agency. This bill is a recommendation of the HJR 6 study (2004).

*Patron - Cox*

**HB382 Professional librarians; qualifications.** Provides that public libraries serving a political subdivision or subdivisions having a population greater than 13,000 and libraries operated by the Commonwealth or under its authority shall not employ, in the position of librarian or in any other full-time professional librarian position, a person who does not meet the qualifications established by the State Library Board. Currently such public libraries cannot use funds derived from any state aid to employ a professional librarian who does not meet the qualifications established by the State Library Board. The bill provides that it applies to any person employed on or after July 1, 2006.

*Patron - Suit*

**SB461 Virginia Public Records Act; timely destruction of records.** Provides that each agency shall ensure that records created after July 1, 2006 and authorized to be destroyed or discarded under the Virginia Public Records Act, are destroyed or discarded within six months of the expiration of the record's retention period in accordance with the provisions of the Virginia Public Records Act. The bill also provides that all records previously authorized to be destroyed must be destroyed in a timely manner.

*Patron - Devolites Davis*

### Failed

**HB570 Technology protection measures; public libraries.** Requires the library board or governing body of a library that receives state funding for any purpose to include in its acceptable use policy for the Internet provisions on selecting and installing on those computers that have Internet access

a technology protection measure to filter or block Internet access through such computers to child pornography as set out in § 18.2-374.1:1, obscenity as defined in § 18.2-372 and, with respect to minors, materials deemed harmful to juveniles as defined in § 18.2-390. The bill also requires the policy to include a provision for disabling the technology protection measure at the request of a patron in instances of bona fide research or other lawful purposes.

*Patron - Nixon*

**FHB959 Virginia Public Records Act; timely destruction of records.** Provides that each agency shall ensure that records authorized to be destroyed or discarded under the Virginia Public Records Act, are destroyed or discarded in a timely manner in accordance with the provisions of the Virginia Public Records Act.

*Patron - Cox*

**F SB176 Public Library Internet Protection Fund; established; purposes.** Establishes the Public Library Internet Protection Fund. The bill permits grants from the Fund to be made to reimburse free public libraries and library systems for the initial purchase and subsequent renewal of technology protection measures for computers that have access to the Internet. The bill limits the grant amount for any given fiscal year depending on the type of grant. The Fund would be administered by the Board of the Library of Virginia. This bill incorporates SB 334.

*Patron - Wampler*

**F SB334 Technology; required protection measures; public libraries; exception.** Requires the library board or governing body of a library that receives state funding for any purpose to include in its acceptable use policy for the Internet provisions requiring the selection, installation, and activation on those computers that have Internet access a technology protection measure, as selected by the Library of Virginia, to filter or block Internet access through such computers to child pornography as set out in § 18.2-374.1:1, obscenity as defined in § 18.2-372, and, with respect to minors, materials deemed harmful to juveniles as defined in § 18.2-390. The bill also requires the library board or governing body to actually select, install, and activate the technology protection measure. The bill provides an exception which allows a person authorized by the library to disable the technology protection measure at the request of the patron for bona fide research or other lawful purpose.

*Patron - Obenshain*

## Carried Over

**CHB1544 Houdon statue.** Provides that the Librarian of Virginia ensure the care of molds, patterns, or other means of three-dimensional replications of Houdon's statue of Washington; establishes a procedure for authorizing future uses of molds, patterns, and other means of three-dimensional replications of the statue with royalties payable to the Virginia Capitol Preservation Foundation; and makes unauthorized uses subject to the penalties for damaging library property under § 42.1-72.

*Patron - Howell, W.J.*

## Military and Emergency Laws

### Passed

**P HB33 Military laws; leaves of absence for employees of the Commonwealth.** Provides that whenever an employee returns from federally funded military duty and the required eight-hour rest period overlaps such employee's scheduled work shift, the employee must receive paid military leave to the extent of the overlap.

*Patron - Tata*

**P HB628 Virginia Military Family Relief Fund; contribution of tax refund; report.** Establishes the Virginia Military Family Relief Fund, a special nonreverting fund to assist Virginia members of the armed services who have been called to active duty and to assist their families with living expenses. The Fund will be administered by the Office of The Adjutant General. The Adjutant General will report annually to the Governor and the chairmen of the House Appropriations and Senate Finance Committees. The bill also includes the Fund on the list of entities eligible to appear on the Virginia tax return for voluntary tax refund contributions.

*Patron - Johnson*

**P HB922 Officers of militia; Fishburne Military School.** Adds the officers of the Fishburne Military School in Waynesboro, Virginia, to the list of those officers recognized as commissioned officers of the unorganized Virginia militia.

*Patron - Landes*

**P HB1170 Local emergency management; emergency coordinators.** Requires each locality to maintain an agency of emergency management and to appoint a coordinator of emergency management. Currently, the authority to establish such an agency and appoint a coordinator is discretionary.

*Patron - Rapp*

**P HB1180 Powers of Governor during emergency; public safety employee hardship.** Allows the Governor, in his discretion, to provide up to \$2,500 per month for up to three months to a public safety employee responding to a natural or man-made disaster who has suffered an extreme personal or family hardship in the affected area. This bill incorporates HB 1402.

*Patron - Carrico*

**P HB1265 Emergency services and disasters; constitutional rights.** Provides that nothing in Chapter 3.2 of Title 44 relating to emergency services and disaster laws should be interpreted as allowing the Governor or any other governmental authority to limit the right to keep and bear arms pursuant to the Constitutions of Virginia and of the United States. These rights include the lawful possession, sale, and transfer of firearms. These rights are not extended to places designated as emergency shelters. This bill incorporates HB 1024.

*Patron - Janis*

### Failed

**F HB256 Pay of National Guard; active state duty.** Requires that officers and enlisted members of the National Guard receive the same pay when called into active state or federal duty.

*Patron - Cosgrove*

**FHB257 Virginia National Guard; retirement payments.** Provides that any member of the Virginia National Guard who retires from the Virginia National Guard after serving at least 10 consecutive years in the Virginia National Guard immediately preceding retirement, and who has at least 20 years of creditable service with the United States Armed Forces, including National Guard service, reserve service, or active duty service, shall receive \$100 per month for the same number of years that the member was in service in the Virginia National Guard.

*Patron - Cosgrove*

**FHB639 Local emergency directors and coordinators; emergency response training.** Requires local emergency directors and coordinators to be certified in emergency management, pursuant to guidelines and standards promulgated by the Department of Emergency Management.

*Patron - Phillips*

**FHB1024 Emergency services and disasters; constitutional rights.** Provides that nothing in Chapter 3.2 of Title 44 relating to emergency services and disaster laws should be interpreted as allowing the Governor or any other governmental authority to limit the right to keep and bear arms pursuant to the Constitutions of Virginia and of the United States. This bill was incorporated into HB 1265.

*Patron - Hurt*

**FHB1271 Adjutant General; qualifications.** Eliminates the requirement that the Adjutant General be required to have at least ten years' commissioned service in the Virginia National Guard in at least field grade in order to be eligible for the position.

*Patron - Janis*

**FHB1402 Powers of Governor during emergency; public safety employee hardship.** Allows the Governor, in his discretion, to provide up to \$2,500 per month for up to three months to a public safety employee responding to a natural or man-made disaster who has suffered an extreme personal or family hardship in the affected area. This bill was incorporated into HB 1180.

*Patron - Sickles*

## Carried Over

**CHB1348 Virginia Search and Rescue Training and Response Program.** Creates the Virginia Search and Rescue Training and Response Program within the Department of Emergency Management to coordinate search and rescue training and response in the Commonwealth.

*Patron - Bell*

**CSB377 Reservists called to active duty; health insurance.** Requires the Commonwealth and political subdivisions of the Commonwealth to continue to provide health insurance benefits to any employee who is a reservist or member of the National Guard and is called to active duty, as well as to any dependents covered under the employee's health insurance plan prior to the employee's being called to duty. In addition, if such employee is killed while on active duty, the employee's dependents shall be allowed to continue the health insurance benefits for a period of 12 months after the employee's death.

*Patron - McDougle*

## Mines and Mining

### Passed

**PB680 Biofuels Production Fund and Grant Incentive Program; established.** Establishes the Biofuels Production Fund (the Fund) and the Biofuels Production Grant Incentive Program (the Program) to administer the Fund. The Program offers grants to producers of neat biofuels, which are defined as either biodiesel fuels or ethanol fuels that are not mixed with traditional fuels such as gasoline or diesel fuel. To be eligible for a grant the producer must produce in excess of 10 million gallons of neat biofuels within the Commonwealth in a calendar year using feedstock originating domestically within the United States. The producer must commence eligible sales on or after January 1, 2007, and pre-existing producers are only eligible if their production increases over prior calendar year levels by at least 10 million gallons of neat biofuels. Producers that qualify for a grant under the program may be granted \$0.10 per gallon for neat biofuels produced in the given calendar year. If moneys in the fund are not sufficient to pay all qualified applicants, disbursements from the Fund shall be made on a pro-rata basis. The Program and Fund would expire on December 31, 2016. The payment of grants is subject to an appropriation to the fund.

*Patron - Wittman*

**PB1443 Wireless communication in underground coal mines.** Requires that the emergency response plan prepared by operators of underground coal mines include a mine emergency communication plan. The bill authorizes the Chief of the Division of Mines to require periodic updates of the emergency response plan. The bill also specifies that anyone going underground shall have available an adequate supply of self-rescue devices. The Department of Mines, Minerals and Energy is directed to assess the effectiveness of wireless communication and mine locator systems and report its findings and recommendations to the committees of oversight. The bill contains an emergency clause.

*Patron - Phillips*

**PSB513 Pooling of interests in drilling units, conflicting claims.** Requires the designated operator of a drilling operation operating under a pooling order to file with the Virginia Gas and Oil Board a petition for disbursement of escrowed funds upon the discovery of the identity and location of any unknown owner, provided that the owner's claim is not contested. The petition for disbursement shall be placed on the first available Board docket. Funds shall be disbursed within 30 days after the Board's decision and receipt by the Department of all documentation is required by the Board.

*Patron - Puckett*

### Failed

**FHB1423 Biofuels Production Fund and Grant Incentive Program; established.** Establishes the Biofuels Production Fund (the Fund) and the Biofuels Production Grant Incentive Program (the Program) to administer the Fund. The Program offers grants to producers of neat biofuels, which are defined as either biodiesel fuels or ethanol fuels that are not mixed with traditional fuels such as gasoline or diesel fuel. To be eligible for a grant the producer must produce in excess of 10 million gallons of neat biofuels within the Commonwealth in a calendar year using feedstock originating domestically within the United States. Producers that qualify for a grant under the program may be granted \$0.20 per gallon of neat bio-

fuel produced in the given calendar year at a 50 percent cost share of up to 80 million gallons. Therefore a producer meeting the maximum production limit under the program of 80 million gallons would be eligible for an \$8,000,000 grant. The Program and Fund would expire on December 31, 2016. This bill was incorporated into HB 680.

*Patron - Barlow*

## Motor Vehicles

### Passed

**HB22 Vehicle safety inspection fees.** Increases the maximum fee allowed for vehicle safety inspection by \$1, \$.50 of which is to be transmitted to the Department of State Police to support the Department's costs in administering the motor vehicle safety inspection program. The bill also requires written notice by the Superintendent of State Police prior to his revocation of the designation of any safety inspection station.

*Patron - Abbitt*

**HB90 Driver's licenses; extension of expiration.** Provides for extension of the validity of driver's licenses for persons serving outside Virginia in the armed forces and the diplomatic service and affords the same extensions for spouses and dependents accompanying them.

*Patron - Brink*

**HB106 Red or red and white warning lights on certain vehicles.** Allows security vehicles of NASA's Wallops Flight Facility to be equipped with red or red and white warning lights.

*Patron - Lewis*

**HB111 Local restrictions on operations of certain all-terrain vehicles.** Allows the local governing body of any county, city, or town in the Northern Virginia Planning District by ordinance to prohibit operation of any all-terrain vehicle not being used for agriculture or silviculture production on a highway or on public or private property within 500 feet of any residential district.

*Patron - Albo*

**HB175 Overweight farm vehicles.** Provides that vehicles that are registered as farm-use vehicles as provided in § 46.2-698 may operate at the extended weights authorized in § 46.2-1129 without the application for or receipt of a permit or payment of any fee therefor.

*Patron - Lewis*

**HB250 Temporary registration of vehicles.** Replaces temporary "certificates of ownership," issued by dealers, with "temporary registrations." Provision is also made for use of electronic records in connection with temporary registrations.

*Patron - Cosgrove*

**HB259 Motor vehicle dealers' transaction fees.** Allows motor vehicle dealers to carry out up to 20 "manual transactions" per month with DMV without having to pay an increased fee.

*Patron - Abbitt*

**HB366 Mopeds, motorized scooters and skateboards.** Allows localities to adopt ordinances regulating noise from mopeds and motorized scooters and skateboards. The bill also revises the definitions of "electric power-assisted bicycle,"

"moped," and "motorcycle," and defines "motorized skateboard or scooter" and "motor-driven cycle" and limits where motorized skateboards and scooters and motor-driven cycles may lawfully be operated.

*Patron - Carrico*

**HB496 Definition of "highway."** Expands the definition of "highway" in § 46.2-100 to include the entire width between the boundary lines of every way or place used for purposes of vehicular travel on any property owned, leased, or controlled by the United States government and located in the Commonwealth.

*Patron - Frederick*

**HB646 Fees charged for release of information by the Department of Motor Vehicles (DMV).** Provides that information provided by DMV on the request of any federal, state, or local governmental entity or their authorized agents, the DMV Commissioner will provide driver and vehicle record abstracts at a fee that is one-half the normal charge for an abstract. The bill further provides that on the request of any federal, state, or local law-enforcement officer, attorney for the Commonwealth, an official of any federal or state court, or authorized agent of any of the foregoing, the DMV Commissioner will supply this same information free of charge. Such information, if supplied to various non-profit and charitable entities, will be provided free of charge.

*Patron - Scott, E.T.*

**HB650 Maximum speed limit for school buses.** Allows for maximum speed limits for school buses of 45 mph on highways with posted speed limits of 55 mph or less and 55 mph on highways with posted speed limits greater than 55 mph.

*Patron - Scott, E.T.*

**HB670 Local vehicle license fees, etc.** Requires the DMV Commissioner to develop and implement standardized procedures and fees whereby the Commissioner, when so requested in writing by the treasurer or director of finance of any county, city, or town, will refuse to issue or renew any vehicle registration of persons who owe the locality any local vehicle license fees or delinquent tangible personal property tax or parking fines. This bill becomes effective January 1, 2007.

*Patron - Wardrup*

**HB793 Issuance of temporary license plates to dealers by DMV.** Allows DMV to develop a "print-on-demand" alternative to the existing temporary license plate system.

*Patron - Abbitt*

**HB816 Recording devices in motor vehicles; ownership of recorded data; insurance policies; disclosure.** Defines the vehicle owner as the owner of any data recorded on a recording device installed in a motor vehicle. Recorded data may only be accessed with the vehicle owner's consent, except under the following circumstances: (i) the vehicle owner contracts with a third party subscription service that requires access to the recorded data; (ii) a licensed new motor vehicle dealer or a technician or mechanic at a motor vehicle repair or servicing facility requires access to carry out normal and ordinary diagnostics, servicing, or repair duties; (iii) the recorded data is accessed by an emergency response provider in performing his duties; (iv) upon authority of a court of competent jurisdiction; or (v) the recorded data is accessed by law enforcement in the course of an investigation where there is probable cause to believe the recording device contains evidence relating to a violation of the laws of the Commonwealth

of the United States and such access is otherwise constitutionally permissible. The bill prohibits insurance companies from refusing to renew a motor vehicle insurance policy solely because the motor vehicle owner refuses to provide access to recorded data from a recording device. The bill also prohibits insurance companies from certain other actions affecting rates and coverage if a motor vehicle owner refuses to allow the insurer access to recorded data. All automobile manufacturers must disclose the presence of factory-installed recording devices in the owner's manual for all model year 2008 and later automobiles sold or leased in the Commonwealth. This bill is identical to SB 90.

*Patron - May*

**HB823 Maximum speed limit signs.** Authorizes maximum speed limit signs to be placed in certain residence districts in towns without the approval of the county in which the town is located.

*Patron - May*

**HB827 License plates.** Prohibits use of any bracket, holder, mounting, or frame that obscures the alpha-numeric license number, the name or abbreviated name of the state in which the vehicle is registered, or any decal, stamp, or other device indicating the month or year in which the vehicle's registration expires.

*Patron - May*

**HB833 "United We Stand" special license plates.** Eliminates the revenue-sharing component of the statute authorizing the issuance of "United We Stand" special license plates. The bill also authorizes issuance of special license plates honoring Robert E. Lee, bearing the legend "I VOTED," and for supporters of childhood cancer awareness, immediate family members of persons who have died in military service to their country and supporters of youth soccer.

*Patron - Welch*

**HB834 Special license plates generally.** Removes the option of receipt of an administrative fee of \$3,500 for development of license plates. The bill also reduces the number of days in which the 350 pre-paid applications must be received by the Commissioner from 180 to 30 days.

*Patron - Welch*

**HB917 Fog lights.** Provides that not more than two fog lights may be illuminated at any time.

*Patron - Oder*

**HB927 Special license plates; expired authorizations.** Repeals authorizations for issuance of special license plates for which the required minimum number of prepaid orders was never received, the plates affected being those for retired members of the U.S. Air Force, recipients of the National Defense Services Medal, members of the Virginia State Defense Force, members and former members of the U.S. Naval Construction Force (Seabees), members of the Virginia Division of the United Daughters of the Confederacy, supporters of the Rocky Mountain Elk Foundation, supporters of St. Jude Children's Research Hospital, members and supporters of the YMCAs of Virginia, supporters of the National D-Day Memorial Foundation, commemoration of the 30th anniversary of Secretariat's winning of horse racing's Triple Crown, children with special needs, members and supporters of the Junior League, Master Gardeners, supporters of education in the public schools of Virginia, supporters of the Salem Avalanche baseball team, members and supporters of the Mustang Club of America, 100th anniversary of the City of Galax, law-enforce-

ment chaplains, Virginia quilters, and graduates and supporters of the U.S. Merchant Marine Academy.

*Patron - Landes*

**HB948 Disposal of abandoned vehicles.** Clarifies that localities are eligible for reimbursement from the Commissioner of the Department of Motor Vehicles for the removal of inoperable abandoned motor vehicles left on property, either public or private.

*Patron - Morgan*

**HB967 Motor vehicle dealers; salesperson.** Amends the definition of "salesperson" to include any person who expects to receive a commission, fee, or any other consideration from the dealer; supervises salespersons; or negotiates with or induces a customer to enter into a security agreement. This bill also provides that any person who is an independent contractor shall not be deemed to be a salesperson and prohibits any person acting in the capacity of a salesperson, but not licensed, to be compensated in any form by a motor vehicle dealer.

*Patron - Ebbin*

**HB1000 Failure to pay toll; penalties.** Provides that the same persons who may use the Chesapeake Bay Bridge-Tunnel and toll facilities of the Richmond Metropolitan Authority without having to pay a toll may also use toll facilities operated pursuant to the Public-Private Transportation Act of 1995 toll-free. The bill also provides that if a driver fails to pay a required toll and the matter proceeds to court, he will be liable, in addition to the amount of the unpaid toll and administrative fees of the toll facility operator, for a civil penalty of \$50 for a first offense, \$100 for a second offense, \$250 for a third offense, and \$500 for a fourth or subsequent offense. The bill also provides for nonissuance and nonrenewal of vehicle registrations of persons who fail to pay tolls until all tolls, fees, and penalties have been paid. Several technical changes are also made in the manner in which offenders are to be identified and prosecuted.

*Patron - Rust*

**HB1005 Offenses relating to registration and certificates of title; penalty.** Raises the penalty, from a traffic infraction to a Class 1 misdemeanor, for using a false name or address in any application for the registration of any vehicle, for a certificate of title, or for any renewal or duplicate certificate, or knowingly making a false statement of material fact or concealing a material fact or committing a fraud in any registration application. Additionally, the bill raises the penalty for knowingly displaying any fictitious registration card, certificate of title, or license plate or decal, or for knowingly displaying any registration card, certificate of title, or license plate or decal which has been cancelled, revoked, suspended or altered, or that is currently issued for another vehicle, to a Class 2 misdemeanor. Finally, the bill also raises the penalty for failing to surrender, on demand, any certificate of title, registration card, or license plate or decal which has been suspended, cancelled, or revoked, to a Class 2 misdemeanor.

*Patron - Hurt*

**HB1006 Notice to counties, cities, and towns whenever title to modular home or mobile home is surrendered.** Requires DMV to make a record of every instance in which the title to a modular home, mobile home, or any other vehicle titled as a trailer is surrendered because it has been placed on a foundation and has ceased to be a vehicle required to be titled, and requires DMV to share this data with local governments.

*Patron - Hurt*



**PHB1034 Motor vehicle dealers; warranty obligations.** Clarifies that damage that occurs to a new motor vehicle following delivery is not exempted from the provisions of the statute.

*Patron - Hurt*

**PHB1047 Traffic lights.** Allows police to use wireless telecommunications devices in enforcement of traffic light signals.

*Patron - Reid*

**PHB1068 Operational requirements for contract passenger carriers.** Allows contract passenger carriers to use wireless text dispatching devices in addition to trip sheets and contract orders to identify passengers who have arranged for use of the motor vehicle.

*Patron - Hall*

**PHB1119 Designation of private roads as highways for law-enforcement purposes; Warren County.** Authorizes Warren County to adopt ordinances designating the private roads, within any residential development containing 50 or more lots, as highways for law-enforcement purposes.

*Patron - Athey*

**PHB1163 Unlawful sale of driver's licenses.** Makes it a Class 1 misdemeanor for any person or entity other than the Department of Motor Vehicles to sell, give, or distribute, or attempt to sell, give, or distribute any document purporting to be a driver's license.

*Patron - Eisenberg*

**PHB1179 Special speed limitations on interstate highways.** Allows the Commonwealth Transportation Commissioner, upon request or on his own initiative, to conduct an investigation of any interstate highway and, on the basis of his findings, set the maximum speed.

*Patron - Carrico*

**PHB1218 Arrest for traffic misdemeanor.** Clarifies language in the motor vehicle code by requiring a magistrate to proceed with a probable cause determination under § 19.2-82 when an arrestee is brought before him following a traffic misdemeanor. Currently, an officer may release a suspected traffic misdemeanor on a summons unless the person refuses to appear, is likely not to appear, or is suspected of committing a felony. Current vehicle code language is not expansive enough to cover those scenarios when the suspect is arrested and taken before a magistrate.

*Patron - Moran*

**PHB1249 Household goods carriers.** Allows household goods carriers to offer binding estimates and adds bank wire transfer and accepted credit card to the list of payment methods customers may use and household goods carriers must accept to relinquish possession of a customer's goods. Allows household goods carriers to offer rates lower than those specified in tariffs on file with the Department of Motor Vehicles and requires charges to be stated in dollars and cents rather than cents or dollars and cents per 100 pounds.

*Patron - Hugo*

**PHB1258 Tow trucks; towing and recovery operators; local-option regulations; regulation by Board for Towing and Recovery Operators; civil penalty.** Allows a mechanic's lien for "towing, storage, and recovery" in addition to the present "keeping, supporting, and care"; increases the present three-day limit for garage keepers to obtain vehicle data from the Division of Motor Vehicles and provides written

notice to the owner of the stored vehicle to a seven-day limit; raises the so-called "junk car" threshold from the present \$5,000 to \$7,500; and increases from \$25 per day to \$50 per day the amount owed for storage if a vehicle is towed, unclaimed, and sold.

The bill also revises the procedures by which towing and storage companies may seek to recover their fees and charges for towing away and storing immobilized and abandoned vehicles.

In addition, it provides that local towing regulations can be no less restrictive than those imposed by the new Board for Towing and Recovery Operators. The measure also expands localities' ability to regulate "trespass tows" by ordinance and provides that, in the event a vehicle is towed from one locality to be stored in another, the ordinances of the locality from which the vehicle was towed shall apply.

The bill also provides for the so-called "secondary tow." When a vehicle is towed as the result of a police-towing request, the owner of the towing and recovery business, upon presentation of a written request from the owner of the vehicle and payment in full for all towing, recovery, and storage charges, shall release the vehicle for the purpose of inspecting or towing the vehicle to another location for repair, storage, or disposal. As for payment, all towing and recovery businesses shall accept cash, insurance company check, certified check, money order, at least one of two commonly used, nationally recognized credit cards, or any additional methods of payment approved by the Board.

The bill also requires that signs used to provide notice that a trespassing vehicle will be towed include at least the non-emergency telephone number of the local law-enforcement agency or the telephone number of the towing and recovery business authorized to perform the tows. The bill also prohibits local requirements that towing and recovery businesses provide service as repair facilities, body shops, or filling stations. Under this measure, localities would be authorized by ordinance to require photographic evidence to justify "trespass tows," posting of signs providing notice of where towed vehicles may be reclaimed and the name and telephone number of the local consumer affairs office, and obtaining the so-called "second signature" from the property owner agent prior to tows. The bill additionally prohibits certain relationships between towing and recovery businesses and the agents of property owners from whose property trespassing vehicles are towed. The maximum allowable hookup and initial towing fee for trespass tows of passenger cars would be increased from \$85 to \$125, unless local ordinance sets a different limit, and the amount of additional fees for late night, weekend, and holiday tows would be raised from \$10 to \$25 not to exceed \$50. The bill allows local governments, by ordinance, to (i) prohibit storage charges for periods of time when owners cannot reclaim their vehicles because the towing and recovery business is closed and (ii) place caps on the charges that these businesses may impose and requires that any such limits be subject to "periodic and timely" adjustments. Local towing and advisory boards would be required to consist of an equal number of representatives of local law-enforcement agencies and representatives of towing and recovery operators, plus one "civilian" and would have to meet at least once per year at the call of the chairman, who is to be chosen annually by a majority vote of the board.

Finally the bill establishes a new Board for Towing and Recovery Operators to license and regulate the towing and recovery industry and tow truck drivers. This bill is identical to SB 134.

*Patron - Hugo*

**PHB1284 Display of local decal.** Clarifies that a locality may eliminate the local decal without violating state statute.

*Patron - Johnson*

**PHB1304 Federal Unified Carrier Registration Act of 2005.** Makes technical changes in Virginia law necessary to comply with the provisions of the federal Unified Carrier Registration Act of 2005.

*Patron - Marshall, D.W.*

**PHB1312 Laser speed determination devices.** Eliminates the requirement that law-enforcement officers permit motorists to observe the reading on the device.

*Patron - Gilbert*

**PHB1407 Certain fees charged by the Commissioner.** Increases the fees charged by the Commissioner from \$25 to \$125 for examination, verification, or identification of the serial or identification number of any vehicle, motor vehicle, trailer, or semitrailer. Also increases fee from no more than \$25 to \$125 for the examination of repaired and rebuilt vehicles. Fees collected shall be paid into a special fund used to meet the expenses of the vehicle identification number and salvage vehicle inspection programs.

*Patron - Cosgrove*

**PHB1430 Vehicle lengths; exemption.** Provides an exemption from the vehicle length limit for tractor-semitrailer combinations where the length of the semitrailer does not exceed 53 feet. Allows the Commonwealth Transportation Commissioner to restrict the operations of such tractor-semitrailer combinations from certain roads based on a safety and engineering analysis.

*Patron - Marshall, D.W.*

**PHB1546 Reckless driving.** Defines reckless driving as (i) driving a motor vehicle at a speed of 20 miles per hour or more in excess of the maximum speed limit or (ii) driving in excess of 80 miles per hour regardless of the maximum speed limit.

*Patron - Rapp*

**PSB8 Offenses relating to registration, licensing, and certificates of title; penalties.** This bill raises the penalty for using a false name or address in any application for the registration of any vehicle, for a certificate of title, or for any renewal or duplicate certificate, or knowingly making a false statement of material fact or concealing a material fact or committing a fraud in any registration application from a traffic infraction to a Class 1 misdemeanor.

*Patron - Reynolds*

**PSB53 Speed limit on I-85.** Increases the maximum speed limit on Interstate Route 85 to 70 miles per hour.

*Patron - Ruff*

**PSB89 Recording devices in motor vehicles; notification required.** Requires manufacturers of new motor vehicles equipped with a recording device and sold or leased in the Commonwealth to disclose that fact in the owner's manual for that vehicle.

*Patron - Watkins*

**PSB90 Recording devices in motor vehicles; ownership of recorded data; insurance policies; disclosure.** Defines the vehicle owner as the owner of any data recorded on a recording device installed in a motor vehicle. Recorded data may only be accessed with the vehicle owner's consent, except under the following circumstances: (i) the vehicle owner contracts with a third party subscription service that requires access to the recorded data; (ii) a licensed new motor vehicle dealer or a technician or mechanic at a motor vehicle repair or servicing facility requires access to carry out normal and ordi-

nary diagnostics, servicing, or repair duties; (iii) the recorded data is accessed by an emergency response provider in performing his duties; (iv) upon authority of a court of competent jurisdiction; or (v) the recorded data is accessed by law enforcement in the course of an investigation where there is probable cause to believe the recording device contains evidence relating to a violation of the laws of the Commonwealth of the United States and such access is otherwise constitutionally permissible. The bill prohibits insurance companies from refusing to renew a motor vehicle insurance policy solely because the motor vehicle owner refuses to provide access to recorded data from a recording device. The bill also prohibits insurance companies from several other actions affecting rates and coverage if a motor vehicle owner refuses to allow the insurer access to recorded data. All automobile manufacturers must disclose the presence of factory-installed recording devices in the owner's manual for all model year 2008 and later automobiles sold or leased in the Commonwealth. This bill is identical to HB 816.

*Patron - Watkins*

**PSB134 Tow trucks; towing and recovery operators; local-option regulations; regulation by Board for Towing and Recovery Operators; civil penalty.** Allows a mechanic's lien for "towing, storage, and recovery" in addition to the present "keeping, supporting, and care"; increases the present three-day limit for garage keepers to obtain vehicle data from the Division of Motor Vehicles and provides written notice to the owner of the stored vehicle to a seven-day limit; raises the so-called "junk car" threshold from the present \$5,000 to \$7,500; and increases from \$25 per day to \$50 per day the amount owed for storage if a vehicle is towed, unclaimed, and sold.

The bill also revises the procedures by which towing and storage companies may seek to recover their fees and charges for towing away and storing immobilized and abandoned vehicles. In addition, it provides that local towing regulations can be no less restrictive than those imposed by the new Board for Towing and Recovery Operators. The measure also expands localities' ability to regulate "trespass tows" by ordinance and provides that, in the event a vehicle is towed from one locality to be stored in another, the ordinances of the locality from which the vehicle was towed shall apply.

The bill also provides for the so-called "secondary tow." When a vehicle is towed as the result of a police-towing request, the owner of the towing and recovery business, upon presentation of a written request from the owner of the vehicle and payment in full for all towing, recovery, and storage charges, shall release the vehicle for the purpose of inspecting or towing the vehicle to another location for repair, storage, or disposal. As for payment, all towing and recovery businesses shall accept cash, insurance company check, certified check, money order, at least one of two commonly used, nationally recognized credit cards, or any additional methods of payment approved by the Board.

The bill also requires that signs used to provide notice that a trespassing vehicle will be towed include at least the non-emergency telephone number of the local law-enforcement agency or the telephone number of the towing and recovery business authorized to perform the tows. The bill also prohibits local requirements that towing and recovery businesses provide service as repair facilities, body shops, or filling stations. Under this measure, localities would be authorized by ordinance to require photographic evidence to justify "trespass tows," posting of signs providing notice of where towed vehicles may be reclaimed and the name and telephone number of the local consumer affairs office, and obtaining the so-called "second signature" from the property owner agent prior to tows. The bill additionally prohibits certain relationships between towing and recovery businesses and the agents of property owners from

whose property trespassing vehicles are towed. The maximum allowable hookup and initial towing fee for trespass tows of passenger cars would be increased from \$85 to \$125, unless local ordinance sets a different limit, and the amount of additional fees for late night, weekend, and holiday tows would be raised from \$10 to \$25 not to exceed \$50. The bill allows local governments, by ordinance, to (i) prohibit storage charges for periods of time when owners cannot reclaim their vehicles because the towing and recovery business is closed and (ii) place caps on the charges that these businesses may impose and requires that any such limits be subject to "periodic and timely" adjustments. Local towing and advisory boards would be required to consist of an equal number of representatives of local law-enforcement agencies and representatives of towing and recovery operators, plus one "civilian" and would have to meet at least once per year at the call of the chairman, who is to be chosen annually by a majority vote of the board.

Finally the bill establishes a new Board for Towing and Recovery Operators to license and regulate the towing and recovery industry and tow truck drivers. This bill is identical to HB 1258.

*Patron - O'Brien*

**SB152 Motor vehicle dealers; warranty obligations.** Clarifies that damage that occurs to a new motor vehicle following delivery is not exempted from the provisions of the statute.

*Patron - Norment*

**SB191 All-terrain vehicles and off-road motorcycles.** Requires non-dealer owners of all-terrain vehicles and off-road motorcycles powered by gasoline or diesel engines displacing more than 50 cubic centimeters and purchased as new on or after July 1, 2006, to title their vehicles with DMV.

*Patron - Williams*

**SB194 Temporary registration of vehicles.** Replaces temporary "certificates of ownership," issued by dealers, with "temporary registrations." Provision is also made for use of electronic records in connection with temporary registrations.

*Patron - Williams*

**SB282 Golf carts on public highways.** Allows the Town of Saxis to operate golf carts on public highways within its boundaries.

*Patron - Rerras*

**SB303 Vehicle licensing fees.** Allows motor vehicle renting companies to charge a "vehicle licensing fee," provided such fee is disclosed in the company's vehicle rental agreements.

*Patron - Williams*

**SB305 Vehicle classifications and endorsements; school buses.** Requires certain school bus operators to obtain a school bus endorsement.

*Patron - Williams*

**SB306 Motor vehicle dealers; bond requirements.** Increases the required bond that motor vehicle dealers must carry for their first three years of operation from \$25,000 to \$50,000.

*Patron - Williams*

**SB312 Emissions inspection program; exemption.** Exempts vehicles four years old or less from the emissions inspection program.

*Patron - Cuccinelli*

**SB378 Drive off from retail motor fuel establishment; court costs.** Requires the payment of court costs for driving off and not paying for gasoline at a retail gas station. The penalty for violation is a civil penalty. Prosecution for larceny is not precluded. This is a recommendation of the Committee on District Courts.

*Patron - McDougle*

**SB518 Special license plates; Virginia Defense Force.** Reauthorizes issuance of special license plates for members of the Virginia State Defense Force.

*Patron - Puckett*

**SB523 Vehicle lengths; exemption.** Provides an exemption from the vehicle length limit for tractor-semitrailer combinations where the length of the semitrailer does not exceed 53 feet. Allows the Commonwealth Transportation Commissioner to restrict the operations of such tractor-semitrailer combinations from certain roads based on a safety and engineering analysis.

*Patron - Newman*

**SB617 Special license plates; fees.** Authorizes issuance of special license plates for supporters of childhood cancer awareness, the United Service Organizations (USO), the National D-Day Memorial Foundation, United States troops, the National Multiple Sclerosis Society, the Boy Scouts of America, and youth soccer. The bill also authorizes issuance of special license plates for immediate family members of persons who have died in military service to their country, persons who are veterans of U.S. military operations in Afghanistan and Iraq, and 9-1-1 communications professionals. Finally, the bill authorizes issuance of special license plates honoring Robert E. Lee and special license plates bearing the legend "I VOTED."

*Patron - Mims*

**SB712 Mopeds, motorized scooters and skateboards, and motor-driven cycles.** Regulates the operation of "motorized skateboards and scooters," bans over-the-road operation of "motor-driven cycles," and differentiates these vehicles from motorcycles and mopeds.

*Patron - Marsh*

## Failed

**HB18 Safety inspections; exemption for certain trucks and vehicle combinations.** Exempts from the requirement for annual state vehicle safety inspections vehicles that have gross registered weights or gross combination weight ratings of 10,001 pounds or more, provided such vehicles display valid federal certificates of inspection.

*Patron - Lingamfelter*

**HB23 Use of dealer's license plates.** Allows dealer's license plates to be used on vehicles delivering or transporting other vehicles or parts of other vehicles. This bill also prohibits dealer license plates from being rented or leased to transport vehicles or portions of vehicles.

*Patron - Abbitt*

**HB26 Optional lights on motorcycles.** Allows motorcycles to be equipped with low-voltage, low-intensity, steady-burning lights no larger than one-half inch in diameter, provided they are not red or blue.

*Patron - Bryant*

**HB98 Motor vehicle accident investigations.** Provides that a law-enforcement officer who, in the course of duty,

investigates a motor vehicle accident shall have the authority to go upon and remain upon private property without permission of the property owner for as long as is reasonably necessary to conduct the accident investigation and, if removal of a vehicle is requested by the driver of the vehicle or the owner of the property, to provide for removal of any vehicles involved in the accident.

*Patron - Cosgrove*

**HB109 Photo-monitoring systems to enforce traffic light signals.** Allows the Counties of Arlington and Fairfax, the Cities of Alexandria, Fairfax, Falls Church, and Virginia Beach, and the Town of Vienna to establish photo-monitoring systems to enforce traffic light signals, subject to specific requirements and procedures set forth in the bill.

*Patron - Purkey*

**HB116 Nonrepairable vehicles.** Amends the definition of "nonrepairable vehicle" by providing that it is unrepairable unless the owner can repair the vehicle for less than 90 percent of the vehicle's actual cash value prior to damage.

*Patron - Albo*

**HB136 Special license plates; Fraternal Order of Police.** Authorizes the issuance of special license plates for members of the Fraternal Order of Police.

*Patron - Cosgrove*

**HB158 Passing stopped school bus; civil penalty.** Increases civil penalty for improperly passing a stopped school bus from \$250 to \$500.

*Patron - Ward*

**HB171 Disabled parking.** Eliminates the ability of localities to "opt out" of the law allowing vehicles displaying disabled parking indicia to park free for up to four hours in time-restricted or metered spaces.

*Patron - Lingamfelter*

**HB182 Reckless driving; exceeding the speed limit.** Makes it reckless driving when driving at a speed of 20 miles per hour or more in excess of the applicable maximum speed limit but maintains the "in excess of 80 miles per hour" cap, and removes the "60 miles per hour or more" requirement where the speed limit is 35 miles per hour. This bill was incorporated into HB 1546.

*Patron - McEachin*

**HB204 Television receivers in motor vehicles.** Provides that the prohibition on television receivers in motor vehicles does not extend to multifunctional devices that can display global positioning and other navigational information or information about the vehicle and its operation and can also be used to display motion pictures or similar video displays when the vehicle's gear shift is in the neutral or park position.

*Patron - Marshall, R.G.*

**HB213 Operation of entertainment equipment.** Provides that any driver or passenger shall not operate any radio, CD or tape player, or similar entertainment equipment in such a manner as to (i) impair the ability of the vehicle operator to hear sirens, bells, horns or similar warning devices; or (ii) distract other operators in the vicinity from safe and proper operation of their vehicles. This bill does not apply to lawfully organized or licensed events.

*Patron - Tata*

**HB251 Driver's licenses issued to persons convicted of driving under the influence.** Prohibits the Department of Motor Vehicles from issuing or reinstating the driver's

license of a person who has been convicted of driving under the influence or a related offense unless the person provides proof that he has in effect a motor vehicle liability insurance policy with limits of \$100,000.

*Patron - Cosgrove*

**HB263 Uninsured motor vehicle fee.** Increases the fee paid to the Commissioner of the Department of Motor Vehicles for an uninsured motor vehicle from \$500 to \$750.

*Patron - Hargrove*

**HB287 Examination of applicants for driver's licenses.** Requires that all examinations of applicants for driver's licenses be conducted exclusively in the English language. Use of interpreters in connection with driver's license examinations is prohibited.

*Patron - Marshall, D.W.*

**HB304 Charges for information supplied by the Department of Motor Vehicles.** Adds all facilities created pursuant to the Virginia Highway Corporation Act of 1988 to the list of entities that may not be charged a fee to obtain information for official use from the Department of Motor Vehicles.

*Patron - Rust*

**HB314 Assessment of fees by Department of Motor Vehicles (DMV) on certain drivers; use of fees collected.** Requires the DMV Commissioner to impose and collect fees on drivers who have accumulated more than four net driver demerit points or have been convicted of reckless driving, aggressive driving, driving on a suspended or revoked license, DUI, or any other misdemeanor involving operation of a motor vehicle. Annually, minus the cost of collection, the funds shall be deposited into the state treasury and credited to the county, city, or town where the assessed person resides according to his address on record with the Department and, in consultation with the Commonwealth Transportation Board and the General Assembly, shall be used to pay for residential and secondary road improvements. This bill was incorporated into HB 527.

*Patron - Albo*

**HB344 All-terrain vehicles and off-road motorcycles.** Requires that every owner (other than a dealer) of any all-terrain vehicle or off-road motorcycle powered by a gasoline or diesel engine of more than 50 cubic centimeters displacement that is purchased as new on or after July 1, 2006, must obtain a title to the vehicle from the Department of Motor Vehicles (DMV). On and after January 1, 2009, in order to purchase or otherwise acquire an all-terrain vehicle or off-road motorcycle, the purchaser must obtain a certificate of title from DMV. The bill provides that, for purposes of motorcycle dealers, all-terrain vehicles and off-road motorcycles will be considered motorcycles. The bill also allows children under 12 years of age to operate all-terrain vehicles and off-road motorcycles powered by engines of no more than 50 cubic centimeters displacement. Three sections of the tax code are also amended so as to avoid tax consequences flowing from titling of these vehicles. Nothing in the bill requires all-terrain vehicles or off-road motorcycles to be registered or licensed.

*Patron - Sherwood*

**HB357 Driver's license reinstatement fees.** Increases the additional fee for reinstatement of a suspended or revoked driver's license from \$40 to \$80. This additional fee is to be paid to the Trauma Center Fund.

*Patron - Hamilton*

**HB363 Overweight vehicles.** Authorizes specialized mobile equipment with permits issued under § 46.2-1149.4 to operate on interstate highways.

*Patron - Carrico*

**HB367 Contents of registration card.** Provides that vehicle registration cards shall state that the vehicle registration card and license plates shall be surrendered immediately to the Department in the event that the vehicle insurance is cancelled either by the insurer or the insured for any reason.

*Patron - Carrico*

**HB463 Passenger cars owned by local governments.** Requires that passenger cars that are owned by local governments and registered under subsection A of § 46.2-750 ("local government use" license plates) be conspicuously marked with the seal, symbol, emblem, or logotype of the county, city or town. Operation of a vehicle required to be marked with a local government seal, symbol, emblem, or logotype without such marking constitutes a traffic infraction.

*Patron - Ingram*

**HB464 Trash truck covers.** Requires that the cargo areas of all commercial vehicles used to transport solid waste, whether loaded or unloaded, be covered at all times, except when loading or unloading.

*Patron - Ingram*

**HB469 Definition of "moped" in Title 46.2.** Provides that, for the purposes of Title 46.2 (Motor Vehicles) of the Code, "moped" will mean a federal Department of Transportation approved motorized conveyance that has a seat height not less than 21 inches from the ground, on which the operator must be seated during operation; has an engine displacement of 50 cubic centimeters or less; produces a maximum of two braking horsepower or less; is capable of a maximum speed of 30 miles per hour or less; and has a valid Virginia state inspection pursuant to § 46.2-1157. This bill was incorporated into HB 366.

*Patron - Ingram*

**HB497 Special license plates; clean special fuel vehicles.** Requires that, to be eligible for clean special fuel license plates, a vehicle must produce lower emissions of oxides of nitrogen, volatile organic compounds, carbon monoxide or particulates, or any combination thereof than a comparable vehicle powered by conventional gasoline or reformulated gasoline and have a fuel economy rating of not less than 50 miles per gallon.

*Patron - Frederick*

**HB520 Vehicle registration.** Prohibits over-the-road operation of unregistered vehicles and vehicles with expired registrations.

*Patron - Armstrong*

**HB526 Titling and registration of street rods and custom vehicles.** Provides the following titling and registration guidelines for street rods and custom vehicles: (i) the year that is listed on the certificate of title shall be the model year that the body of the vehicle resembles, (ii) the vehicle will not be used for general daily transport but for certain special events, (iii) the vehicle shall meet safety inspection requirements applicable to the model year shown on the title and shall be exempt from any current safety or emissions inspection, (iv) special street rod or custom vehicle registration plates shall be issued, and (v) the presence of specific equipment is not required for the operation of a street rod or custom vehicle.

*Patron - Rust*

**HB527 Assessment of fees by Department of Motor Vehicles (DMV) on certain drivers; use of fees collected.**

Requires the DMV Commissioner to impose and collect fees on drivers who have accumulated more than four net driver demerit points or have been convicted of driving on a suspended or revoked license, reckless or aggressive driving, DUI, or any other misdemeanor or felony involving operation of a motor vehicle. Annually, the first \$35 million of these fees, minus cost of collection, will be directed to the special matching fund established by § 33.1-23.05; the next \$25 million will be directed to the Transportation Partnership Opportunity Fund; and the remainder will be directed to the Local Congestion Mitigation Incentive Fund.

*Patron - Rust*

**HB547 License plates for antique motor vehicles.**

Allows use on antique motor vehicles of black-on-white or white-on-black license plates or year tabs bearing the year numbers 1951 and 1952.

*Patron - Griffith*

**HB641 Overweight permits for coal and gravel haulers.**

Allows coal and gravel haulers to obtain, without fee, an additional gross weight extension of 6,000 pounds from the Commissioner on application therefor.

*Patron - Phillips*

**HB645 Impoundment of a motor vehicle for eluding police.**

Provides that upon the arrest of a person for disregarding a signal by a law-enforcement officer to stop, or for eluding police, his motor vehicle shall be immobilized or impounded in accordance with the provisions of § 46.2-301.1 (impoundment of motor vehicle for driving on a suspended or revoked license).

*Patron - Scott, E.T.*

**HB674 Local vehicle license fees, etc.**

Requires the DMV Commissioner to develop and implement standardized procedures and fees whereby the Commissioner, when so requested in writing by the treasurer or director of finance of any county, city, or town, will refuse to issue or renew any vehicle registration of persons who owe the locality any local vehicle license fees or delinquent tangible personal property tax or parking fines.

*Patron - Wardrup*

**HB683 Assessment of fees by Department of Motor Vehicles (DMV) on certain drivers; use of fees collected.**

Requires the DMV Commissioner to impose and collect fees on drivers who have accumulated more than four net driver demerit points or have been convicted of reckless driving, aggressive driving, driving on a suspended or revoked license, DUI, or any other misdemeanor involving operation of a motor vehicle. Annually, the first \$40 million of these fees, minus cost of collection, will be directed to the Transportation Partnership Opportunity Fund and the remainder will be directed to the Local Congestion Mitigation Incentive Fund.

*Patron - Rust*

**HB697 Motorcycles; insurance.** Prohibits purchase or sale of a motorcycle unless purchaser presents documentary proof of liability insurance.

*Patron - Hogan*

**HB715 Use of certain wireless communication devices by operators of motor vehicles; fine.**

Provides that, except in certain emergency situations, the operator of a moving motor vehicle is prohibited from using any wireless communication device unless the device is equipped for hands-free

communication and is being used as such. A driver may not be fined more than \$50 for violating this section.

*Patron - McQuigg*

**HB717 HOT lanes.** Prohibits conversion of HOV lanes designated as such prior to January 1, 2006, to HOT lanes.

*Patron - McQuigg*

**HB718 Violation-monitoring systems to enforce traffic light signals.** Allows localities in the Commonwealth to establish violation-monitoring systems to enforce traffic light signals, subject to specific requirements and procedures set forth in the bill.

*Patron - McQuigg*

**HB736 Reckless driving; exceeding the speed limit.** Makes it reckless driving when driving at a speed of 20 miles per hour or more in excess of the applicable maximum speed limit but maintains the "in excess of 80 miles per hour" cap, and removes the "60 miles per hour or more" requirement where the speed limit is 35 miles per hour. This bill was incorporated into HB 1546.

*Patron - Iaquinto*

**HB739 Driver's licenses issued to persons convicted of driving under the influence.** Prohibits the Department of Motor Vehicles from issuing or reinstating the driver's license of a person who has been convicted of driving under the influence or a related offense during the seven-year period following the conviction, unless the person provides proof that he has in effect a motor vehicle liability insurance policy with limits of \$50,000 for injury or death of one person in one accident, \$100,000 for injury or death of two or more persons in one accident, and \$40,000 for damage to property. These limits are double the minimum limits required generally for motor vehicle liability insurance policies.

*Patron - Iaquinto*

**HB762 Exceeding speed limit on Interstate 81; penalty.** Provides that any person convicted of exceeding the lawful speed limit on Interstate 81 shall be assessed a fee of \$50, which shall be forwarded to the Department of State Police to be used to defray costs of speed enforcement.

*Patron - Lohr*

**HB800 Exhaust systems.** Limits the allowable level of noise emitted from an exhaust system in a motor vehicle to 95 decibels.

*Patron - Fralin*

**HB803 Motor vehicles; administrative impoundment of motor vehicle for certain driving while license suspended or revoked offenses.** Requires the impoundment or immobilization of a motor vehicle driven by any person arrested for a second or subsequent offense of driving on a suspended or revoked license or driving without a license.

*Patron - Fralin*

**HB825 Speed limits in residence districts.** Provides for speed limits less than 25 miles per hour in residence districts whose streets do not conform to VDOT's 16-foot width criterion. The actual speed limit will be based on a tiered system, developed by VDOT, linking the maximum speed limit to the width of the street. All such maximum speed limits of less than 25 miles per hour must be indicated by conspicuously posted signs.

*Patron - May*

**HB826 "Photo-toll" enforcement; civil penalty.** Authorizes agreements between the DMV Commissioner and toll facility operators whereby persons who fail to pay tolls and penalties associated with failure to pay tolls will have their vehicles' license plates and registrations suspended. This bill was incorporated into HB 1000.

*Patron - May*

**HB928 Special license plates; members of the Virginia General Assembly.** Provides that any license plate issued to any member of the Virginia House of Delegates or the Virginia Senate shall be the same as the member's district number.

*Patron - Landes*

**HB961 Photo-monitoring systems to enforce traffic light signals.** Allows the Counties of Arlington and Fairfax, the Cities of Alexandria, Fairfax, Falls Church, and Virginia Beach, and the Town of Vienna to establish photo-monitoring systems to enforce traffic light signals, subject to specific requirements and procedures set forth in the bill.

*Patron - Bulova*

**HB1029 Definition of "motor vehicle dealer."** Amends the definition of "motor vehicle dealer" to exclude dealers who solely sell and distribute fire-fighting equipment and ambulances.

*Patron - Hurt*

**HB1063 Applications for driver's licenses, commercial driver's licenses, and special identification cards.** Allows use of adoption decrees instead of birth certificates in connection with applications for driver's licenses, commercial driver's licenses, and special identification cards.

*Patron - Watts*

**HB1117 Optional additional penalty for certain motor vehicle violations.** Provides that anybody convicted of a violation of any provision of Article 2 (Right-of-Way) of Chapter 8 or § 46.2-805 (lane direction control signals), 46.2-808 (prohibited vehicles on controlled access highways), 46.2-830 (drivers to obey signs), 46.2-835 (right turn on red), 46.2-836 (left turn on red), or 46.2-852 (reckless driving), if any such violation resulted in the death of another person or any injury involving permanent and significant physical impairment, may be sentenced to 10 to 40 hours of speaking before driver education classes or motorcycle rider safety training participants.

*Patron - Athey*

**HB1120 Radar detectors.** Repeals the prohibition on use of radar detectors.

*Patron - May*

**HB1164 Maximum speed limits generally.** Reduces the maximum speed limit on any Virginia public highway from 65 miles per hour to 60 miles per hour.

*Patron - Eisenberg*

**HB1202 Vehicle window tinting.** Allows vehicles operated by or regularly used to transport any person with a medical condition that renders him susceptible to harm or injury from exposure to sunlight or bright artificial light to be equipped with sun-shading or tinting films or applications that reduce the transmission of light into the vehicle to levels deemed necessary by a licensed physician or licensed optometrist. This bill was incorporated into HB 405.

*Patron - Moran*

**HB1209 Safety belt systems; penalty.** Makes safety belt violations primary offenses.

*Patron - Moran*

**HB1211 Stopping for pedestrians.** Amends the statute that presently requires motorists to yield the right-of-way to pedestrians to require that motorists stop for pedestrians.

*Patron - Moran*

**HB1216 Department of Motor Vehicles (DMV) driver records.** Limits accident data contained in driver record abstracts released by DMV to insurance carriers, sureties, or representatives of insurance carriers or sureties to accidents in which the driver is found to be at fault or guilty of violating any law relating to the operation or ownership of a motor vehicle.

*Patron - Barlow*

**HB1286 Criminal background checks for licensure of taxicab operators.** Authorizes localities by ordinance to require that applicants for licensure as taxicab operators be fingerprinted and submit to a criminal background check through the Federal Bureau of Investigation as authorized by federal law. Such ordinance may provide for the imposition of a fee on applicants for licensure to cover the costs of fingerprinting and criminal background checks.

*Patron - Oder*

**HB1289 Prepayment of fines for violations of speed limits.** Increases the fine for speeding on highway from \$5 per mile-per-hour over the speed limit to \$10 per mile-per-hour.

*Patron - Saxman*

**HB1334 Impoundment of a motor vehicle for eluding police.** Provides that upon the arrest of a person for a felony violation of disregarding a signal by a law-enforcement officer to stop, or for eluding police, his motor vehicle shall be immobilized or impounded.

*Patron - Bell*

**HB1343 Copies of driver's licenses, etc.** Requires that copies of driver's licenses, temporary driver's permits, learner's permits, and special identification cards that are made in connection with any transaction must be returned when the transaction is completed.

*Patron - Bell*

**HB1357 Liquidated damages for overweight violations.** Provides that liquidated damages for overweight violations will be paid to the locality if the violator was cited for violation of a local ordinance.

*Patron - Bell*

**HB1400 Motorcycles; wearing of helmets; penalty.** Limits the application of the "motor cycle helmet law" to operators and passengers who are less than 21 years old.

*Patron - Janis*

**HB1453 Motor vehicle safety belts.** Makes the requirement to wear a safety belt applicable to all motor vehicle occupants and makes failure to wear a motor vehicle safety belt a "primary offense." It also exempts certain law-enforcement officers, persons in their custody, drivers of and passengers in taxicabs, and persons traveling in vehicles while engaged in providing emergency medical care or first aid from the requirement to wear safety belts. The bill provides that a law-enforcement officer may not search or inspect a motor vehicle, its contents, or its occupants solely because of a safety

belt violation. Finally, it provides for the allocation of any federal funds that might become available as a consequence of passage of the bill.

*Patron - Rust*

**HB1456 Display of license plates.** Removes the requirement of the license plate on the front of a motor vehicle.

*Patron - Cole*

**HB1492 Driving commercial motor vehicle while intoxicated; penalty.** Provides penalty for driving commercial motor vehicle while intoxicated; subsequent offense; prior conviction.

*Patron - Valentine*

**HB1494 Provisional driver's licenses; restriction on using cellular phones and wireless devices.** Places a restriction on persons with provisional driver's license from using a cellular phone or other wireless device while driving on the highways of the Commonwealth.

*Patron - Miller*

**HB1503 Special conservators of the peace; flashing lights.** Authorizes special conservators of the peace to use flashing blue lights in their vehicles, like other law-enforcement vehicles. The law currently allows special conservators of the peace to use flashing red lights.

*Patron - Lingamfelter*

**HB1576 Buses used to provide transit service under the National Rural Transit Assistance Program; penalties.** Allows buses used to provide transit service under the National Rural Transit Assistance Program to be equipped with warning lights that are to be activated when the bus stops to take on or discharge passengers. Motorists are required to stop for such buses as though they were school buses.

*Patron - Lewis*

**HB1614 Vehicle registration fees.** Increases vehicle registration fees and dedicates the proceeds to transportation purposes.

*Patron - Jones, D.C.*

**SB1 Special license plates for immediate family members of certain persons who have died in military service; fees.** Authorizes the issuance of special license plates to members of the immediate family of a member of the armed forces of the United States who lost his or her life while engaged in certain military service. Each such set of license plates, in addition to the prescribed cost of state license plates, is subject to a one-time fee of \$10. Prepaid order minimums do not apply to these plates. This bill was incorporated into SB 617.

*Patron - Puller*

**SB5 Definition of "motor vehicle dealer."** Amends the definition of "motor vehicle dealer" to exclude dealers who solely sell and distribute fire-fighting equipment and ambulances.

*Patron - Reynolds*

**SB16 Handheld mobile telephones.** Prohibits the use of handheld mobile telephones by operators of motor vehicles while the vehicles are in motion. Exceptions are made for emergencies and use of mobile telephones by law-enforcement and emergency service personnel. The bill does not become effective until August 1, 2006, but provides for warnings during July 2006. The bill also requires a study by the Department of Motor Vehicles on the impact of mobile telephones on traf-

fic safety and collection of related data by VCU's Crash Investigation Team.

*Patron - Marsh*

**SB43 Special license plates; supporters of youth soccer.** Authorizes the issuance of special license plates for supporters of youth soccer. This bill was incorporated into SB 617.

*Patron - Puller*

**SB50 Special license plates; Robert E. Lee.** Authorizes the Commissioner of the Department of Motor Vehicles to issue special license plates honoring Robert E. Lee. This bill was incorporated into SB 617.

*Patron - Ruff*

**SB125 Motor vehicle keys.** Requires, on and after January 1, 2007, that manufacturers of motor vehicles manufactured for the 2007 model year or any subsequent model year provide a means whereby the owners, lessees, and representatives of owners and lessees of such motor vehicles may obtain all information required to permit the reproduction of any key required to operate the owner's or lessee's vehicle. Such information must be accessible 24 hours a day and seven days a week.

*Patron - O'Brien*

**SB128 Special license plates bearing the legend I VOTED.** Authorizes the issuance of special license plates bearing the legend I VOTED to election officials and volunteer election workers with at least five years of service. This bill was incorporated into SB 617.

*Patron - O'Brien*

**SB133 Third offense driving on a suspended license; penalty.** Makes the third or subsequent offense of driving on a suspended license within a 10-year period a Class 6 felony with a mandatory minimum term of confinement of one year and a mandatory two-year license suspension. It is currently a Class 1 misdemeanor. This bill was incorporated into SB 392.

*Patron - O'Brien*

**SB137 Provisional driver's licenses; use of wireless telecommunications devices.** Prohibits persons under the age of 18 from using any cellular telephone or any other wireless telecommunications device, regardless of whether such device is or is not hand-held, while driving. The bill also makes a violation of this provision a primary offense.

*Patron - O'Brien*

**SB180 Proof of legal presence in the United States.** Provides that a valid, unexpired driver's license from any other state in the United States shall be deemed proof of legal presence in the United States.

*Patron - Locke*

**SB212 Motor vehicle operating in emergency situations.** Allows vehicles authorized by § 46.2-1024 to be equipped with red or red and white warning lights (vehicles owned by members of fire departments, volunteer fire companies, or volunteer rescue squads; ambulance drivers employed by privately owned ambulance services; and police chaplains) to also be equipped with sirens, exhaust whistles, and air horns. The bill also allows these vehicles to ignore certain traffic laws in emergency situations, subject to the same limitations as police vehicles, ambulances, and fire apparatus.

*Patron - Edwards*

**SB233 Stopping for pedestrians; penalty.** Requires the driver of any vehicle traveling at a maximum speed of 35 mph to stop for pedestrians crossing the highway or street at any clearly marked crosswalk.

*Patron - Ticer*

**SB245 Regulation of parking by certain counties or towns.** Allows certain counties or towns to regulate or prohibit overnight parking of certain vehicles on any public highway in any residence district.

*Patron - Ticer*

**SB293 Motor vehicle mufflers.** Prohibits modification of motor vehicle exhaust systems to the extent that the exhaust systems produce more than 95 decibels of noise as measured by the Society of Automotive Engineers Standard J1169. For the purposes of this bill, motorcycles are not to be deemed motor vehicles.

*Patron - Cuccinelli*

**SB308 Crimes; failing to pay for motor fuel; penalty.** Creates a rebuttable presumption that the registered owner or lessee of the vehicle was the person who failed to pay for the motor fuel. The bill also allows for the summons for a violation of the section to be executed by mailing a copy of the summons by first-class mail. This bill was incorporated into SB 378.

*Patron - Williams*

**SB453 Photo-monitoring systems to enforce traffic light signals.** Allows the Counties of Arlington, Fairfax, and Loudoun, the Cities of Alexandria, Fairfax, Falls Church, and Virginia Beach, and the Town of Vienna to establish photo-monitoring systems to enforce traffic light signals, subject to specific requirements and procedures set forth in the bill.

*Patron - Devolites Davis*

**SB516 Motor vehicle operating in emergency situations.** Allows vehicles authorized by § 46.2-1024 to be equipped with red or red and white warning lights (vehicles owned by members of fire departments, volunteer fire companies, or volunteer rescue squads; ambulance drivers employed by privately owned ambulance services; and police chaplains) to also be equipped with sirens, exhaust whistles, and air horns. The bill also allows these vehicles to ignore certain traffic laws in emergency situations, subject to the same limitations as police vehicles, ambulances, and fire apparatus.

*Patron - Puckett*

**SB533 Provisional driver's licenses; restriction on using cellular phones and wireless devices.** Places a restriction on persons with a provisional driver's license from using a cellular phone or other wireless device while driving on the highways of the Commonwealth. The bill also removes a subsection that makes offenses in the rest of the section secondary offenses, which would make all offenses in this section primary offenses.

*Patron - O'Brien*

**SB723 Vehicle registration fees.** Increases vehicle registration fees and dedicates the proceeds to transportation purposes. This bill was incorporated into SB 708.

*Patron - Houck*

## Carried Over

**HB52 Special license plates; REPUBLIC OF VIETNAM.** Authorizes the Commissioner of DMV to issue special license plates to supporters of the REPUBLIC OF VIETNAM.

*Patron - Marshall, R.G.*



**☐HB53 Special license plates; professional auto racing.** Authorizes the issuance of special license plates bearing the legend PROFESSIONAL AUTO RACING and the number 3.

*Patron - Marshall, R.G.*

**☐HB72 Special license plates; supporters of United States troops; fees.** Authorizes the issuance of revenue-sharing special license plates to supporters of United States troops. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other nonrevenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 will go to the United Service Organizations to support its programs and activities in Virginia and the remaining \$10 will go to the Department of Motor Vehicles.

*Patron - Orrock*

**☐HB160 Motor vehicle keys.** Requires, on and after January 1, 2007, that manufacturers of motor vehicles manufactured for the 2007 model year or any subsequent model year provide a means whereby the owners, lessees, and representatives of owners and lessees of such motor vehicles may obtain all information required to permit the reproduction of any key required to operate the owner's or lessee's vehicle. Such information must be accessible 24 hours a day and seven days a week.

*Patron - Purkey*

**☐HB196 Special license plates; residents and supporters of the community of Bay Creek in Northampton County.** Authorizes the issuance of special license plates for residents and supporters of the community of Bay Creek in Northampton County.

*Patron - Lewis*

**☐HB233 Use of certain wireless communication devices by operators of motor vehicles; fine.** Provides that, except in certain emergency situations, the operator of a moving motor vehicle is prohibited from using any wireless communication device unless the device is equipped for hands-free communication and is being used in that manner. A driver may not be fined more than \$50 for violating this section and no driver demerit points would be assessed.

*Patron - Jones, D.C.*

**☐HB264 Motor vehicle liability insurance coverage limits.** Increases the minimum liability coverage amounts from \$25,000 to \$50,000 because of bodily injury to or death of one person in any one accident and, subject to the limit for one person, \$50,000 to \$100,000 because of bodily injury to or death of two or more persons in any one accident, and \$20,000 to \$50,000 because of injury to or destruction of property of others in any one accident.

*Patron - Hargrove*

**☐HB280 Licensure of motorcycle drivers.** Makes passage of a motorcycle rider training course certified by the Motorcycle Safety Foundation a prerequisite for licensure to operate a motorcycle.

*Patron - BaCote*

**☐HB284 Vehicles between 80,001 and 105,000 pounds.** Sets the registration fee for vehicles between 80,001 and 105,000 pounds at \$39.40 for one year, and requires the Commonwealth Transportation Commissioner by regulation to supplement the provisions of § 46.2-1126 to establish gross weight and axle-spacing requirements for vehicles up to 105,000 pounds.

*Patron - Marshall, D.W.*

**☐HB288 Antique motor vehicles.** Corrects erroneous references to certain years for which metal tabs can be displayed on certain antique vehicles. The bill also limits use of antique vehicles to non-work-related travel and reduces the occasional pleasure-driving limit from 250 miles to 50 miles from the owner's residence. There are other technical amendments as well.

*Patron - Marshall, D.W.*

**☐HB335 Special license plates; veterans of U.S. military operations since September 11, 2001, in Afghanistan and Iraq.** Authorizes issuance of special license plates for veterans of U.S. military operations since September 11, 2001, in Afghanistan and Iraq.

*Patron - Orrock*

**☐HB405 Vehicle window tinting.** Allows vehicles operated by or regularly used to transport any person with a medical condition that renders him susceptible to harm or injury from exposure to sunlight or bright artificial light to be equipped with sun-shading or tinting films or applications that reduce the transmission of light into the vehicle to levels deemed necessary by a licensed physician or licensed optometrist.

*Patron - Callahan*

**☐HB498 Special license plates; retired members of the U.S. Navy and Coast Guard; retired members of the armed forces of the United States.** Authorizes issuance of special license plates to retired members of the U.S. Navy and Coast Guard and provides that no fee shall be charged for the issuance of special license plates to retired members of any of the armed forces of the United States.

*Patron - Frederick*

**☐HB499 Special license plates; civilian employees of the Department of the Army.** Allows civilian employees of the Department of the Army to be issued special license plates whose design incorporates a symbol of the U.S. Army.

*Patron - Frederick*

**☐HB551 Motor vehicle dealers; transfer of dealerships.** Affords the buyer of a motor vehicle dealership the ability to contest the failure of a manufacturer to approve transfer of the dealership.

*Patron - Saxman*

**☐HB605 Special license plates; spouses and parents of certain deceased military veterans.** Authorizes the DMV Commissioner to issue special license plates to the spouses and parents of military veterans who have been killed while on active duty and engaged in the performance of their official duties.

*Patron - Amundson*

**☐HB611 Special license plates; National Multiple Sclerosis Society.** Authorizes the issuance of revenue-sharing special license plates for supporters of the National Multiple Sclerosis Society.

*Patron - O'Bannon*

**☐HB642 Special license plates; Boy Scouts of America.** Authorizes the issuance of special license plates for supporters of the Boy Scouts of America.

*Patron - Phillips*

**☐HB805 Littering from a motor vehicle; penalty.** Adds cigarette remnants as litter.

*Patron - Fralin*

**HB891 Recording devices in motor vehicles; ownership of data.** Deems data that is recorded on a device that records or transmits performance or operation information about the vehicle to be personal property of the owner of the motor vehicle and deems that such data may not be downloaded or otherwise retrieved by a person other than the owner, except (i) with the consent of the owner or (ii) in response to an order of a court of competent jurisdiction.

*Patron - Gear*

**HB920 Special license plates; childhood cancer awareness.** Authorizes the issuance of special license plates to supporters of childhood cancer awareness.

*Patron - Landes*

**HB970 Special license plates; members of the Del Ray Citizens Association.** Authorizes the issuance of special license plates to members of the Del Ray Citizens Association.

*Patron - Ebbin*

**HB990 Special license plates; U.S. armed forces.** Authorizes issuance of special license plates for all branches of the armed forces of the United States. These plates would not be subject to minimum prepaid order requirements.

*Patron - Shannon*

**HB1246 Driver's licenses.** Requires all first-time applicants for Virginia driver's licenses to prove that they have successfully completed either a driver education program approved by the State Department of Education or a course offered by a licensed driver training school.

*Patron - Hugo*

**HB1388 Special license plates; Support Our Troops.** Authorizes the issuance of revenue-sharing special license plates bearing the legend: SUPPORT OUR TROOPS.

*Patron - Cox*

**HB1392 Special license plates; 9-1-1 communications professionals.** Authorizes the issuance of special license plates for supporters of 9-1-1 communications professionals.

*Patron - Cosgrove*

**HB1410 Special license plates; purple heart.** Provides for issuance of purple heart special license plates free of charge to persons who are members in good standing of the Department of Virginia Military Order of the Purple Heart.

*Patron - Wright*

**HB1512 Definition of "disabled veteran" for purposes of Title 46.2 (Motor Vehicles).** Provides that, for purposes of Title 46.2 (Motor Vehicles), a veteran will be considered a "disabled veteran" if he is certified as being at least 50 percent disabled by the U.S. Veterans Administration.

*Patron - Plum*

**HB1586 Operation of motor vehicles by persons unable to establish legal presence; Certificate for Driving.** Allows persons unable to establish legal presence in the United States who would be eligible for a Virginia driver's license to obtain a Certificate for Driving to be used for driving purposes only.

*Patron - Ebbin*

**SB24 Motor medics pilot program.** Creates a motor medics pilot program in the South Hampton Roads area including the Cities of Suffolk, Portsmouth, Chesapeake, and Norfolk. The program implements the use of motorcycles as a type of emergency medical services vehicle with the objective of

reducing response time of emergency medical services personnel to emergencies.

*Patron - Lucas*

**SB153 Pre-purchase inspection notification.** Provides that dealers shall notify the buyer in writing of the buyer's right to request a pre-purchase inspection. The bill also provides that the notification of the pre-purchase inspection option deems the buyer informed as to the condition of the vehicle and conclusive proof that the dealer did not refuse to allow an inspection.

*Patron - Norment*

**SB243 Vehicle registration fees; additional fee to support the Virginia Land Conservation Fund.** Provides that, on and after January 1, 2008, an additional fee of \$1 per year will be imposed on motor vehicle registrations, with the proceeds to be used to support the Virginia Land Conservation Fund.

*Patron - Ticer*

**SB256 Motor vehicle dealers; transfer of dealerships.** Affords the buyer of a motor vehicle dealership the ability to contest the failure of a manufacturer to approve transfer of the dealership.

*Patron - Wagner*

**SB332 Traffic offenses; additional penalties.** Provides that a judge may require persons convicted of certain traffic offenses that resulted in death or permanent and significant physical impairment to speak for up to 40 hours before driver education classes in the Commonwealth, in addition to any other penalties. The Department of Education will administer the program except for motorcycle offenses, which will be administered by the Department of Motor Vehicles. A person who unreasonably fails to complete the hours ordered is guilty of a Class 1 misdemeanor with a mandatory minimum 30 days in jail and \$500 fine and will have his driver's license suspended for one year with no eligibility for a restricted license. The offenses included are: right of way violations, lane direction control signals violations, certain uses of controlled access highways, failure to obey lawfully erected signs, illegal right or left turn on steady red after stopping, and reckless driving.

*Patron - Obenshain*

**SB347 Emergency lights on motorcycles used by law enforcement.** Authorizes motorcycles used by law enforcement in the course of official duties to be equipped with an emergency headlight with a built-in strobe light, approved by the federal Department of Transportation, to be used during emergency operations.

*Patron - Obenshain*

**SB392 Third offense driving on a suspended license; penalty.** Makes the third or subsequent offense of driving on a revoked license a Class 6 felony. Driving on a suspended license remains a Class 1 misdemeanor.

*Patron - Stolle*

**SB452 Approaching certain stationary vehicles on highways; penalties.** Adds State Police motorist assistance vehicles and VDOT Freeway Incident Response Team (FIRT) vehicles to the list of vehicles to which approaching traffic must yield the right-of-way by changing lanes.

*Patron - Devolites Davis*

## Pensions, Benefits and Retirement

### Passed

**HB37 Retirement benefits; local emergency medical technicians.** Adds local emergency medical technicians to the list of local employees for whom localities may provide retirement benefits equivalent to those provided to State Police officers.

*Patron - Tata*

**HB59 Health insurance credits for retired state employees.** Increases the monthly cap for health insurance credits provided to retired state employees by eliminating the cap on the number of years of service used to compute the credit. The bill is contingent on funding in the appropriation act.

*Patron - Putney*

**HB406 Virginia Retirement System; purchase of prior service credit.** Permits any member of the Virginia Retirement System to purchase prior service credit for creditable service at a private institution of higher education if the private institution is merged with a public institution of higher education and graduates of the private institution are then issued new degrees from the public institution.

*Patron - Callahan*

**HB419 Retirement; mandatory cash-outs.** Provides that if a member does not elect a direct rollover or direct payment of a mandatory cash-out greater than \$1,000, the Board of the Virginia Retirement System shall pay the cash-out amount in a direct rollover to an individual retirement plan designated by the Board.

*Patron - Putney*

**HB420 Health insurance credits.** Clarifies those employees who are eligible for a health insurance credit if the local government they retire from does not provide the credit.

*Patron - Putney*

**HB452 Virginia Retirement System; transfer of accumulated contributions.** Allows a member who has a Virginia Retirement System (VRS) member contribution account and who becomes covered under a VRS Optional Retirement Plan to transfer his accumulated contributions to the optional retirement plan.

*Patron - Tata*

**HB453 Virginia Retirement System; optional life insurance.** Makes a technical amendment to provide that the maximum amount of optional life insurance coverage that can be continued upon retirement shall be reviewed by the VRS actuary at least once every five calendar years.

*Patron - Tata*

**HB454 Retirement benefits; suspension of payments.** Provides that reemployment in a covered position for retirement purposes shall not result in the suspension of benefit payments in cases where the benefits are pursuant to an optional retirement plan and the benefit is being paid in an annuity form under a lifetime annuity contract.

*Patron - Tata*

**HB455 Life insurance for employees.** Makes a technical correction that clarifies the date when reductions in life insurance coverage begin to phase-in.

*Patron - Tata*

**HB459 Virginia Retirement System's sickness and disability program.** Clarifies that a member who is applying for disability benefits must also apply for other available benefit programs when directed to do so by the plan administrator.

*Patron - Ingram*

**HB460 Virginia Retirement System's sickness and disability program; reporting requirements of certain insurers.** Clarifies the information that insurers and administrators of the sickness and disability program must submit to the Virginia Retirement System.

*Patron - Ingram*

**HB461 Virginia Retirement System; sickness and disability program.** Clarifies the maximum period for which an employee may receive short-term disability benefits.

*Patron - Ingram*

**HB462 Virginia sickness and disability program.** Provides that employees approved for disability benefits on or after age 60 shall be eligible for up to a maximum of five years of disability before having to retire under a service retirement.

*Patron - Ingram*

**HB468 Virginia Retirement System; sickness and disability program.** Clarifies that an employee receiving disability benefits under the Virginia Sickness and Disability Program must apply for Social Security benefits, including reapplying and appealing any denials, if requested to do so by the administrator of the plan.

*Patron - Ingram*

**HB473 Virginia Retirement System; local retirement plans not participating in the Virginia Retirement System.** Deletes the requirement that the Virginia Retirement System determine if the retirement plans of localities not participating in the Virginia Retirement System are fulfilling the statutory requirement of providing a service retirement allowance to each employee who retires at age 65 or older that equals or exceeds two-thirds of the service retirement allowance to which the employee would have been entitled had the allowance been computed under the provisions of the Virginia Retirement System.

*Patron - Ingram*

**HB957 Virginia Retirement System; vesting requirements.** Clarifies the vesting requirements of public safety officers.

*Patron - Joannou*

**HB958 Virginia Retirement System; annual reports.** Specifies December 31 as the date for the Virginia Retirement System to submit its annual reports for the deferred compensation plan and benefit restoration plans.

*Patron - Joannou*

**HB1313 Virginia Retirement System; certain Fairfax County employees.** Provides certain retirement benefits for Fairfax County employees who were transferred from their employment with the Commonwealth to Fairfax County in 1995.

*Patron - Amundson*

**PSB99 Virginia Retirement System; teaching in critical shortage positions.** Allows persons who retired as other than a teacher to teach in a critical shortage position while continuing to receive a retirement allowance, provided the person becomes licensed by the Board of Education to serve as a local school board instructional or administrative employee. Under current law, only those retired persons who served as teachers are eligible to teach in critical shortage positions while continuing to receive a retirement allowance.

*Patron - Blevins*

**PSB115 Virginia Retirement System; benefit restoration plans.** Authorizes localities that provide supplemental benefits to employees covered by the Virginia Retirement System to establish benefit restoration plans.

*Patron - Stosch*

**PSB364 Workforce Transition Act (WTA).** Provides that certain appointees shall be covered under the Act regardless of years of service prior to appointment. Under the bill every gubernatorial appointees and other appointees who is eligible for benefits under the Act must annually sign a statement providing that such person has read and understands the benefits for which he is eligible under the Act. The Secretary for the Commonwealth would retain the statements in its records. The bill also restricts severance benefits for state employees to those specifically provided by law except officers or faculty of public institutions of higher education and a state officer or employee not eligible for transitional severance benefits under the WTA. Finally, the bill provides that it shall not be construed to prohibit payments for settlement of an employment dispute or payments in satisfaction of a judgment.

*Patron - Wampler*

**PSB536 Virginia Retirement System; cash match plan for state employees.** Clarifies that the participating employer pays the administrative fees.

*Patron - Hawkins*

## Failed

**FHB3 Health insurance credit for retired teachers.** Increases the health insurance credit for retired teachers to \$4 per month for each year of creditable service with no monthly cap. Under current law, retired teachers with 15 or more years of service are allowed a health insurance credit of \$2.50 per month for each year of creditable service with a cap of \$75 per month. This bill incorporates HB 35.

*Patron - Shuler*

**FHB4 Virginia Retirement System; average final compensation retirement multiplier for teachers.** Increases from 1.7 to 2.0 the average final compensation retirement multiplier for teachers with 10 or more years of creditable service earned as a teacher. The bill applies to teachers first retiring on or after July 1, 2006.

*Patron - Shuler*

**FHB10 Virginia Retirement System; prior service credit.** Provides that a member of the Virginia Retirement System who is in service may purchase up to four years of service credit for service as a teacher or administrator with an Overseas American-Sponsored Elementary and Secondary School Assisted by the U.S. Department of State.

*Patron - Wright*

**FHB35 Health insurance credits; teachers.** Increases the monthly health insurance credit to retired teachers from \$2.50 to \$4 for each full year of the retired member's creditable

service. The bill is applicable to current and future retirees and is effective July 1, 2006.

*Patron - Tata*

**FHB60 Law-Enforcement Officers Retirement System; emergency medical technicians.** Adds full-time salaried emergency medical technicians to the list of those who may receive benefits equivalent to those provided under the State Police Officers' Retirement System.

*Patron - Albo*

**FHB82 Virginia Law Officers' Retirement System (VaLORS).** Adds juvenile probation and parole officers as members of VaLORS.

*Patron - Spruill*

**FHB89 Virginia Retirement System; benefits.** Increases monthly retirement benefits of certain future retirees by increasing the percentage of average final compensation multiplied by the amount of creditable service from 1.7 to 2.0 for years of service in excess of 25 years for most state employees, and from 2.0 to 2.3 for certain state law-enforcement officers.

*Patron - Callahan*

**FHB103 Virginia Retirement System; purchase of prior service credit.** Clarifies that National Guard service is one of the types of prior military service that can be purchased and removes the requirement that military service must be active duty in order to be purchased.

*Patron - Lewis*

**FHB333 Virginia Retirement System; employer contribution rates.** Requires the Virginia Retirement System to perform long-term planning strategies to avoid sudden, significant increases in employer contribution rates.

*Patron - Toscano*

**FHB369 Retirement; state employees, state police and law-enforcement officers, and certain local law-enforcement officers.** Modifies the retirement benefits of non-law-enforcement state employees by increasing from 1.7 percent to 2.0 percent the percentage of average final compensation multiplied by the years of creditable service and modifies the retirement benefits of state police and law-enforcement officers and certain local law-enforcement officers by (i) increasing from 1.7 percent to 2.7 percent the percentage of average final compensation multiplied by the years of creditable service in such positions, and by deleting the supplemental allowance currently paid to members upon retirement until their Social Security retirement age, and (ii) deleting the minimum age requirement for members with 25 or more years of service.

*Patron - Carrico*

**FHB430 Virginia Law Officers' Retirement System; membership.** Adds probation and parole officers employed by the Department of Juvenile Justice to membership in the Virginia Law Officers' Retirement System.

*Patron - Griffith*

**FHB431 Virginia Retirement System; benefits.** Increases monthly retirement benefits of future retirees by increasing the percentage of average final compensation multiplied by the amount of creditable service according to the years of service as follows:

| Years of Creditable Service | Percentage of Average Final Compensation |
|-----------------------------|--|
| Less than 25                | 1.70 percent                             |
| 25 or more but less than 30 | 1.80 percent                             |
| 30 or more but less than 35 | 1.90 percent                             |
| 35 or more but less than 40 | 2.0 percent                              |
| 40 or more                  | 3.0 percent                              |

Under current law the percentage multiplier is 1.70 percent regardless of years of service. The bill provides a higher percentage multiplier to certain members of the Virginia Law Officers' Retirement System who already have a multiplier of 2.0 percent under current law.

*Patron - Griffith*

**FHB451 Virginia Retirement System; forfeiture of eligibility.** Clarifies the process when a member who is terminated because of dishonesty, malfeasance, or misfeasance forfeits his eligibility for retirement benefits.

*Patron - Tata*

**FHB467 Virginia Retirement System; membership.** Adds to the membership of the Virginia Retirement System all full-time employees of the Virginia Municipal League and the Virginia Association of Counties.

*Patron - Ingram*

**FHB471 Retirement; state and local law-enforcement officers.** Modifies the retirement benefits of state and local law-enforcement officers by (i) increasing from 1.7 percent to 2.5 percent the percentage of average final compensation multiplied by the years of creditable service in such positions, and by deleting the supplemental allowance currently paid to members upon retirement until their Social Security retirement age; and (ii) deleting the minimum age requirement for retirement for members with 25 or more years of service.

*Patron - Cosgrove*

**FHB502 State retiree health benefits program; judges.** Permits a judge to participate in the state retiree health benefits program if he elects to do so within 31 days of the date of his retirement, without regard to the date of his termination of employment with the Commonwealth.

*Patron - Armstrong*

**FHB508 Virginia Retirement System; state employees.** Prohibits reduction in the net retirement benefit paid to any current or future retired state employee by any increase in health insurance premiums unless such increase results from the selection of expanded coverage by the retiree.

*Patron - Armstrong*

**FHB595 Virginia Retirement System; prior service credit.** Provides that a member of the Virginia Retirement System who is in service may purchase up to four years of service credit for service on the staff of a Center for Independent Living located within the Commonwealth.

*Patron - McClellan*

**FHB1281 Local law-enforcement employees' retirement benefits; juvenile detention employees.** Adds local employees of juvenile detention facilities who provide direct care to detainees to the group of local employees eligible for

retirement benefits equivalent to the benefits provided to State Police officers.

*Patron - Johnson*

**FHB1331 Virginia Retirement System; defined contribution plan.** Creates a new defined contribution plan for all employees who enter on or after July 1, 2006, into any position covered by any retirement plan administered by the Virginia Retirement System. The employee has 90 days after entering into such a position to elect to participate in the defined contribution plan or the retirement plan for which he is otherwise eligible.

*Patron - Bell*

**FHB1362 Virginia Retirement System; E-911 employees.** Adds local employees operating an E-911 system to the list of local law-enforcement employees eligible for retirement benefits equivalent to those provided to State Police officers.

*Patron - Bell*

**FHB1433 Virginia Law Officers' Retirement System.** Provides that the supplemental allowance currently paid to certain members upon retirement until age 65 shall instead be paid until Social Security retirement age.

*Patron - Barlow*

**FHB1556 Virginia Retirement System; creditable service.** Permits an active member to purchase creditable service for part-time service with a covered employer that occurs in addition to and simultaneously with the employee's full-time covered service. To be credited with the service the employee must pay an actuarial equivalent cost.

*Patron - Bell*

**FSB158 Virginia Sickness and Disability Program; judges.** Adds, as eligible employees under the Program, justices and judges of the Virginia judiciary, members of the State Corporation Commission, and members of the Virginia Workers' Compensation Commission.

*Patron - Norment*

**FSB175 Virginia Retirement System; retirement allowances.** Increases the retirement allowances for future state and local retirees of the Virginia Retirement System (VRS), Law Enforcement Officers' Retirement System (LEOs), State Police Officers' Retirement System (SPORS), and the Virginia Law Officers' Retirement System (VaLORS) by gradually increasing, over a six-year period, the percentage of average final compensation that is multiplied by the amount of creditable service (i) from two percent to 2.3 percent for certain members of the Virginia Law Officers' Retirement System who are not eligible for the supplemental allowance and (ii) from 1.7 percent to two percent for all other such state and local employees. The bill also increases by three percent (phased in over a six-year period) the annual retirement allowance of current retirees of VRS, LEOs, SPORS, and VaLORS. This bill was incorporated into SB 393.

*Patron - Wampler*

**FSB237 Virginia Law Officers' Retirement System (VaLORS).** Adds juvenile probation and parole officers as members of VaLORS.

*Patron - Ticer*

**FSB393 Retirement; benefits for certain state and local public safety officers.** Makes several changes to the benefits of state and local public safety officers and the funding of such benefits.

*Line of Duty Act.* Allows a person who falls under an eligible class of persons under the Line of Duty Act who was disabled on or after January 1, 1972, but not receiving benefits to be entitled to the continued health insurance benefit beginning July 1, 2006.

*Deputy sheriffs.*

All deputy sheriffs would become members of the Law Enforcement Officers' Retirement System (LEOs).

*State police officers.* State police officers would receive a 2.20 percent average final compensation retirement multiplier and would continue to receive the additional annual supplement.

*Persons provided LEOs retirement coverage.* Any member of LEOs would receive a 1.70 percent average final compensation retirement multiplier and the additional annual supplement. However, the multiplier for sheriffs shall be increased from 1.70 percent to 2.20 percent, and an employer may elect to increase the multiplier to 2.20 percent for other classes of covered employees. The employer is responsible for paying the actuarial cost of the increase.

*Other provisions of the bill.* For any county or city that did not provide LEOs benefits to deputy sheriffs as of January 1, 2006, such county or city shall provide such benefits to its deputy sheriffs beginning July 1, 2006. For such counties or cities, the Compensation Board would reimburse 100 percent of the county's or city's total retirement contributions for state-responsible deputy sheriffs. However, the reimbursement would be based upon the salaries of such state-responsible deputy sheriffs as fixed by the Board.

*Revenue.* The bill provides for revenues to be generated through the imposition of additional fees on persons who have committed certain driving-related violations.

This bill incorporates SB 636.

*Patron - Stolle*

**SB398 Health insurance credits; teachers and other local school board employees.** Increases the monthly health insurance credit for retired teachers from \$2.50 to \$4.00 for each full year of the retired member's creditable service. The bill also eliminates an overall cap to the credit, and adds retired full-time, salaried employees of local school boards as recipients of the credit. The bill is applicable for current and future retirees from positions as teachers or full-time, salaried employees of local school boards. Retired local government employees, other than teachers and employees of local school boards, with at least 15 years of creditable service shall continue to receive a monthly health insurance credit equal to \$1.50 for each full year of the retired member's creditable service.

*Patron - Hanger*

**SB481 Virginia Law Officers' Retirement System (VaLORS).** Adds juvenile probation and parole officers as members of VaLORS.

*Patron - Colgan*

**SB495 Virginia Law Officers' Retirement System.** Provides that the supplemental allowance currently paid to certain members upon retirement until age 65 shall instead be paid until Social Security retirement age.

*Patron - Ruff*

**SB508 Retirement; state police and state and local law-enforcement officers.** Modifies the retirement benefits of

state police and certain state and local law-enforcement officers by increasing from 1.7 percent to 2.5 percent the percentage of average final compensation multiplied by the years of creditable service in such positions, and by deleting the supplemental allowance currently paid to members upon retirement.

*Patron - Puckett*

**SB520 Virginia Sickness and Disability Program; open-enrollment period.** Opens the enrollment into the Virginia Sickness and Disability Program between October 1, 2006, and January 1, 2007, for eligible employees not currently participating in the program. An election to participate must be in writing, and is irrevocable.

*Patron - Puckett*

**SB550 Law-Enforcement Officers Retirement System; emergency medical technicians.** Adds full-time, salaried emergency medical technicians to the list of those who may receive benefits equivalent to those provided under the State Police Officers' Retirement System.

*Patron - Blevins*

**SB603 Health benefits for judges who defer retirement.** Provides for the continuation of health benefits for certain judges who terminate employment and defer retirement.

*Patron - Reynolds*

**SB605 Virginia Law Officers' Retirement System (VaLORS).** Adds conservation officers of the Department of Conservation and Recreation as members of VaLORS.

*Patron - Puller*

## Carried Over

**HB1369 Local retirement systems; creditable service.** Prohibits any local retirement system that is not under the Virginia Retirement System to allow any employee to earn more than one year of service credit for all service rendered in any period of 12 consecutive months. All retirement plans administered by the Virginia Retirement System are under the same prohibition under current law.

*Patron - Hull*

## Persons with Disabilities

### Passed

**HB743 Statewide Independent Living Council and Statewide Independent Living Fund.** Authorizes the Statewide Independent Living Council to accept grants, gifts, donations, and bequests. Any moneys received shall be credited to the Statewide Independent Living Fund, created in the bill. The Fund is to be used to carry out activities enumerated in the State Plan for Independent Living, developed pursuant to the federal Rehabilitation Act of 1973 (29 U.S.C. § 796 et seq.). This bill is identical to SB 244.

*Patron - Ebbin*

**HB849 Assistive Technology Loan Fund Authority.** Provides that the Authority is under the Secretary of Health and Human Resources and specifies that the Board of Directors of the Authority is responsible for appointing an executive director who is subordinate to the Board and for ensuring that the executive director complies with all statutory, regulatory and Board directives. The bill also provides that the Board's annual report shall include a complete operating and financial

statement covering any loan fund or loan guarantee that the Authority administers or manages and requires the Auditor of Public Accounts to annually audit the Authority and its loan funds. This bill is identical to SB 558.

*Patron - Albo*

**SB244 Statewide Independent Living Council and Statewide Independent Living Fund.** Authorizes the Statewide Independent Living Council to accept grants, gifts, donations, and bequests. Any moneys received shall be credited to the Statewide Independent Living Fund, created in the bill. The Fund is to be used to carry out activities enumerated in the State Plan for Independent Living, developed pursuant to the federal Rehabilitation Act of 1973 (29 U.S.C. § 796 et seq.). This bill is identical to HB 743.

*Patron - Ticer*

**SB558 Assistive Technology Loan Fund Authority.** Provides that the Authority is under the Secretary of Health and Human Resources and specifies that the Board of Directors of the Authority is responsible for appointing an executive director who is subordinate to the Board and for ensuring that the executive director complies with all statutory, regulatory and Board directives. The bill also provides that the Board's annual report shall include a complete operating and financial statement covering any loan fund or loan guarantee that the Authority administers or manages and requires the Auditor of Public Accounts to annually audit the Authority and its loan funds. This bill is identical to HB 849.

*Patron - Stolle*

## Police (State)

### Failed

**HB157 Virginia Biased-Based Policing and Traffic Statistics Reporting Act.** Requires the Department of State Police to develop a statewide database for collecting, correlating, analyzing, interpreting, and reporting data and information generated related to certain traffic stops. Local police officers and police officers of the Department of State Police would be required to collect information pertaining to traffic stops, including the race, ethnicity, color, age, and gender of the alleged traffic offender, and to record the specific reason for the stop, whether the person was interrogated, charged, or arrested, and whether a written citation or warning was issued. Police officers also would be required to indicate the specific traffic violation allegedly committed. Police officers participating in the collection of such traffic data and information are granted civil immunity for acts and omissions during the performance of their official duties, absent gross negligence or willful misconduct. The Superintendent must report the findings and make recommendations annually to the Governor, the General Assembly, and the Attorney General and provide copies to each attorney for the Commonwealth. This act expires on July 1, 2010. Previously, this bill was a recommendation of the Joint Subcommittee Studying the Status and Needs of African-American Males in the Commonwealth and the House Committee on Transportation's Special Subcommittee on Racial Profiling and Pretextual Traffic Stops.

*Patron - Ward*

**HB1205 Defense of police officers.** Clarifies that the existing provision requiring the Superintendent of State Police to pay for any special counsel employed for the defense of a state police officer does not apply until the completion of the proceeding or investigation requiring the defense, at which

time the Superintendent will be required to pay for the counsel out of Department of State Police funds if it was found that the officer did not violate any law or regulation and will not be terminated. Alternatively, if the officer is found guilty or will be terminated from employment as a result of the act, the officer will be required to pay for the special counsel. The bill also requires that an officer request in writing that special counsel be employed.

*Patron - Moran*

## Prisons and Other Methods of Correction

### Passed

**HB207 Community-based correctional facilities; notice.** Requires the Department of Corrections to notify the locality and adjacent landowners before acquiring, constructing, or leasing a community-based correctional facility, and to hold a public hearing if requested by the locality.

*Patron - Cox*

**HB629 Felonies by prisoners; tampering, etc., with fire protection systems; penalty.** Makes it a Class 6 felony for a prisoner in a state, local, or community correctional facility to willfully tamper with, damage, destroy, or disable any fire protection or fire suppression system, equipment, or sprinklers.

*Patron - Phillips*

**HB691 Discharge of prisoner; records required to be provided to prisoner upon release.** Requires the Director of the Department of Corrections to provide each prisoner with the following documents upon discharge: (i) verification of the prisoner's work history while in custody; and (ii) verification of all educational and treatment programs completed by the prisoner while in custody. This bill is a recommendation of the Joint Subcommittee Studying the Commonwealth's Program for Prisoner Reentry to Society (2005). This bill incorporates HB 1530.

*Patron - Dance*

**HB882 Suits against prisoners; guardian ad litem.** Allows suits to be maintained against a prisoner through his committee, a guardian ad litem appointed for the prisoner pursuant to § 8.01-9, or an attorney licensed to practice law in the Commonwealth who has entered of record an appearance for such prisoner.

*Patron - Griffith*

**HB1093 Discharge of prisoner; medical records to be provided to prisoner upon release.** Requires the Department of Corrections to provide a prisoner with a copy of his medical records upon his discharge, so long as the prisoner requested a copy of the records at least 60 days prior to the expiration of his term.

*Patron - Scott, J.M.*

**HB1261 Alternative sentences; noncompliance by offender.** Allows a sheriff or jail administrator to revoke an offender's sentence to participate in a work release program or to serve his sentence on nonconsecutive days, if the offender violates the rules of the jail. The sheriff or jail administrator shall notify the court that issued the sentence of the decision to remove the offender from the work release program or to

require the offender to serve his sentence on consecutive days, indicating the specific violations that led to the decision.

*Patron - Janis*

**SB457 Sheriff; courthouse security.** Provides that funds collected through the \$5 assessment in criminal and traffic cases shall only be used to fund courthouse security personnel and equipment used in connection with courthouse security.

*Patron - Devolites Davis*

## Failed

**HB177 Courthouse security; assessment.** Increases from \$5 to \$20 the part of the costs in each criminal or traffic case in district or circuit courts in which the defendant is convicted of a violation of any statute or ordinance that is used to provide and maintain courthouse security. This bill is identical to HB 224 and HB 378.

*Patron - McEachin*

**HB179 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. The bill also requires that a minimum of five such deputies be assigned by the sheriff to provide courtroom security.

*Patron - McEachin*

**HB191 Department of Corrections; functional literacy requirement.** Requires all mentally capable inmates who are not functionally literate to participate in a literacy program established by the Department of Correctional Education.

*Patron - Ward*

**HB218 Regional jails.** Allows the state to partner with a city to establish, maintain, and operate a regional jail in the same manner as a local governing body. The State Board of Corrections would serve as the participating board or authority with the addition of the city's sheriff and one other local representative.

*Patron - Jones, D.C.*

**HB221 Inmate telephone systems; Prisoner Reentry Fund.** Requires the Department of Corrections to obtain debit or prepaid telephone services for inmates at the lowest available rates, allowing for the security needs of the institutions. The bill caps at 10 percent the commission to be paid to the Commonwealth by the service providers. The bill creates a prisoner reentry fund, comprised of the commissions, to be used for pre-release and post-release programs, including those supported by charitable and faith-based organizations.

*Patron - Jones, D.C.*

**HB224 Courthouse security; assessment.** Increases from \$5 to \$20 the part of the costs in each criminal or traffic case in district or circuit courts in which the defendant is convicted of a violation of any statute or ordinance that is used to provide and maintain courthouse security. This bill is identical to HB 177 and HB 378.

*Patron - Jones, D.C.*

**HB235 Members of jail farm board or regional jail authority; establishment of regional board or authority by sole locality.** Provides a procedure for regional jail boards and authorities to add and remove member localities and allows the City of Richmond to submit the required studies, the required community-based corrections plan and specifications, detailed cost estimates, and financing costs of any construction of a regional facility or enlargement or renovation of an existing

jail for the purpose of establishing a regional jail facility as if the City of Richmond were a participating member of a regional jail authority or jail farm board.

*Patron - Jones, D.C.*

**HB365 Regional jails.** Extends the deadline for consideration of construction, enlargement, or renovation of certain local or regional jail facilities as that deadline applies to the New River Valley Regional Jail. This bill contains an emergency clause to make it effective upon passage.

*Patron - Carrico*

**HB378 Courthouse security; assessment.** Increases from \$5 to \$20 the part of the costs in each criminal or traffic case in district or circuit courts in which the defendant is convicted of a violation of any statute or ordinance that is used to provide and maintain courthouse security. This bill is identical to HB 177 and HB 224.

*Patron - Dance*

**HB475 Prisoners; residential community programs.** Requires the Department of Corrections to give nonviolent prisoners who have not been convicted of murder in the first degree, rape in violation of § 18.2-61, forcible sodomy, animate or inanimate object sexual penetration, aggravated sexual battery, or sentenced to one or more life terms the opportunity, where available, to participate in a residential community program, work release, or a community-based program. Current law requires that the prisoner not be convicted of any violent crime and be sentenced to at least three years. The bill also restricts the cost of keep to up to 30 percent of the prisoner's gross earnings. This bill is identical to SB 185.

*Patron - Shuler*

**HB487 Department of State Police; immigration laws.** States that it is the responsibility of the Governor to enter into an agreement with federal Immigration and Customs Enforcement that would allow the Department of State Police to enforce civil immigration laws.

*Patron - Frederick*

**HB603 Treatment of prisoners; infectious disease.** Requires assessment of inmates with infectious diseases to insure safety in work and housing assignments. Also requires an examination by a licensed physician within 30 days of any new work assignment.

*Patron - Amundson*

**HB635 Correctional officer; definition.** Includes wardens, assistant wardens, and supervisors in the definition of a correctional officer. This would have the effect of including wardens, assistant wardens, and supervisors in the Virginia Law Officers' Retirement System. It would also include them in the Line of Duty Act, and would give them the more protected status of law officers under several criminal law statutes.

*Patron - Phillips*

**HB745 Punishment for conviction of felony; drug violations; post-release supervision; penalties.** Requires that for any felony drug offense committed on or after July 1, 2006, the court impose an additional term of not less than 18 months of post-release supervision, which shall include drug testing on a regular basis.

*Patron - Purkey*

**HB1060 Parole; basis for parole denial.** Provides that, for a prisoner who has served at least 20 years of the term of imprisonment imposed and has been denied parole at least three consecutive times solely because of the seriousness of the



offense, the Board shall not deny parole a fourth consecutive time solely on the basis of the serious nature of the offense.

*Patron - Reid*

**HB1255 Department of Corrections; privatization of food service.** Requires the Department of Corrections to increase, by 10 percent per year for Fiscal Years 2007 through 2010, the amount contracted for private provision of food service at correctional facilities.

*Patron - Hugo*

**HB1316 Revocation of suspension of sentence and probation.** Mandates the revocation of probation or sentence suspension for subsequent probation violations.

*Patron - Cosgrove*

**HB1452 Board of Corrections; membership; powers.** Provides that the membership of the State Board of Corrections shall include two community leaders, two elected officials, three members of the medical profession, and two citizens with an immediate family member incarcerated within the Commonwealth of Virginia. The bill also requires the Board to report to the Governor on a quarterly basis and to the General Assembly at least once per year during the month of November, and provides that Board members with an incarcerated family member shall not be provided unlimited access to those institutions where their incarcerated family members are housed. Finally, the bill allows the Board to enter and inspect Department of Corrections facilities at any time.

*Patron - Ebbin*

**HB1530 Discharge of prisoner; records required upon release.** Requires the Director of the Department of Corrections to provide each prisoner with the following documents upon discharge: (i) any identification documents received pursuant to § 53.1-10, (ii) a list of all court fines or child support owed by the prisoner along with a payment schedule to bring such accounts current, and (iii) a list of mental health resources available to the prisoner upon release. This bill was incorporated into HB 691.

*Patron - BaCote*

**SB44 Residential community programs.** Requires the Department of Corrections to give nonviolent prisoners who have not been convicted of murder in the first degree, rape in violation of § 18.2-61, forcible sodomy, animate or inanimate object sexual penetration, or aggravated sexual battery, or sentenced to a term of life imprisonment or two or more life sentences the opportunity to participate in a residential community program, work release, or a community-based program. Current law requires that the prisoner not be convicted of any violent crime and be sentenced to at least three years. The bill also restricts the cost of keep to up to 30 percent of gross earnings. This bill was incorporated into SB 185.

*Patron - Locke*

**SB185 Residential community programs.** Requires the Department of Corrections to give nonviolent prisoners who have not been sentenced upon a conviction of murder in the first degree, rape in violation of § 18.2-61, forcible sodomy, animate or inanimate object sexual penetration, aggravated sexual battery, or sentenced to one or more life terms the opportunity, where available, to participate in a residential community program, work release, or a community-based program. Current law requires that the prisoner not be convicted of any violent crime and be sentenced to at least three years. The bill also restricts the cost of keep to no more than 30 percent of the prisoner's gross earnings. This bill is a recommendation of the Joint Subcommittee Studying the

Commonwealth's Program for Prisoner Reentry to Society (2005). This bill is identical to HB 475.

*Patron - Puller*

**SB343 Regional jail for the counties of Shenandoah, Page, Warren, and Rappahannock.** Exempts the counties of Shenandoah, Page, Warren, and Rappahannock from the funding limitation of Item 416 B of the general appropriations act of 2004-2006, or any similar prohibition enacted in the future. The specified counties may submit to the governor, on or before March 1, 2007, a plan for a regional jail.

*Patron - Obenshain*

**SB500 Board of Corrections; membership; powers.** Requires that appointees to the State Board of Corrections include two members of the medical profession, and one citizen with an immediate family member formerly incarcerated in Virginia. The bill also requires the Board to report to the Governor on a quarterly basis and to the General Assembly annually during the month of November. Finally, the bill allows the Board to enter and inspect Department of Corrections facilities at any time.

*Patron - Puckett*

**SB501 Residential community programs.** Requires the Department of Corrections to give nonviolent prisoners who have not been convicted of murder in the first degree, rape in violation of § 18.2-61, forcible sodomy, animate or inanimate object sexual penetration or aggravated sexual battery or sentenced to a term of life imprisonment or two or more life sentences the opportunity to participate in a residential community program, work release, or a community-based program. Current law requires that the prisoner not be convicted of any violent crime and be sentenced to at least three years. The bill also restricts the cost of keep to up to 30 percent of gross earnings. This bill was incorporated into SB 185.

*Patron - Puckett*

**SB612 Inmate telephone systems; Prisoner Reentry Fund.** Requires the Department of Corrections to obtain debit or prepaid telephone services for inmates at the lowest available rates, allowing for the security needs of the institutions. The bill caps at 10 percent the commission to be paid to the Commonwealth by the service providers. The bill creates a prisoner reentry fund, comprised of the commissions, to be used for pre-release and post-release programs, including those supported by charitable and faith-based organizations.

*Patron - Puckett*

**SB633 Courthouse security fee.** Increases the fee assessed for costs in criminal and traffic cases to \$10. Additionally, the bill states that the assessment shall be used solely for the funding of courthouse security personnel, equipment, and other personal property used in connection with courthouse security. This bill was incorporated into SB 457.

*Patron - Edwards*

## Carried Over

**SB105 Good conduct allowance; mandatory functional literacy requirement.** Provides for good conduct allowance for prisoners, depending on their performance and conduct, in which escalating credits toward good conduct allowance are available in four class levels. The highest level available is 50 percent credit for those prisoners who have demonstrated exemplary behavior and who have earned or are making progress toward earning their general educational development (GED) certificate. The bill also provides, for certain prisoners, credits for reading and passing examinations on

books approved by the Department of Correctional Education. This summary reflects the substitute adopted by the Committee on Rehabilitation and Social Services. The bill, as amended, was carried over to the 2007 Session.

*Patron - Marsh*

**CSB249 Parole Board; eligibility guidelines.** Establishes a Parole Guidelines Review Panel, composed of six legislative members and 12 nonlegislative citizen members to review quadrennially the adequacy of guidelines for the determination of parole release by considering current research data on the risks of recidivism, the expectations of sentencing courts at the time parole-eligible sentences were imposed, the expectations for parole on certain sentences prior to the abolishment of parole, and any other resources it deems relevant to such review. This bill also makes other changes to the parole guidelines, such as requiring the Parole Board to include an analytical scale to assess risk, not requiring technical parole violators to serve the minimum six-month sentence, specifying that a person must have been at liberty between felony offenses of murder, rape, or robbery by the presenting of firearms or other deadly weapons in order for them to be separate offenses, not allowing the nature of the offense to be considered in determining eligibility for parole, except as provided in the analytical scale, and allowing the use of videoconferencing in parole interviews.

*Patron - Ticer*

**CSB618 Child-friendly visiting rooms in state and local correctional facilities.** Requires each state correctional facility to provide child-friendly visiting rooms that include activities for young children, adequate facilities with private areas for nursing, and regulations that do not penalize inmates with sanctions, such as the termination of a visit, for normal child behavior.

*Patron - Miller*

## Professions and Occupations

### Passed

**P HB151 Professions and occupations; funeral service interns.** Changes the term "resident trainee" to "funeral service intern." Also allows the Board of Funeral Directors and Embalmers to adopt a more flexible reporting schedule for funeral service interns.

*Patron - Alexander*

**P HB211 Real Estate Board; educational requirements for licensure.** Provides that as a condition of licensure as a real estate salesperson or broker, an applicant must have at a minimum a high school diploma or its equivalent. The bill also provides that it does not apply to any person holding a valid license as a real estate salesperson or broker issued by the Real Estate Board before July 1, 2006.

*Patron - Cox*

**P HB299 Registered pharmacy technicians.** Authorizes registered pharmacy technicians, working under the direct supervision of a qualified nuclear pharmacist, to accept oral prescriptions for diagnostic, nonpatient specific radiopharmaceuticals.

*Patron - Jones, S.C.*

**P HB300 Physician assistants; forms and certificates.** Provides that physician assistants may sign various forms and certificates, and provide medical information or treatment in

certain situations, including situations involving the immunization of children, examination of persons suspected of having tuberculosis, required examinations of school bus drivers, prenatal tests, examinations of nursing home residents, release of certain privileged information, release of certain veterinary records, competency for driver's licenses, and assisted living facility residents.

*Patron - Jones, S.C.*

**P HB302 Inspections of nonresident pharmacies seeking registration to conduct business in the Commonwealth.** Deems an inspection report submitted by a nonresident pharmacy to be current if the inspection was conducted within the past five years. However, if the nonresident pharmacy has not been inspected by the regulatory or licensing agency of the jurisdiction in which it is licensed within the past five years, the Board may accept an inspection report or other documentation from another entity that is satisfactory to the Board or the Board may cause an inspection to be conducted by its duly authorized agent and may charge an inspection fee in an amount sufficient to cover the costs of the inspection. Technical amendments clarify that the nonresident pharmacy must disclose that it maintains a current unrestricted license in its home jurisdiction.

*Patron - Jones, S.C.*

**P HB316 Real Estate Board; duties of licensees; limited service agents.** Adds the definition of "limited service representative" to mean a licensee who acts for or represents a client with respect to real property containing from one to four residential units, pursuant to a brokerage agreement that provides that the limited service representative will not provide one or more of the duties set forth in subdivision A 2 of §§ 54.1-2131, 54.1-2132, 54.1-2133, and 54.1-2134, inclusive. A limited service representative shall have the obligations set out in the brokerage agreement, except that a limited service representative shall provide the client, at the time of entering the brokerage agreement, copies of any and all disclosures required by federal or state law, or local disclosures expressly authorized by state law, and shall disclose to the client the following in writing: (i) the rights and obligations of the client under the Virginia Residential Property Disclosure Act (§ 55-517 et seq.); (ii) if the client is selling a condominium, the rights and obligations of the client to deliver to the purchasers, or to receive as purchaser, the condominium resale certificate required by § 55-79.97; and (iii) if the client is selling a property subject to the Property Owners' Association Act (§ 55-508 et seq.), the rights and obligations of the client to deliver to the purchasers, or to receive as purchaser, the association disclosure packet required by § 55-512. A limited service representative may act as the agent of the client by so providing in the brokerage agreement. If the brokerage agreement does not so state, the limited service representative shall be deemed as acting as an independent contractor of the client. The bill also clarifies the obligations of licensees vis-a-vis their clients, whether the clients are a buyer, seller, landlord, or tenant. The bill also allows a common source information company to require, as a condition of participation in or use of such common source information, that a licensee providing information through such company disclose the nature of the brokerage relationship with the client of the licensee. The bill requires the Real Estate Board to promulgate regulations to implement the provisions of this bill to be effective on July 1, 2007. Further, the Real Estate Board is required to establish a continuing education curriculum of not less than two hours and, as of July 1, 2007, every applicant for relicensure as an active salesperson or broker shall complete at a minimum one two-hour continuing education course on the amendments to the real estate agency laws prior to each renewal or reinstatement of his license. If the licensee submits a notarized affidavit to the Real

Estate Board that certifies that he does not practice residential real estate and shall not do so during the licensing term, training in limited service agency shall not be required. The bill has a delayed effective date of July 1, 2007.

*Patron - Albo*

**HB332 Health professions; nursing education programs.** Requires the Board of Nursing to set guidelines for collection of data by nursing education programs and to compile the data in an annual report. The data shall include enrollment, graduation rate, attrition rate, and number of qualified applicants that are denied admission.

*Patron - Toscano*

**HB351 Prohibition of certain transfers of moneys collected on behalf of health regulatory boards.** Requires that all nongeneral funds (except for funds required to be deposited into the nursing scholarship and loan repayment fund) generated by fees collected on behalf of the health regulatory boards and accounted for and deposited into a special fund by the Director of the Department of Health Professions must be held exclusively to cover the expenses of the health regulatory boards, the Health Practitioners' Intervention Program, and the Department and Board of Health Professions and cannot be transferred to any agency other than the Department of Health Professions. Fees collected for and deposited in the Nursing Scholarship and Loan Repayment Fund are exempt from the provisions of this bill.

*Patron - Hamilton*

**HB354 Provisional license in audiology; authorized.** Authorizes the Board of Audiology and Speech-Pathology to issue a provisional license to an applicant who has met educational and exam requirements for licensure. The provisional license allows for clinical experience while under supervision in accordance with the Board's regulations.

*Patron - Hamilton*

**HB355 Board of Pharmacy; specific powers and duties.** Directs the Board of Pharmacy to limit the implementation of its pedigree system to those drugs that have left the normal distribution channel. "Normal distribution channel" is defined as (i) a chain of custody for a prescription drug from initial sale by a pharmaceutical manufacturer, through acquisition and sale by one wholesale distributor, until final sale to a pharmacy or other person dispensing or administering the controlled substance; or (ii) a chain of custody for a prescription drug from initial sale by a pharmaceutical manufacturer, through acquisition and sale by one wholesale distributor to a chain pharmacy warehouse to its intracompany pharmacies; or (iii) a chain of custody for a prescription drug from initial sale by a pharmaceutical manufacturer to a chain pharmacy warehouse to its intracompany pharmacies. The bill also exempts from the Administrative Process Act the Board's amendments to the list of drugs susceptible to counterfeiting. However, the Board is required to establish a process in regulation for amending the list that provides notice and opportunity for public comment and may make exceptions to the pedigree requirements for emergency medical reasons, as defined in regulation.

*Patron - Hamilton*

**HB521 Landscape architects; acceptance of plans by state and local authorities.** Provides that resulting plans and specifications, submitted under the seal, stamp, or certification of a certified landscape architect, shall be accepted for review by local and state authorities in connection with both public and private projects. Currently state and local authorities have the discretion to accept such plans and specifications, but are not required to.

*Patron - Oder*

**HB618 Dialysis patient care technician; definition.** Authorizes a person who has completed a training program in dialysis patient care to practice provisionally, under direct and immediate supervision of a licensed registered nurse, in order to obtain practical experience. The bill provides authorization for up to 24 months, or until such person has taken and received the results of any examination required by a certifying organization approved by the Board, whichever occurs sooner. The bill allows trainees to perform dialysis care as a part of a training program provided that they are identified as "trainees" while working in the dialysis facility. The bill contains an emergency clause.

*Patron - O'Bannon*

**HB622 Prescriptions written for patients residing in certain institutions.** Provides an exception to the requirement that prescription order forms must be for only one prescription to allow for submission of a single document containing multiple prescriptions written for patients residing in adult and juvenile detention centers, local or regional jails, or work release centers operated by the Department of Corrections. Exceptions are already provided for chart orders in hospitals and long-term care facilities, for home infusion patients, and hospice patients and for the orders through pharmacies operated by various state agencies, including the Department of Juvenile Justice and the Department of Corrections.

*Patron - O'Bannon*

**HB776 Practice of law, legal entities.** Allows persons who are legally authorized to practice law in Virginia but who are not active members of the Virginia State Bar to be members of a professional corporation, professional limited liability company or registered limited liability partnership that renders professional legal services in the Commonwealth. Under current law only active members of the Virginia State Bar may practice law in Virginia through a limited liability entity. This bill is identical to SB 482.

*Patron - Albo*

**HB937 Anabolic steroids; electronic ordering of Schedule II drugs; additions to Schedules IV and V.** Revises the definition of anabolic steroids to remove the reference to promoting muscle growth and to add dehydroepiandrosterone. In addition, the bill amends provisions of the Drug Control Act to (i) reflect the changes made in federal regulations concerning electronic ordering of Schedule II drugs, (ii) add various anabolic steroids to Schedule III, (iii) include Zopiclone on Schedule IV, and (iv) add Pregabalin to Schedule V.

*Patron - Morgan*

**HB996 Dental hygienists administering certain Schedule VI analgesia and anesthesia.** Allows a dentist to authorize dental hygienists to administer, under his direction, Schedule VI nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI local anesthesia. The Board of Dentistry must adopt regulations establishing the education and training requirements for dental hygienists to administer the Schedule VI analgesia and anesthesia.

*Patron - Brink*

**HB1054 Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects; continuing education.** Requires the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects to promulgate regulations governing continuing education requirements for architects, professional engineers, and land surveyors. Such regulations shall require the completion of the

equivalent of 16 hours per biennium of Board-approved continuing education activities as a prerequisite to the renewal or reinstatement of a license issued to an architect, professional engineer, or land surveyor. The bill provides for waivers of this requirement in cases of certified illness or undue hardship.

*Patron - Reid*

**HB1118 Department of Professional and Occupational Regulation; Board for Contractors; issuance of license.** Requires the Board for Contractors to promulgate regulations for educational requirements as a condition for licensure. Under the bill, the regulations shall include the requirement that the designated employee or responsible management personnel of the applicants who are contractors or tradesmen successfully complete an approved basic business course, not to exceed eight hours of classroom instruction. The bill also requires the Board to promulgate emergency regulations to implement these education requirements. This bill is identical to SB 72.

*Patron - Athey*

**HB1145 Exemptions from surface transportation and removal services.** Exempts emergency medical services agencies holding a permit issued by the Commissioner of Health from registration as surface transportation and removal services to remove and transport dead human bodies. The requirement that a licensed funeral service establishment receive the registration as a part of its license has been removed. The bill provides that no funeral service establishment will be required to receive such registration "in addition" to its funeral service establishment license. However, funeral service establishments must continue to comply with Board regulations governing transportation and removal services. Currently, emergency medical services agencies must apply for and receive a registration from the Board of Funeral Directors and Embalmers to remove and transport dead human bodies. Emergency medical services agencies are assessed a fee for this registration. Licensed funeral service establishments receive this registration as a part of their funeral service establishment license, without an additional charge for the registration.

*Patron - Orrock*

**HB1146 Practice of social work.** Increases the membership of the Board of Social Work from seven to nine, to be appointed by the Governor. Also, an enactment clause provides that the Board of Social Work shall consult with relevant stakeholders, including educators, professionals, and appropriate agencies and organizations, to determine (i) if current education and training requirements for social workers are adequate to assure the public of professional competency and (ii) whether current exemptions from the requirements for licensure best serve the citizens of the Commonwealth.

*Patron - Orrock*

**HB1147 Prescription medications; child day programs.** Allows a person employed in day care centers to administer prescription medication to a child in a child day program, as defined in § 63.2-100 and regulated by the State Board of Social Services or the Child Day Care Council, if the person (i) has satisfactorily completed a training program for this purpose approved by the Board of Nursing and taught by a registered nurse, licensed practical nurse, doctor of medicine or osteopathic medicine, or pharmacist; (ii) has obtained written authorization from a parent or guardian; (iii) administers drugs only to the child identified on the prescription label in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; and (iv) administers only those drugs that were dispensed from a pharmacy and

maintained in the original, labeled container that would normally be administered by a parent or guardian to the child.

*Patron - Orrock*

**HB1487 Board of Medicine.** Grants authority to the Board for the issuance of restricted volunteer licenses to practitioners of the healing arts. The restricted volunteer license will qualify the practitioners to volunteer in the clinics organized in whole or in part for the delivery of health care services without charge.

*Patron - Orrock*

**HB1501 Information to be provided by the Board of Medicine to individuals filing complaints against physicians.** Requires that whenever an individual files a written complaint against a person licensed, certified, or registered by a health regulatory board and the board has concluded that a disciplinary proceeding will not be instituted, the board may send the person an advisory letter. The board may also inform the individual that (i) an investigation has been conducted, (ii) the matter was concluded without a disciplinary proceeding, and (iii), if appropriate, an advisory letter from the board has been communicated to the person who was the subject of the complaint or report. In providing such information, the board shall inform the source of the complaint or report that he is subject to confidentiality and discovery requirements. This bill is identical to SB 702.

*Patron - Callahan*

**SB72 Department of Professional and Occupational Regulation; Board for Contractors; issuance of license.** Requires the Board for Contractors to promulgate regulations for educational requirements as a condition for initial licensure as a contractor. Under the bill, either the designated employee or a member of the responsible management personnel must successfully complete an approved basic business course which shall not exceed eight hours of classroom instruction. The bill also requires the Board to promulgate emergency regulations to implement these education requirements. This bill is identical to HB 1118.

*Patron - Houck*

**SB187 Prescription Monitoring Program.** Modifies the reporting requirements under the Prescription Monitoring Program to reflect recent changes in federal law and to ensure that the Commonwealth is eligible to receive federal funds. This bill contains a second enactment clause requiring the Department of Health Professions to promulgate regulations within 280 days of enactment.

*Patron - Wampler*

**SB201 Department of Professional and Occupational Regulation; Contractor Transaction Recovery Act; Real Estate Transaction Recovery Act.** Streamlines the administrative processing of claims filed under the Contractor Transaction Recovery Act and Real Estate Transaction Recovery Act. Under the bill, the requirement to conduct an informal fact-finding conference (IFF) is eliminated unless the regulant has requested the proceeding. If the regulant has not requested an IFF the Department will present the claim to the Board for Contractors or the Real Estate Board to decide whether to approve or deny the claim.

*Patron - Houck*

**SB214 Health professions; mandatory suspension or revocation of license, certificate, or registration; reinstatement hearing.** Increases the time between receipt of an application for reinstatement and the relevant health regulatory board's reinstatement hearing after a mandatory suspension or revocation of a health professional's license, certificate, or reg-

istration. The bill provides that the hearing shall be not later than the next regular meeting of the board after the expiration of 60 days from receipt of the application. This is a 30-day increase in the time allowed to the boards.

*Patron - Edwards*

**SB281 Dentists and Dental Hygienists; display of licenses.** Provides that the display requirements for dentists and dental hygienists do not apply to those dentists and dental hygienists while volunteering for a Virginia charitable organization that provides dental services to the indigent and uninsured.

*Patron - Rerras*

**SB416 Health professions; temporary permits for certain clinicians.** Expands the authority of the Board of Dentistry to issue temporary licenses to dentists meeting certain criteria who will serve as clinicians in dental clinics operated by the Virginia Department of Corrections.

*Patron - Hanger*

**SB456 Nurse practitioners; prescriptive authority.** Expands the prescriptive authority of nurse practitioners to include Schedule II controlled substances. Nurse practitioners currently have the authority to prescribe Schedule III through VI controlled substances.

*Patron - Devolites Davis*

**SB482 Practice of law, legal entities.** Allows persons who are legally authorized to practice law in Virginia but who are not active members of the Virginia State Bar to be members of a professional corporation, professional limited liability company or registered limited liability partnership that renders professional legal services in the Commonwealth. Under current law only active members of the Virginia State Bar may practice law in Virginia through a limited liability entity. This bill is identical to HB 776.

*Patron - Norment*

**SB488 Certified nurse midwives.** Clarifies the relationship between licensed physicians and nurse practitioners, categorized as certified nurse midwives, as one of collaboration and consultation, rather than as one of supervision. The bill also directs the Board of Medicine and the Board of Nursing to jointly promulgate regulations specifying collaboration and consultation to include (i) development, periodic review and revision of a written protocol, (ii) development of guidelines for availability and ongoing communications that define consultation among the collaborating parties and the patient, and (iii) periodic joint evaluation of services delivered. In addition, the bill emphasizes that no person other than the certified nurse midwife who provided care to the patient will be liable for the nurse midwife's negligent, grossly negligent or willful and wanton acts or omissions; however, no other licensed midwife, doctor of medicine or osteopathy, nurse, prehospital emergency medical personnel or hospital will be exempt from liability for their own subsequent and independent negligent acts or omissions. A second enactment clause requires the Boards of Medicine and Nursing to promulgate emergency regulations to implement these provisions.

*Patron - Quayle*

**SB702 Information to be provided by the Board of Medicine to individuals filing complaints against physicians.** Requires that whenever an individual files a written complaint against a person licensed, certified, or registered by a health regulatory board and the board has concluded that a disciplinary proceeding will not be instituted, the board may send the person an advisory letter. The board may also inform the individual that (i) an investigation has been conducted, (ii)

the matter was concluded without a disciplinary proceeding, and (iii), if appropriate, an advisory letter from the board has been communicated to the person who was the subject of the complaint or report. In providing such information, the board shall inform the source of the complaint or report that he is subject to confidentiality and discovery requirements. This bill is identical to HB 1501.

*Patron - Devolites Davis*

**SB703 Board of Nursing; instruction in child abuse recognition and intervention.** Requires the Board of Nursing, on and after July 1, 2007, to require that approved nursing education programs provide instruction in child abuse recognition and intervention.

*Patron - Devolites Davis*

## Failed

**HB54 Attorneys; continuing legal education.** Awards six hours of CLE to a lawyer member of the General Assembly, except that the member is not exempt from the ethics requirement. The bill also provides a member or former member of the General Assembly certain credit towards the law-reading program. This bill is identical to HB 120.

*Patron - Marshall, R.G.*

**HB120 Attorneys; continuing legal education.** Awards six hours of CLE to a lawyer member of the General Assembly, except that the member is not exempt from the ethics requirement. The bill also provides a member or former member of the General Assembly certain credit towards the law-reading program. This bill is identical to HB 54.

*Patron - Marshall, R.G.*

**HB173 Notification to parents of certain health services to minors.** Requires any state or local government agency employee who provides services to a minor relating to sexually transmitted diseases, the provision of emergency contraception, pregnancy, illegal drug use, or the contemplation of suicide to attempt notification, within two business days of delivery of such services, to a custodial parent, legal guardian, or other person standing in loco parentis of any service and any reason, condition, or diagnosis requiring such service.

*Patron - Lingamfelter*

**HB187 Prohibition on the provision of certain intervening medical technology to unmarried women.** Provides that no individual licensed by a health regulatory board shall assist with or perform, for or on an unmarried woman any intervening medical technology, whether in vivo or in vitro that completely or partially replaces sexual intercourse as the means of conception, including, but not limited to, artificial insemination by donor, cryopreservation of gametes and embryos, invitro fertilization, embryo transfer, gamete intrafallopian tube transfer, and low tubal ovum transfer.

*Patron - Marshall, R.G.*

**HB237 Certain requirements for physicians performing abortions.** Requires any physician performing abortions in the Commonwealth to reside and practice in Virginia and have practice privileges in a Virginia hospital. The Board of Medicine must monitor and verify that each such physician is a resident of and practices in Virginia and has practice privileges in a Virginia hospital.

*Patron - Marshall, R.G.*

**HB285 Real Estate Board; criminal history background checks for licensees.** Requires applicants for licensure as a real estate salesperson or broker or for renewal of such

licenses to submit to a criminal history background check. If the background check reveals a prior felony conviction, no license or license renewal shall be issued by the Board, unless the applicant submits proof that his civil rights have been restored by the Governor or other appropriate authority.

*Patron - Marshall, D.W.*

**HB290 Board of Pharmacy; specific powers and duties.** Directs the Board of Pharmacy to limit the implementation of their pedigree system to those drugs that have left the normal distribution channel. "Normal distribution channel" is defined as a chain of custody for a prescription drug from initial sale by a pharmaceutical manufacturer, through acquisition and sale by one wholesale distributor, until final sale to a pharmacy or other person dispensing or administering the controlled substance. This bill was incorporated into HB 355.

*Patron - Jones, S.C.*

**HB868 Morning-after pill; parental consent for minors required; penalty.** The bill requires a prescriber to obtain parental consent prior to prescribing Plan B, or any other form of the morning-after pill, to an unemancipated minor. Prescribing without consent is a Class 1 misdemeanor.

*Patron - Byron*

**HB1111 Health Professions; advertising physical therapy services.** Prohibits anyone not licensed as a physical therapist from advertising services as "physical therapy."

*Patron - Athey*

**HB1112 Health professions; physical therapy.** Removes the referral and supervision requirements for the practice of physical therapy except in specific instances, such as during invasive procedures. The bill also restricts advertising of "physical therapy" to those licensed by the Board of Physical Therapy.

*Patron - Athey*

**HB1330 Optometry; practice as a lessee of commercial establishment.** Allows optometrists to locate their practice within commercial or mercantile establishments under defined, limited circumstances. The limitations include ownership by the optometrist of the practice and its records, as well as defined space and access requirements. The bill prohibits lessors from terminating or threatening to terminate a lease as a means of controlling or attempting to control a licensed optometrist, and requires optometrists to report a suspected violation of this prohibition. The bill also contains a technical amendment.

*Patron - O'Bannon*

**HB1355 Pawnbrokers; records on purchasers.** Requires a pawnbroker to keep at his place of business an accurate and legible record of each resale by him of goods, article or thing pawned or pledged or received on account of money loaned thereon, or purchased for resale. Such records shall include the full name, residence address, telephone number, and driver's license number or other form of identification of the person purchasing such goods, article or thing from the pawnbroker.

*Patron - Bell*

**HB1447 Professions and occupations; dealers in firearms; definitions.** Expands the definition of firearms show to include any gathering or exhibition, open to the public, not occurring on the permanent premises of a dealer in firearms, conducted by two or more persons who may or may not be engaged in the business as dealers in firearms, in which one of

the purposes is exchanging, selling, or trading firearms. The bill also redefines promoter.

*Patron - Watts*

**HB1455 Administration of drugs or devices.** Authorizes a prescriber to cause drugs or devices to be administered by a medical assistant under his direction and supervision. Current law provides that a prescriber may cause the drugs or devices to be administered by a nurse, physician assistant, or intern under his direction and supervision.

*Patron - Hamilton*

**HB1498 Department of Professional and Occupational Regulation; mold inspectors and remediators.** Provides for the licensure of mold inspectors and mold remediators by the Board for Asbestos, Lead, and Home Inspectors. The bill increases the membership of this Board by one member to include a mold inspector.

*Patron - Marshall, D.W.*

**HB1531 Unprofessional conduct; practice of the healing arts.** Establishes as unprofessional conduct by a practitioner of the healing arts the oral or written inquiry to a patient concerning the possession, ownership, or storage of firearms, where the inquiry is unrelated to the patient's condition and is for the purpose of gathering statistics or to justify patient counseling.

*Patron - Armstrong*

## Carried Over

**HB412 Identification of gamete donors.** Prohibits the use of unrelated anonymous donor oocyte or sperm in the performance of intervening medical technology that completely or partially replaces sexual intercourse as a means of conception and requires, notwithstanding any traditional practice, agreement, regulation, or law to the contrary, the identity of any unrelated oocyte or sperm donor to be noted in the health record of any woman patient whenever any healthcare practitioner licensed by a health regulatory board uses any unrelated donor gametes in the performance of or while assisting in the performance of such intervening medical technology, such as artificial insemination by donor, cryopreservation of gametes and embryos, in vitro fertilization, embryo transfer, gamete intrafallopian tube transfer, and low tubal ovum transfer.

*Patron - Marshall, R.G.*

**HB571 Board of Funeral Directors and Embalmers; preneed funeral contracts.** Clarifies that deposits in a preneed funeral trust account may be commingled for the purposes of the management of the trust account or investment of funds in the trust account.

*Patron - Nixon*

**HB620 Physician self-referrals; definitions.** Amends the definition of "office practice" as it relates to supervision of health care services. The bill also adds a definition for "same building," relating to such supervision.

*Patron - O'Bannon*

**HB644 Equine dentistry.** Provides an exception from the practice of veterinary medicine for the practice of equine dentistry, including the floating or filing of the points of a horse's molars and the routine extraction of single rooted teeth by trained equine dental technicians while engaged to so practice by the owner of the animal regardless of whether employed by a veterinarian.

*Patron - Scott, E.T.*

**HB936 Architects, professional engineers, land surveyors, and landscape architects; definitions.** Adds definitions for the terms "private entity," "public entity," and "utility."

*Patron - Morgan*

**HB1056 Health professions; licensure of dietitians and nutritionists.** Requires dietitians and nutritionists to be licensed by the Board of Health Professions. The bill establishes criteria for licensure that includes (i) a four-year bachelor of science degree, or master's degree when the bachelor's degree was not nutrition related, in human nutrition, dietetics, nutrition education, public health nutrition, nutrition research, nutritional biochemistry, foods and nutrition with a concentration in dietetics, or kinesiology/exercise science where the primary concentration of studies involves biochemistry, nutrition, or physiology; (ii) a completed board-approved work experience or program; and (iii) a successfully passed board-approved examination. The Board of Health Professions must (i) review applications for licensure; (ii) require the submission of an official college transcript; (iii) establish a Code of Ethics; and (iv) require 30 hours of continuing education credit every two years as a condition of renewal of licenses. Additionally, the bill establishes an Advisory Board on Dietitians and Nutritionists to assist the Board of Health Professions regarding the qualifications, examination, and regulation of licensed dietitians and nutritionists. The Advisory Board expires on July 1, 2009.

*Patron - Reid*

**HB1199 Requirements for prescribing oral contraceptives for minors; penalty.** Requires any practitioner having prescriptive authority who prescribes an oral contraceptive to a minor without consent of a parent or legal guardian to review the minor's drug profile and health record, including any drugs and conditions being treated by other practitioners, to determine that such drug profile and health record do not include any current prescriptions for or indicate the likelihood of the issuance of prescriptions for controlled substances to the minor that are known to interact with oral contraceptives, such as, but not limited to, antibiotics. If the minor receiving a prescription for an oral contraceptive without a parent's or legal guardian's consent suffers an interaction, including, but not limited to, pregnancy, as a result of taking a prescription drug that the physician knew or should have known would be prescribed for her, the practitioner issuing the prescription for the oral contraceptive to the minor without a parent's or legal guardian's consent will be guilty, upon conviction, of a Class 6 felony.

*Patron - Marshall, R.G.*

**HB1299 Preneed funeral contract recovery fund.** Establishes a recovery fund from which persons with an unsatisfied final judgment against the seller of a preneed funeral contract for damages resulting from the seller's malfeasance, misfeasance, default, failure, or insolvency in connection with the sale of a preneed funeral contract, or the seller's performance of the duties imposed on the seller by law with respect to the contract, may recover the amount of the court's judgment. The recovery fund is financed with a fee of \$2 on every preneed funeral contract sold and an initial assessment of \$100 on every licensed practitioner of funeral service.

*Patron - Alexander*

**HB1300 Continuing competency for funeral services licensees, funeral directors, and embalmers.** Revises the existing requirements for five hours of annual continuing education for all funeral services licensees, funeral directors, and embalmers to authorize the Board to prescribe continued

competence requirements. The Board must annually determine whether there have been any significant revisions in the practice of or the laws and regulations governing funeral services and, if revisions have occurred that will require that licensees obtain additional education in their relevant practices, the Board must prescribe continuing education accordingly and must notify relevant licensees of the requirement at the time renewal notices are next sent. The notice to licensees must specify the content and number of hours, not to exceed five hours, which must be obtained within one year from approved providers and attested to on the next renewal application. The Board may approve persons who provide or accredit continuing education in order to accomplish the purposes of this section and shall provide for the reporting of satisfactory completion and record retention of any required continuing education courses.

*Patron - Alexander*

**HB1389 Practice of naturopathy.** Establishes licensure requirements for the practice of naturopathy. This bill establishes criteria for the practice of naturopathy, including educational requirements, examinations, scope of practice, requirements for the promulgation of regulations governing the profession, and an advisory board to the Board of Medicine. This bill is identical to SB 517.

*Patron - Phillips*

**HB1399 Board for Barbers and Cosmetology; regulation of laser or light therapy technicians.** Requires, effective July 1, 2008, the licensure of laser or light therapy technicians by the Board for Barbers and Cosmetology. The bill defines laser or light therapy as the nonabrasive photo-rejuvenation of the skin or the removal of hair by selective photothermolysis, using laser or light therapy devices. The bill also increases the membership of the Board for Barbers and Cosmetology by adding a laser or light therapy technician. The bill also limits the current exemption from licensure for nurses by requiring them to be performing activities as part of their official duties in a medical facility under the responsibility of persons authorized by the laws of the Commonwealth to practice medicine and surgery or osteopathy or chiropractic.

*Patron - Hargrove*

**HB1605 Department of Professional and Occupational Regulation; Real Estate Recovery Fund.** Provides that the maximum amount of recovery from the fund against a single regulant arising out of a single transaction is \$40,000.

*Patron - Shannon*

**SB216 Court reporters; penalty.** Creates the Virginia Board of Court Reporting to regulate the profession of court reporting. The bill defines "court reporting" as the making of a verbatim recording by means of (i) manual shorthand, (ii) machine shorthand, (iii) stenomask, or (iv) voice writer reporting of any testimony given under oath before, or for submission to, any court examiner, board, commission, or other body created by statute or by the Constitution of Virginia or in any other proceeding where a verbatim record is required. Excluded from the definition are court clerks and employees of a district or circuit court or judge who reports judicial proceedings. Under the bill, after January 1, 2007, any person who engages in court reporting for remuneration without a license shall be guilty of a Class 3 misdemeanor. The bill includes a provision requiring the Board to enact emergency regulations.

*Patron - Quayle*

**SB422 Exceptions and exemptions to licensure requirements by health regulatory boards.** Exempts practitioners of natural foods, dietary supplements, healing therapies, homeopathic remedies and products, and natural therapies

from licensure requirements of the Board of Medicine and other health regulatory boards of the Department of Health Professions. This bill also requires such practitioners to post in the interior premises of their facilities prominent signs disclosing that the practitioner does not have a medical education or other recognized health care training, and that he is not a licensed, certified, or registered health care provider by the Board of Medicine or any other health regulatory board within the Department of Health Professions. The disclosure must also provide the practitioner's name and contact information, and the types of health care services he is authorized to provide. The practitioner must provide a copy of the disclosure to consumers, and before providing care for the first time, obtain written acknowledgment from the consumer that he has been so informed and has received a copy of the statement of disclosure.

*Patron - Lucas*

**CSB517 Practice of naturopathy.** Establishes licensure requirements for the practice of naturopathy. This bill establishes criteria for the practice of naturopathy, including educational requirements, examinations, scope of practice, requirements for the promulgation of regulations governing the profession, and an advisory board to the Board of Medicine. This bill is identical to HB 1389.

*Patron - Puckett*

**CSB653 Pawnbrokers and secondhand dealers.** Adds the regulation of secondhand dealers, secondhand shops, and consignment shops to current statutes regulating pawnbrokers. In addition, the bill also authorizes localities to enact an ordinance regulating pawnbrokers or secondhand dealers and to require pawnbrokers and secondhand dealers to report their daily transactions electronically to a designated law-enforcement official of the locality. The bill also (i) requires pawnbrokers to obtain thumbprints of both hands of the person pawning an item and (ii) authorizes fees to be charged for additional services provided.

*Patron - Stolle*

**CSB654 Precious metals dealers.** Requires a precious metals dealer to obtain the thumbprints of both hands of the individual selling the item and to hold the item purchased for a period of 15 days before it may be sold, altered, or disposed of. Currently a dealer is required to hold the item for 10 days.

*Patron - Stolle*

## Property and Conveyances

### Passed

**PHB128 Condominium Act; authorizing condominium association to be applicants in land use matters.** Provides that the declarant is authorized to execute, file, and process any subdivision, site plan, zoning, or other land use applications or disclosures related to the condominium during the period that the condominium is under his control. The bill also provides that once the condominium is no longer under the control of the declarant, the authority to execute such land use applications shall belong to the executive organ of the unit owners' association or a representative appointed by the unit owners' association. In addition, the bill clarifies the owner of condominiums for purposes of compliance with the disclosures in land use proceedings pursuant to § 15.2-852 and disclosures of real parties in interest pursuant to § 15.2-2289. This bill is identical to SB 430.

*Patron - Cosgrove*

**PHB286 Virginia Residential Property Disclosure Act; disclosure of pending enforcement actions under the Uniform Statewide Building Code.** Provides that disclosure and disclaimer forms under the Virginia Residential Property Disclosure Act shall contain a notice to purchasers that the owner represents that there are no pending enforcement actions pursuant to the Uniform Statewide Building Code that affect the safe, decent, and sanitary living conditions of the property of which the owner has been notified by the locality.

*Patron - Marshall, D.W.*

**PHB320 Virginia Residential Landlord and Tenant Act; noncompliance with rental agreement; recovery of damages by landlord.** Allows a landlord to seek the award of costs or attorney's fees under § 8.01-27.1 and other civil recovery under § 8.01-27.2 as a part of other damages requested and an unlawful detainer action. Under current law the landlord would be required to seek such damages separately.

*Patron - Albo*

**PHB558 Condominium Act; actions for breach of warranty; notice of declarant.** Provides that no cause of action for breach of warranty shall be commenced on or after January 1, 2007, unless a written statement by the claimant or his agent, attorney or representative, of the nature of the alleged defect has been to the sent to the declarant, by registered or certified mail, at his last known address, as reflected in the records of the Real Estate Board, more than six months prior to the commencement of the action giving the declarant an opportunity to cure the alleged defect within a reasonable time. The bill provides that sending the required notice shall toll the statute of limitations for commencing a breach of warranty action for a period not to exceed six months. The bill also contains technical amendments.

*Patron - Oder*

**PHB693 Virginia Real Estate Time-Share Act; non-judicial foreclosure; termination of time-share program; public offering statement; resale certificate.** Provides for nonjudicial foreclosure of liens by the time-share association and sets out the process therefor. The bill, among other things, also (i) provides that, without permission of such member, the name, address, telephone number and other personal information about a time-share owner or member of the association are not open to inspection by association members; (ii) provides that the association is not required to produce records that are a matter of public record or are otherwise readily available from another source; (iii) allows the developer to terminate a time-share project if he is the sole owner of all of the time-shares; (iv) provides that the offering or sale of any product that is registered with the Real Estate Board is exempt from the Wet Settlement Act; (v) allows a developer to post a letter of credit or cash with the Real Estate Board for the protection of escrowed purchase deposits; (vi) gives the developer 180 days after a sale to record the deed; and (vii) provides that if the developer has substantially complied in good faith with the Virginia Time-Share Act, a nonmaterial error or omission is not actionable and the purchaser cannot cancel his purchase contract after the expiration of the cancellation period. Finally, the bill contains technical amendments.

*Patron - Suit*

**PHB906 Trust for care of animal.** Amends the Uniform Trust Code to provide that trust assets can be used for burial or other postdeath expenditures of the pet if provided for in the trust instrument and more clearly defines the trustee's duties and rights. Also delineates that excess funds shall be distributed pursuant to the residuary clause of the settlor's will.

*Patron - Oder*



**HB907 Virginia Residential Landlord and Tenant Act; confidentiality of tenant records; interest on security deposits.** Adds two exceptions to a landlord's holding a tenant's records confidential, which exceptions are for information requested (i) pursuant to a subpoena in a civil case and (ii) by a contract purchaser of the landlord's property, provided the contract purchaser agrees in writing to maintain the confidentiality of such records. The bill also sets out the rate of interest to be paid on security deposits for the years 2004, 2005, and 2006. The bill also contains technical amendments.

*Patron - Oder*

**HB1025 Sheriff's duty to remove property pursuant to an ejectment proceeding.** Makes it clear that a sheriff does not have to remove the property of a defendant in an ejectment proceeding, but he must oversee the removal of such property. The bill also provides that the sheriff and owner of the real property do not have liability for the loss for any removed personal property.

*Patron - Hurt*

**HB1236 Exemptions to the Virginia Fair Housing Law.** Removes exemption of single-family house from the Fair Housing Law section relating to restrictive covenants. Section 36-96.6 states in pertinent part that any restrictive covenants based on race, color, religion, national origin, sex, elderliness, familial status or handicap are void and against Virginia public policy. This bill incorporates HB 696.

*Patron - Melvin*

**HB1319 Tenants by the entireties in real and personal property; transferred into trusts.** Amends statute to allow any property owned as tenants by the entireties to be transferred into joint, separate, revocable or irrevocable trusts. Currently only the principal family residence can be transferred into a trust while maintaining tenants by the entireties' immunity. The changes also eliminate the requirements that the property has to be transferred in equal shares if being transferred to separate trusts.

*Patron - Morgan*

**HB1536 Virginia Residential Landlord and Tenant Act; property of deceased tenants.** Authorizes the landlord to dispose of the property of a deceased tenant provided the landlord gives at least 10 days written notice to the contact person authorized by the tenant in the rental agreement or to the estate of the tenant in accordance with law.

*Patron - Suit*

**HB1562 Virginia Residential Property Disclosure Act; disclosure of previous mining operation and the presence of abandoned mines.** Provides that for the sale of new dwellings the builder or owner, if the builder is not the owner, must disclose to the purchaser whether the builder or owner has any knowledge of (i) whether mining operations had previously been conducted on the property or (ii) the presence of abandoned mines, shafts, or pits. The disclosure requirement is limited to property located wholly or partially in the Town of Ashland, City of Richmond and Counties of Charles City, Chesterfield, Goochland, Hanover, Henrico, New Kent, and Powhatan.

*Patron - Waddell*

**HB1575 Utility easements.** Provides that in the case of utility easements, the easement is considered to touch and concern the servient estate and shall run with the land whether or not the easement is appurtenant or in gross. The bill applies

to easements expressly granted by an instrument recorded on or after July 1, 2006.

*Patron - Parrish*

**HB1584 Charges for utility services in manufactured home parks.** Authorizes manufactured home park owners the same authority as residential and commercial building owners to charge residents for actual utility costs and other reasonable service charges outlined in a rental agreement or lease. Currently, manufactured home park owners are prohibited from charging amounts in addition to the actual utility costs.

*Patron - Suit*

**SB118 Landlord and tenant duties and responsibilities; evictions; domestic violence.** Provides that a tenant may not be evicted because of family abuse against the tenant that occurs on the leased premises where the perpetrator has been barred from the dwelling unit or subjected to a protective order if the tenant makes certain timely notifications to the landlord.

*Patron - Howell*

**SB269 Condominium Act; conversion condominiums; notice to locality.** In the case of receipt of an application for a condominium that is a conversion condominium, the agency shall, within five business days, also issue a notice of filing to the chief administrative officer of the county or city in which the proposed condominium is located, which notice shall include the name and address of the applicant and the name and address or location of the proposed condominium.

*Patron - Whipple*

**SB427 Virginia Residential Landlord Tenant Act; confidentiality of tenant records.** Authorizes a tenant to designate a third party to receive a duplicate copy of a summons in an unlawful detainer action and any other written notices from the landlord. The bill also provides that the failure of the landlord to provide the copy to the designated third party does not affect the validity of any judgment entered against the tenant.

*Patron - Lambert*

**SB430 Virginia Condominium Act; authorization of condominium association to be applicants in land use matters; disclosure.** Provides that the declarant is authorized to execute, file, and process any subdivision, site plan, zoning, or other land use applications or disclosures related to the condominium during the period that the condominium is under his control. The bill also provides that once the condominium is no longer under the control of the declarant, the authority to execute such land use applications shall belong to the executive organ of the unit owners' association or a representative appointed by the unit owners' association. In addition, the bill clarifies the owner of condominiums for purposes of compliance with the disclosures in land use proceedings pursuant to § 15.2-852 and disclosures of real parties in interest pursuant to § 15.2-2289. This bill is identical to HB 128.

*Patron - Devolites Davis*

**SB433 Mortgage satisfaction.** Imports into the Virginia Code provisions of the Uniform Residential Mortgage Satisfaction Act relating to definitions, notifications, rescinding erroneously recorded certificates of satisfaction, requirements on secured creditors, and the form and effect of satisfaction. Current Code provisions relating to payoff statements, mortgage satisfaction via settlement agents and court proceedings, and penalties for errors or omissions in satisfaction procedures are retained. The bill was passed by the 2005 Session, but was required to be reenacted.

*Patron - Devolites Davis*

**SB446 Fee for recording name of registered agent.** Increases the clerks' filing fee for appointment of a resident agent for a nonresident property owner from \$1 to \$10.

*Patron - Devolites Davis*

**SB448 Uniform Real Property Electronic Recording Act.** Reenacts the Uniform Act which was passed in 2005 with the requirement that it be reenacted by the 2006 Session. The Act authorizes circuit court clerks to record land transaction records electronically, and to convert paper records into electronic records. The bill also states that in any circumstance where the law requires that a land records document be an original that an electronic land records document satisfying this Act satisfies the law.

*Patron - Devolites Davis*

**SB670 Virginia Residential Property Disclosure Act; disclosure of resource protection areas.** Requires the owner of residential real property located in any resource protection areas and other environmentally protected zones that are subject to governmental regulation, to furnish to a purchaser a written disclosure stating that such property is located in such a resource protection area or other environmentally protected zone.

*Patron - O'Brien*

## Failed

**HB696 Exemptions to the fair housing law.** Removes exemption of single-family house from the Fair Housing Law section relating to restrictive covenants. Section 36-96.6 states in pertinent part that any restrictive covenant based on race, color, religion, national origin, sex, elderliness, familial status, or handicap is void and against Virginia public policy. The above change to the Fair Housing Law exemptions makes § 36-96.6 applicable to single-family homes and their owners. This bill was incorporated into HB 1236.

*Patron - Suit*

**HB878 Property Owners' Association Act; display of political signs.** Provides that, notwithstanding any provision in a declaration, no declaration or association's rules and regulations or architectural guidelines shall restrict or prohibit the display by a lot owner on his lot of a candidate sign or a sign that advertises the support or defeat of any question submitted to the voters in accordance with state election law. For the purposes of the bill, "candidate sign" means a sign on behalf of a candidate for public office or a slate of candidates for public office. The bill provides, however, that an association may restrict the display of such signs (i) in the common areas or (ii) in accordance with federal or state law, and may establish reasonable restrictions as to the size, place, duration, and manner of placement or display of such signs, except that no restriction on the duration of the display of such signs shall be less than (a) 45 days before the primary election, general election or vote on the proposition or (b) seven days after the primary election, general election, or vote on the proposition. The bill also requires the association disclosure packet to contain a statement of any restrictions on the size, place, duration, and manner of placement or display of such signs. The bill contains technical amendments. The bill also clarifies that the display of the flag of (i) the United States, (ii) the Commonwealth, (iii) any active branch of the armed forces of the United States, or (iv) any military valor or service award of the United States also includes display on mailboxes and similar structures.

*Patron - Frederick*

**HB1008 Trusts.** Amends Uniform Trust Code to make the applicable statutes prospective, so that the new sec-

tions apply to trusts that are irrevocable or that become irrevocable on July 1, 2006, or after.

*Patron - Hurt*

**HB1026 Property; noncharitable irrevocable trusts.** Makes prospectively effective (July 1, 2006) the application of the Uniform Trust Code provision relating to the modification or termination of noncharitable irrevocable trusts.

*Patron - Hurt*

**HB1320 Extension of tenants by the entirety protection from creditors.** Allows the tenants by the entirety protection against creditors to extend to a conveyance of property to a limited liability company. Current law allows the protection of tenants by the entirety ownership of a husband and wife's principal residence to continue after they convey it to a revocable or irrevocable trust. This amendment extends that protection to conveyance of property to a limited liability company. It also eliminates the requirement that it be a principal residence, and in the case of revocable trusts, that it be conveyed in equal shares.

*Patron - Morgan*

**HB1360 Enjoyment of easement; driveway easements.** Provides that in cases of driveway easements, the dominant estate shall not participate in any activity or place objects on the burdened land that create unsafe road conditions.

*Patron - Bell*

**HB1368 Property; Home Serenity and Tranquility Act; civil penalty.** Creates the Home Serenity and Tranquility Act, which prohibits the operation on an athletic field owned or operated by a public or private entity of any event (i) before the hour of eight o'clock in the morning, (ii) after the hour of six o'clock in the evening, or (iii) on Sunday without the unanimous written consent of the affected homeowners. The bill defines athletic field, homeowner, and affected homeowner. The bill provides a civil penalty for violation and gives an aggrieved homeowner a cause of action for violations.

*Patron - Hull*

**SB399 Unclaimed property; minimum reportable amount.** Establishes a minimum reportable amount for the holder of unclaimed property. The bill exempts holders from reporting unclaimed property of any single owner if the cumulative value of the owner's unclaimed property is \$50 or less.

*Patron - Hanger*

**SB447 Mortgage satisfaction.** Imports into the Virginia Code provisions of the Uniform Residential Mortgage Satisfaction Act relating to definitions, notifications, rescinding erroneously recorded certificates of satisfaction, requirements on secured creditors, and the form and effect of satisfaction. Current Code provisions relating to payoff statements, mortgage satisfaction via settlement agents and court proceedings, and penalties for errors or omissions in satisfaction procedures are retained. The bill was passed by the 2005 Session, but was required to be reenacted.

*Patron - Devolites Davis*

**SB582 Enjoyment of easement; visual nuisance.** States that unreasonable interference with the enjoyment of an easement, if the easement provides the principal route of ingress and egress to the owner of the dominant estate's residence, includes placing objects adjacent to or in the vicinity of the easement that create a visual nuisance.

*Patron - Stosch*

**SB623 Condominium Act; responsibility for insurance deductibles.** Requires a condominium unit owner to pay

the deductible under the condominium's master casualty policy if the cause of damage to or destruction of any portion of the condominium originated in or through the owner's unit or any component thereof, without regard to whether the unit owner was negligent.

*Patron - Cuccinelli*

## Carried Over

**HB393 Condominium Act; conversion condominiums; rights of certain elderly or disabled persons.** Gives a tenant in a conversion condominium who is elderly or disabled and eligible for a lease extension under current law and ordinance, the ability to assign the right to purchase his unit to a government agency, housing authority, or nonprofit corporation for the purpose of leasing that unit back to the tenant and keeping the unit as affordable housing.

*Patron - Englin*

**HB1096 Condominium and Property Owners' Association Acts; display of flags.** Provides that, except as otherwise expressly provided in the declaration, no condominium instruments or declaration shall restrict or prohibit the display by a unit or lot owner of a flag of (i) the United States, (ii) the Commonwealth, (iii) any active branch of the armed forces of the United States, or (iv) any military valor or service award of the United States. The bill provides, however, that an association may restrict the display of such flags in the common areas and may establish reasonable restrictions as to the size, place, duration, and manner of placement or display of such flags. The bill also requires the public offering statement, resale certificate, or association disclosure packet to contain a statement of any restrictions on the size, place, duration, and manner of placement or display of such flags. The bill contains technical amendments.

*Patron - Amundson*

**SB248 Condominium and Property Owners' Association Acts; display of flags.** Provides that, except as otherwise expressly provided in the declaration, no condominium instruments or declaration shall restrict or prohibit the display by a unit or lot owner of a flag of (i) the United States, (ii) the Commonwealth, (iii) any active branch of the armed forces of the United States, or (iv) any military valor or service award of the United States. The bill provides, however, that an association may restrict the display of such flags in the common areas and may establish reasonable restrictions as to the size, place, duration, and manner of placement or display of such flags. The bill also requires the public offering statement, resale certificate, or association disclosure packet to contain a statement of any restrictions on the size, place, duration, and manner of placement or display of such flags. The bill contains technical amendments.

*Patron - Ticer*

**SB268 Condominium Act; conversion condominiums.** Provides that tenants residing in a county where the urban county executive form of government is in effect (Fairfax County) shall have the right to transfer their right to purchase their units to the local housing authority or a qualified nonprofit organization actively engaged in producing and preserving affordable housing as determined by such county. The acquisition of such units by the local housing authority or such qualified nonprofit organization shall not (i) exceed the greater of one unit or five percent of the total number of units in the condominium and (ii) impede the condominium conversion process. In determining which, if any, units shall be acquired

pursuant to this section, preference shall be given to elderly or disabled tenants. The bill contains a technical amendment.

*Patron - Whipple*

**SB492 Easements; land locked parcels.** Requires beginning July 1, 2006, that no parceled land can be subdivided so as to have a land locked parcel unless a permanent 20 foot right of way is provided. Property land locked prior to that date shall have an entrance and exit right of way of 20 feet if an existing utility right of way permits.

*Patron - Ruff*

**SB621 Property Owners' Association Act; display of political signs.** Provides that, except as otherwise expressed in the declaration, no declaration or association's rules and regulations or architectural guidelines shall restrict or prohibit the display by a lot owner on his lot of a candidate sign or a sign that advertises the support or defeat of any question submitted to the voters in accordance with state election law. For the purposes of the bill, "candidate sign" means a sign on behalf of a candidate for public office or a slate of candidates for public office. The bill provides, however, that an association may restrict the display of such signs (i) in the common areas or (ii) in accordance with federal or state law, and may establish reasonable restrictions as to the size, place, duration, and manner of placement or display of such signs, except that no restriction on the duration of the display of such signs shall be less than (a) 30 days before the primary election, general election or vote on the proposition or (b) seven days after the primary election, general election, or vote on the proposition. The bill also requires the association disclosure packet to contain a statement of any restrictions on the size, place, duration, and manner of placement or display of such signs. The bill contains technical amendments. The bill also clarifies that the display of the flag of (i) the United States, (ii) the Commonwealth, (iii) any active branch of the armed forces of the United States, or (iv) any military valor or service award of the United States also includes display on mailboxes and similar structures.

*Patron - Puller*

## Public Service Companies

### Passed

**HB317 Passenger rail service liability.** Authorizes an authority, comprised of two or more political subdivisions of the Commonwealth that provide public rail transportation services to contract with a railroad company to allocate financial responsibility for claims related to passenger rail services. The measure limits the aggregate liability of the authority and the railroad company for claims arising from a single accident or incident related to passenger rail services to \$250 million per incident or accident. Willful and wanton conduct, felonious criminal conduct, and gross negligence are not subject to the cap. The bill provides for an adjustment to the cap for inflation starting in 2011. This bill is identical to SB 652.

*Patron - Albo*

**HB439 Sewage treatment facilities; governing board.** Requires that certain entities that provide sewerage services to residents of the Commonwealth and to another state be managed by a governing board that is comprised of an equal number of residents of Virginia and of the other state. The requirement applies to such entities that operate a sewage treatment facility located in Virginia that has a capacity of at least five million gallons per day and was financed through the Virginia Revolving Loan Fund. The number of members of the

governing board is determined based on the number of Virginia localities in which the entity provides sewerage services, with the governing body of each such locality appointing two members. If the members of the governing board deadlock on an issue pertaining to the management of the entity's business and affairs, one-half of the members of the board may petition the State Corporation Commission to arbitrate the issue over which the board is deadlocked. If the articles of incorporation, bylaws, charter, or other organic document of such an entity that was in existence prior to July 1, 2006, is not amended by January 1, 2008, to comply with the requirements regarding the governing board, then the locality wherein the sewage treatment facility is located is authorized to acquire the facility and related property, which acquisition may be by condemnation for the purpose of providing sewerage service to persons residing within the Commonwealth and the Bluestone watershed.

*Patron - Crockett-Stark*

**HB599 Public utilities; propane air.** Clarifies that a propane-air facility that is not organized as a public service company and that sells or delivers propane air only to one or more public utilities is not a public utility. Such facilities shall nevertheless be subject to the State Corporation Commission's jurisdiction relating to gas pipeline safety and enforcement. This bill is identical to SB 507.

*Patron - Cosgrove*

**HB1081 Diversion of utility service; remedies.** Specifies that a provider of utility services that have been tampered with or diverted may seek injunctive and equitable relief, and an award of damages, including reasonable attorney fees and costs. In addition, the aggrieved party may recover an award of actual damages or \$500, whichever is greater for each action.

*Patron - Scott, J.M.*

**HB1198 Voice-over-Internet protocol service; E-911 notice.** Eliminates the jurisdiction of the State Corporation Commission to regulate voice-over-Internet protocol service. Voice-over-Internet protocol service is excluded from the scope of the definitions of telephone service, telecommunications service, local exchange telephone service, and interexchange telephone service. Voice-over-Internet protocol service means any service that: (i) enables real-time, two-way voice communications; (ii) requires a broadband connection from the user's location; (iii) requires Internet protocol-compatible customer premises equipment (CPE); and (iv) permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network. Providers of voice-over-Internet protocol service or wireless telecommunications service that do not include enhanced 911 (E-911) service are required to provide to their affected subscribers any notice of the absence of E-911 service that is required by the Federal Communications Commission (FCC). Consumers of voice-over-Internet protocol service will be subject to the special local tax for E-911 service. If the FCC requires providers to prepare and file a plan setting forth how providers of voice-over-Internet protocol service propose to develop and implement the capability for voice-over-Internet protocol service users to have E-911 service, the providers shall submit a copy of the plan to the State Corporation Commission and Wireless E-911 Services Board. Providers are not liable for damages for acts or omissions resulting from rendering service related to emergency calls unless the act or omission results from its gross negligence or willful misconduct.

*Patron - Marshall, R.G.*

**HB1220 Electric utility restructuring; municipal utilities.** Provides that a municipal electric utility will not

become subject to the provisions of the Electric Utility Restructuring Act as a result of serving an area that was served by an incumbent electric utility as of July 1, 1999, if the change in service areas is made pursuant to mutual agreement between the municipality and the affected incumbent electric utility in accordance with a provision in the Utility Facilities Act. This bill is identical to SB 613.

*Patron - Barlow*

**HB1541 Electric utility restructuring; net energy metering.** Expands the definition of an eligible customer-generator to include a customer that contracts with other persons to own, operate, or both, an eligible electrical generating facility. Currently, the customer must own and operate the generating facility. The measure also allows such facilities to have any renewable energy as their total source of fuel; currently, only facilities that use solar, wind, or hydro energy are eligible. Finally, the measure allows a facility that is located on the customer's premises and is connected to the wiring on the customer's side of its interconnection with the distributor to qualify for net energy metering; currently, the facility must be located on the customer's premises.

*Patron - Toscano*

**SB262 Virginia Energy Plan.** Establishes an energy policy of the Commonwealth and directs the Division of Energy of the Department of Mines, Minerals and Energy, in consultation with the State Corporation Commission, Department of Environmental Quality, and Virginia Center for Coal and Energy Research, to prepare, by July 1, 2007, a ten-year comprehensive Virginia Energy Plan to implement the Commonwealth's energy policy. With respect to offshore energy resources, the bill (i) declares that it is the policy of the Commonwealth to encourage the members of the State Congressional Delegation and federal executive agencies to develop, support, and enact federal legislation, and to take appropriate federal executive action that will provide an exemption to the moratorium that prevents until 2012 any surveying, exploration, development, or production of potential natural gas deposits in areas off the Commonwealth's Atlantic shore that are under federal jurisdiction, and to develop, support, and enact federal legislation that will enable the Commonwealth to exercise exclusive jurisdiction with respect to offshore wind energy resources; (ii) directs royalties and other moneys paid by the federal government as a result of the development of offshore energy resources to be deposited in a State Offshore Energy Revenue Fund and allocated among the Virginia Water Quality Improvement Fund, the Transportation Trust Fund, clean coal technology research, a Coastal Energy Research Consortium and other alternative energy initiatives, and grants for producing and using clean and efficient energy; (iii) directs all agencies, boards and commissions of the Commonwealth to ensure that any permits or approvals that are required for the exploration and production of hydrocarbons within federal jurisdictional areas off the Commonwealth's Atlantic shore provide that such exploration and production will be undertaken in a manner protective of the environment and public safety; (iv) prohibits the drilling of any wells for natural gas or oil in areas off the Commonwealth's Atlantic shore within 30 miles of the shoreline; and (v) prohibits the construction of onshore natural gas exploration and production facilities on the Eastern Shore. Other initiatives (a) establish a Clean Coal Technology Research Fund, to be administered by the Virginia Center for Coal and Energy Research and used to finance research initiatives at state institutions of higher education and to encourage qualified state educational institutions to apply for federal grants to finance a center of excellence for advancing new clean coal technologies; (b) require designs for state buildings to incorporate reasonable cost-effective energy conservation measures and alternative energy systems; (c) direct

the Commonwealth Transportation Board to encourage the use of biodiesel and other alternative fuels, to the extent practicable, in vehicles used to provide public transportation; (d) create the Virginia Coastal Energy Research Consortium, to include Old Dominion University, the Virginia Institute of Marine Science, the Virginia Tech Advanced Research Institute, James Madison University, and Norfolk State University, to serve as an interdisciplinary study, research, and information resource on coastal energy issues, including wave or tidal action, currents, offshore winds, thermal differences, and methane hydrates; (e) prohibit community associations from enacting any provisions restricting solar power or the use of solar energy collection devices on units or lots that are part of the development, except to the extent provided in the applicable instruments, declaration or rules, and authorizes community associations to prohibit or restrict the installation and use of such solar energy collection devices on the common elements or common areas; and (f) declare it to be the policy of the Commonwealth to encourage the members of the State Congressional Delegation and federal executive agencies to develop, support, and enact federal legislation, and to take appropriate federal executive action, that will increase the Corporate Average Fuel Efficiency standards from the current standard by promoting performance-based tax credits for advanced technology, fuel-efficient vehicles to facilitate the introduction and purchase of such vehicles and by advocating for market incentives and education programs to build demand for high-efficiency, cleaner vehicles, including tax incentives for highly efficient vehicles. The bill directs the State Corporation Commission to develop a system for scoring parcels in the Commonwealth for their suitability as wind energy facilities, liquefied natural gas facilities, nuclear energy facilities, and solar energy facilities, upon recommendation by the Department of General Services for state-owned land, local governing bodies with the consent of the parcel's owner, or the owner of a parcel. Parcels that are scored as being optimal sites for such low-emission energy facilities would be eligible to use a one-stop permitting process, as may be adopted by the General Assembly. The State Corporation Commission and Secretary of Natural Resources are directed to prepare a proposal for a one-stop permitting process for low-emission energy facilities, which proposal shall be presented by December 1, 2006. The bill also provides grant awards for producing and using clean and efficient energy including grant awards in the amount of 0.85 cents for each kilowatt hour of electricity produced by a corporation from certain renewable energy resources and grants to individuals and corporations equal to 15 percent of the cost incurred in installing photovoltaic property, solar water heating property, or wind-powered electrical generators. The grants are limited to \$2,000 for each system of photovoltaic property, \$1,000 for each system of solar water heating property, and \$1,000 for each system of wind-powered electrical generators. Finally, the measure exempts from property taxation certified pollution control equipment and facilities used in collecting, processing, and distributing landfill gas and other gas recovered from waste products..

*Patron - Wagner*

**SB380 Gas utilities; performance-based regulation.** Provides that performance-based ratemaking of a gas utility may include fixed or capped rates and reduction or elimination of regulatory requirements, in addition to existing elements. A performance-based ratemaking methodology for a gas utility means a method of establishing rates and charges that are in the public interest and that departs from cost-of-service ratemaking methodology. In deciding whether to approve a request for such methodology, the State Corporation Commission shall include, but not be limited to, in its consideration, measures that are reasonably estimated to preserve or improve system reliability, safety, supply diversity, and transportation

options, and other customer benefits that are reasonably estimated to accrue from the proposal. The measure does not apply to plans for performance-based regulation pending on January 1, 2006.

*Patron - McDougle*

**SB395 Enhanced Public Safety Telephone Services Act.** Expands the powers and duties of the Wireless E-911 Services Board to include developing a statewide enhanced 9-1-1 plan for voice-over-Internet service and future communications technologies accessing E-911 for emergency purposes. The formula for distribution of money in the Wireless E-911 fund is revised to provide that 60 percent will be provided to public safety answering points (PSAPs), 30 percent will be provided for payment of Wireless E-911 CMRS costs, and the remaining 10 percent will be provided for needs-based grants to be defined by the Board for PSAPs. The bill also increases the size of the Board from 14 to 15 members.

*Patron - Stolle*

**SB507 Sewage treatment facilities; governing board.** Requires that certain entities that provide sewerage services to residents of the Commonwealth and to another state be managed by a governing board that is comprised of an equal number of residents of Virginia and of the other state. The requirement applies to such entities that operate a sewage treatment facility located in Virginia that has a capacity of at least five million gallons per day and was financed through the Virginia Revolving Loan Fund. The number of members of the governing board is determined based on the number of Virginia localities in which the entity provides sewerage services, with the governing body of each such locality appointing two members. If the members of the governing board deadlock on an issue pertaining to the management of the entity's business and affairs, one-half of the members of the board may petition the State Corporation Commission to arbitrate the issue over which the board is deadlocked. If the articles of incorporation, bylaws, charter, or other organic document of such an entity that was in existence prior to July 1, 2006, is not amended by January 1, 2008, to comply with the requirements regarding the governing board, then the locality wherein the sewage treatment facility is located is authorized to acquire the facility and related property, which acquisition may be by condemnation for the purpose of providing sewerage service to persons residing in the Commonwealth and the Bluestone Watershed. This bill is identical to HB 439.

*Patron - Puckett*

**SB613 Electric utility restructuring; municipal utilities.** Provides that a municipal electric utility will not become subject to the provisions of the Electric Utility Restructuring Act as a result of serving an area that was served by an incumbent electric utility as of July 1, 1999, if the change in service areas is made pursuant to mutual agreement between the municipality and the affected incumbent electric utility in accordance with a provision in the Utility Facilities Act. This bill is identical to HB 1220.

*Patron - Quayle*

**SB652 Passenger rail service liability.** Authorizes an authority, comprised of two or more political subdivisions of the Commonwealth that provide public rail transportation services to contract with a railroad company to allocate financial responsibility for claims related to passenger rail services. The measure limits the aggregate liability of the authority and the railroad company for claims arising from a single accident or incident related to passenger rail services to \$250 million per incident or accident. Willful and wanton conduct, felonious criminal conduct, and gross negligence are not subject to the

cap. The bill provides for an adjustment to the cap for inflation starting in 2011. This bill is identical to HB 317.

*Patron - Saslaw*

**SB666 Public-Private Transportation Act; "concessions."** Authorizes "concession" agreements under the Public-Private Transportation Act of 1995.

*Patron - Saslaw*

**SB688 Public utility lines crossing railroads.** Establishes a procedure for the State Corporation Commission to determine matters pertaining to the construction and operation of municipal water, sewer, and telecommunications lines, wires, pipes, and conduits that cross railroads. The application shall include standard railroad liability protection insurance. If the Commission grants an application requiring the railroad to grant to the municipality a license for such crossing, it may require the payment to the railroad company of damages and a fee, which fee shall not exceed the actual costs reasonably expected to be incurred by the railroad company as a result of the crossing and the periodic inspection of such works, but shall take into consideration the system-wide administrative and other costs of implementing crossing agreements.

*Patron - Wampler*

## Failed

**HB700 Electricity rates.** Requires that from July 1, 2006, until the end of the capped rate period, an electric utility shall not be eligible to have its tariffs adjusted to reflect changes in its fuel costs, including the cost of purchased power, other than through a comprehensive rate case to establish reasonable and just rates for the service of the utility. The electric utility's capped rates will be adjusted to the levels established through the rate case.

*Patron - Hogan*

**HB725 Underground utility damage prevention; trenchless excavation.** Establishes restrictions on the conduct of trenchless excavation. Steps required to be taken by trenchless excavators include (i) ensuring that bore equipment stakes are installed not less than 36 inches from marked utility lines; (ii) ensuring that grounding rods are installed not less than 24 inches from a buried utility line that has a marked or staked location; and (iii) ensuring that a minimum radial clearance of 12 inches is maintained between the bore path and any underground utility lines during pullback. In addition, the use of trenchless excavation is prohibited in the vicinity of buried utility lines that have not been marked or exposed. The location of utility lines in the bore path are required to be exposed by hand digging which, if the boring will parallel buried lines, shall be done at reasonable distances of not greater than 150 feet along the bore path.

*Patron - McQuigg*

**HB944 Public utilities; wireless service.** Provides that commercial mobile radio service is a public utility for purposes of regulation of certain aspects of service by the State Corporation Commission. The measure does not authorize regulation of the rates of wireless service.

*Patron - Morgan*

**HB1153 Virginia Energy Plan.** Establishes an energy policy of the Commonwealth and directs the Division of Energy of the Department of Mines, Minerals and Energy, in consultation with the State Corporation Commission, Department of Environmental Quality, and Virginia Center for Coal and Energy Research, to prepare a comprehensive Virginia Energy Plan to implement the policy. The measure directs the

Virginia Liaison Office to work with members of the State Congressional Delegation and executive agencies to obtain an exemption to the existing federal moratorium on offshore natural gas exploration and development activity, and to enable Virginia to exercise exclusive jurisdiction over offshore wind energy resources. Royalties, lease payments, and other moneys paid by the federal government to the Commonwealth that are attributable to the development of offshore energy resources are to be deposited in the State Offshore Energy Revenue Fund and allocated among Chesapeake Bay water quality improvement programs and efforts, the Transportation Trust Fund, clean coal technology research, funding a methane hydrates research center and other alternative energy initiatives, and grants for producing and using clean and efficient energy. The Virginia Liaison Office is also directed to work with members of the State Congressional Delegation and executive agencies to enact legislation that increases the corporate average fuel efficiency standards for motor vehicles. The Center for Coal and Energy Research is directed to encourage qualified state institutions of higher education to apply for federal grants to finance a center of excellence for advancing new clean coal technologies and will administer a clean coal technology research fund. Designs for state buildings are required to incorporate reasonable cost-effective energy conservation measures and alternative energy systems. The measure requires all localities and transportation districts that provide mass transit or public transportation through the use of diesel-fueled vehicles to use biodiesel fuel in amounts not less than 1 percent of total diesel fuel consumption by volume, effective when the annual capacity in the Commonwealth for the production of biodiesel fuel exceeds one million gallons, but in no event before July 1, 2007, as a condition for receiving state funding. A methane hydrates research center is established at Old Dominion University. The measure invalidates any restrictive covenant or similar specification that restricts or prohibits solar energy collection devices. The measure also directs the State Corporation Commission to develop a system for scoring parcels in the Commonwealth for their suitability as wind energy facilities, liquefied natural gas terminals, and nuclear energy facilities, upon recommendation by the Department of General Services for state-owned land, local governing bodies with the consent of the parcel's owner, or the owner of a parcel. Parcels that are scored as being optimal sites for such low-emission energy facilities would be eligible to use a one-stop permitting process, as may be adopted by the General Assembly. If approvals for such a facility are granted through the one-stop permitting process, the use of the parcel for the low-emission energy facility would be deemed to satisfy local zoning requirements. The existing Surry and North Anna nuclear plant sites and other sites determined through the U.S. Nuclear Regulatory Commission licensing process to be suitable for development of new nuclear generating units shall be deemed optimal sites without further proceedings. The bill also provides grant awards for producing and using clean and efficient energy including (i) grant awards in the amount of 0.85 cents for each kilowatt hour of electricity produced by a corporation from certain renewable energy resources and (ii) grants to individuals and corporations equal to 15 percent of the cost incurred in installing photovoltaic property, solar water heating property, or wind-powered electrical generators. The grants are limited to \$2,000 for each system of photovoltaic property, \$1,000 for each system of solar water heating property, and \$1,000 for each system of wind-powered electrical generators. The measure provides individual income tax deductions for 20 percent of the cost of certain appliances meeting energy star efficiency requirements developed by the federal government and for fuel cells, heat pumps, air conditioners, boilers, furnaces and water heaters meeting specified performance measures, and for the sales and use tax paid on motor vehicles using clean special fuel sources as a source of propulsion. Finally, the measure

exempts certified pollution control equipment and facilities used in collecting, processing, and distributing landfill gas or natural gas recovered from waste from taxation. This bill is identical to HB 1292.

*Patron - Lingamfelter*

**HB1292 Virginia Energy Plan.** Establishes an energy policy of the Commonwealth and directs the Division of Energy of the Department of Mines, Minerals and Energy, in consultation with the State Corporation Commission, Department of Environmental Quality, and Virginia Center for Coal and Energy Research, to prepare a comprehensive Virginia Energy Plan to implement the policy. The measure directs the Virginia Liaison Office to work with members of the State Congressional Delegation and executive agencies to obtain an exemption to the existing federal moratorium on offshore natural gas exploration and development activity, and to enable Virginia to exercise exclusive jurisdiction over offshore wind energy resources. Royalties, lease payments, and other moneys paid by the federal government to the Commonwealth that are attributable to the development of offshore energy resources are to be deposited in the State Offshore Energy Revenue Fund and allocated equally among the Virginia Water Quality Improvement Fund, the Transportation Trust Fund, and distributions to Virginia citizens on a per capita basis. The Virginia Liaison Office is also directed to work with members of the State Congressional Delegation and executive agencies to enact legislation that increases the corporate average fuel efficiency standards for motor vehicles. The Center for Coal and Energy Research is directed to encourage qualified state institutions of higher education to apply for federal grants to finance a center of excellence for advancing new clean coal technologies and will administer a clean coal technology research fund. Designs for state buildings are required to incorporate reasonable cost-effective energy conservation measures and alternative energy systems. The measure requires all localities and transportation districts that provide mass transit or public transportation through the use of diesel-fueled vehicles to use biodiesel fuel in amounts not less than 1 percent of total diesel fuel consumption by volume, effective when the annual capacity in the Commonwealth for the production of biodiesel fuel exceeds one million gallons, but in no event before July 1, 2007, as a condition for receiving state funding. A methane hydrates research center is established at Old Dominion University. The measure invalidates any restrictive covenant or similar specification that restricts or prohibits solar energy collection devices. The measure also directs the State Corporation Commission to develop a system for scoring parcels in the Commonwealth for their suitability as wind energy facilities, liquefied natural gas terminals, and nuclear energy facilities, upon recommendation by the Department of General Services for state-owned land, local governing bodies with the consent of the parcel's owner, or the owner of a parcel. Parcels that are scored as being optimal sites for such low-emission energy facilities would be eligible to use a one-stop permitting process, as may be adopted by the General Assembly. If approvals for such a facility are granted through the one-stop permitting process, the use of the parcel for the low-emission energy facility would be deemed to satisfy local zoning requirements. The existing Surry and North Anna nuclear plant sites and other sites determined through the U.S. Nuclear Regulatory Commission licensing process to be suitable for development of new nuclear generating units shall be deemed optimal sites without further proceedings. The bill also provides grant awards for producing and using clean and efficient energy including (i) grant awards in the amount of 0.85 cents for each kilowatt hour of electricity produced by a corporation from certain renewable energy resources and (ii) grants to individuals and corporations equal to 15 percent of the cost incurred in installing photovoltaic property, solar water heating property,

or wind-powered electrical generators. The grants are limited to \$2,000 for each system of photovoltaic property, \$1,000 for each system of solar water heating property, and \$1,000 for each system of wind-powered electrical generators. The measure provides individual income tax deductions for 20 percent of the cost of certain appliances meeting energy star efficiency requirements developed by the federal government and for fuel cells, heat pumps, air conditioners, boilers, furnaces and water heaters meeting specified performance measures, and for the sales and use tax paid on motor vehicles using clean special fuel sources as a source of propulsion. Finally, the measure exempts certified pollution control equipment and facilities used in collecting, processing, and distributing landfill gas or natural gas recovered from waste from taxation. This bill was incorporated into HB 1153.

*Patron - Saxman*

**HB1306 Public-Private Transportation Act and the Public-Private Education Facilities and Infrastructure Act; required disclosure by private entity.** Requires a private entity to include with its initial submittal the disclosure of (i) whether the private entity directly employs or intends to use the services of a legislator or a firm in which a legislator is a member and (ii) whether a legislator has a personal interest in the proposal or the private entity as defined in § 30-101. The bill also provides that if, after the initial submittal of the proposal, the private entity subsequently employs or uses the services of a legislator or a firm in which a legislator is a member, that the private entity must provide written disclosure to the responsible public entity within 30 days.

*Patron - Byron*

**HB1426 Public-Private Transportation Act of 1995 (PPTA).** Provides for the granting of concessions under the PPTA and the taxation thereof.

*Patron - Wardrup*

**SB132 Utility service; disconnection of military personnel.** Prohibits public utilities from disconnecting service to residential accounts if the customer is in the military and deployed to a foreign armed conflict or national or domestic emergency.

*Patron - O'Brien*

**SB541 Public-Private Education Facilities and Infrastructure Act; review and implementation of qualifying projects; Public-Private Partnership Advisory Council.** Creates the Public-Private Partnership Advisory Commission to review and advise responsible public entities that are agencies or institutions of the Commonwealth on proposals received pursuant to the Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA) and proposed interim or comprehensive agreements pursuant to the Public-Private Transportation Act of 1995 (PPTA). The bill also requires that the guidelines that must be adopted by responsible public entities as required by the PPEA include provisions for the financial review and analysis of the proposed qualifying project and the disclosure of such analysis to the appropriating body and consideration of nonfinancial benefits of a proposed qualifying project, and the bill contains technical amendments.

*Patron - Stosch*

**SB616 Electrical transmission facilities; zoning preemption.** Provides that the State Corporation Commission's approval of the construction of facilities that are appurtenant to an approved electrical transmission line, including substations but not generation facilities, satisfies local zoning requirements with respect to the facilities. Currently, the Com-

mission's approval of a transmission line satisfies zoning requirements only with respect to the transmission line.

*Patron - Wagner*

**FSB719 Approval of route of petroleum products pipelines.** Prohibits any public service corporation from acquiring property for a petroleum products pipeline unless the State Corporation Commission has approved the pipeline's route. The measure establishes procedural requirements and criteria for the Commission's consideration of a request for approval of such a pipeline.

*Patron - Howell*

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## Carried Over

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**CHB679 Telephone directories; liability for errors.** Requires telephone companies to verify the accuracy of information provided for use in telephone directories. If a directory is published with errors, the telephone company shall not charge for directory information calls regarding the listing with the erroneous information and shall give the subscriber whose information is incorrect a credit of \$10 per month.

*Patron - Wittman*

**CHB1116 Railroads; blocking roads; penalty.** Increases the maximum fine that may be imposed on railroads for violating prohibitions on blocking streets and roads from \$500 to \$2,500.

*Patron - Athey*

**CHB1245 Telephone and telegraph line installation; restoring condition of surface; notice.** Requires a telephone or telegraph company that opens up or disturbs the surface of private property in erecting, repairing, laying or installing poles, wires, conduits, or cables to restore it as nearly as practicable to the condition that existed prior to its disturbance. The measure also gives the owner of damaged private property the right to recover the cost of restoring and maintaining the property, with interest, costs, and reasonable attorney fees, if the company fails to do so. Localities and the Commonwealth Transportation Board currently have a similar right to recover the costs of restoring and maintaining their properties. The measure also requires companies to give the owner prior written notice of its intent to conduct such activities on the property, including the scheduled date of its commencement, a description of the activity, and contact information. However, such notice is not required for activities conducted in making emergency repairs necessitated by an unplanned interruption in utility service.

*Patron - Hugo*

**CHB1603 Multiline telephone systems.** Requires owners or operators of multiline telephone systems serving residential facilities, hotels and motels, business locations, and educational institutions to ensure that a public safety answering point is able to identify the location from which a call to 9-1-1 is placed.

*Patron - Rapp*

**CSB278 Renewable portfolio standard.** Requires 20 percent of the electric energy sold by a supplier to retail customers in Virginia to be generated from renewable energy sources by the 2015/2016 reporting year. The requirement is phased in over a 10-year period. A supplier shall be excused from the requirements to the extent that renewable energy resources are not reasonably available in sufficient quantities in the marketplace for the suppliers to meet them. A supplier complies with the requirement by self-generating the renewable energy or purchasing sufficient renewable energy credits.

The credits evidence the generation of the energy from renewable sources. A distributor's costs of compliance with these requirements will be recoverable though fuel factor adjustments.

*Patron - Whipple*

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## Religious and Charitable Matters; Cemeteries

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### Failed

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**FHB1223 Access to cemeteries located on private property.** Adds any organization exempt from taxation pursuant to § 501 (c) (3) of the Internal Revenue Code, which has given reasonable notice to the owner of record or to the occupant of the property or both, to the list of those who must be given access to a cemetery or grave located on private property. The bill also provides that the right of access shall be for repairing, restoring or improving the gravesite or cemetery, in addition to maintaining the gravesite or cemetery.

*Patron - Barlow*

**FSB408 R. E. Lee Camp Confederate Memorial Park.** Corrects the full name of the property conveyed to the Commonwealth as a perpetual park and war memorial.

*Patron - Hanger*

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## State Corporation Commission

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### Passed

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**PHB538 State Corporation Commission; fees.** Establishes a charge of \$0.50 per page for copies of records furnished by the State Corporation Commission. Currently the charge is \$1 for the first two pages and \$0.50 per each additional page.

*Patron - Parrish*

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## Taxation

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### Passed

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**PHB69 Sales and use tax exemption; medicines for farm animals.** Exempts medicines for commercial farm animals from sales and use tax. This bill is identical to SB 73.

*Patron - Orrock*

**PHB121 Real property tax exemption; elderly and disabled.** Changes certain provisions regarding real estate tax exemptions for the elderly and disabled by: (i) for localities in Northern Virginia, increasing from \$340,000 to \$540,000 the maximum financial worth cap a locality may impose and adding Clarke, Fauquier, and Stafford Counties to the localities in Northern Virginia for which the higher cap is applicable; and (ii) for certain other localities in central Virginia and Tidewater, increasing such cap from \$200,000 to \$350,000, and adding cities of Norfolk and Richmond to the localities for which the higher cap is applicable. This bill incorporates HB 87, HB 277, HB 540, HB 560, HB 1097, and HB 1444.

*Patron - Marshall, R.G.*



**HB168 False claims of employment status; penalty.** Makes it unlawful for a person to knowingly coerce, induce, or threaten an individual to falsely declare his employment status for the purpose of evading the withholding or payment of individual income tax. This bill also makes it unlawful for an employer to falsely claim the employment status of an individual employed by him for the purpose of evading the withholding or payment of individual income tax. "Employment status" has the same meaning as defined by the United States Internal Revenue Code. The penalty for violation is a Class 1 misdemeanor.

*Patron - Lingamfelter*

**HB194 Tax sales of real estate.** Deletes the deposition requirement and replaces it with the written report of the real estate appraiser where there is no dispute as to title or value of the property in order for the court to appoint a special commissioner to sell the property and execute the deeds. This change is intended to make tax sales less costly.

*Patron - Kilgore*

**HB327 Personal property tax; classification of watercraft used for business purposes.** Creates separate classes of personal property for rate purposes of watercraft based on the weight of the watercraft and whether it is used for business purposes.

*Patron - Morgan*

**HB407 Department of Taxation; earned income tax credit information.** Requires the Department of Taxation to obtain information from each income tax taxpayer on whether he claimed a federal earned income tax credit and the amount claimed and permits the Department of Taxation to provide this and other information to the Department of Social Services regarding clients of the Department of Social Services, and permits the Department of Social Services to provide related information to the Department of Taxation. This bill is identical to SB 42.

*Patron - Callahan*

**HB491 Real estate reassessment; notice.** Requires localities to add onto the notice to taxpayers of real estate reassessments the amount of the immediately prior assessment amount, and if the tax rate that will apply to the new assessed value has been established, then the notice shall include such rate, the total amount of the new tax levy, and the percentage change in the new tax levy from the immediately prior one. If the tax rate that will apply to the new assessed value has not been established, then the notice shall include the time and place of the next meeting of the local governing body at which public testimony will be accepted on any real estate tax rate changes. This bill incorporates HB 1298.

*Patron - Frederick*

**HB518 Local tourism zones.** Allows any county, city, or town to establish, by local ordinance, a local tourism zone with tax incentives and regulatory flexibility.

*Patron - Armstrong*

**HB522 Tire recycling fee; extension of time.** This bill would extend from July 1, 2006, to July 1, 2008, the \$1.00 fee imposed on the sale of each new tire. Beginning July 1, 2008, the fee would decrease to \$0.50 per tire.

*Patron - Oder*

**HB530 Sales and use tax; semiconductor production exemption.** Provides a sales and use tax exemption for tangible personal property used in semiconductor manufactur-

ing as well as other semiconductor equipment. This bill is identical to SB 475.

*Patron - Parrish*

**HB531 Conformity of taxation with Internal Revenue Code; emergency.** Provides that any reference to federal income tax laws in Chapter 3 (§ 58.1-300 et seq.) of Title 58.1 refers to the federal law as it exists on December 31, 2005. Current law specifies that such references refer to federal law as it existed on January 7, 2005. This bill contains an emergency clause and is identical to SB 69.

*Patron - Parrish*

**HB532 Sales and use tax exemption; school supplies, clothing and footwear, and computers.** Provides a sales and use tax exemption, beginning in 2006, for certain school supplies, clothing and footwear purchased during a three-day period each year beginning on the first Friday in August. The exempt items are: each school supply item with a selling price of \$20 or less and each article of clothing or footwear with a selling price of \$100 or less. The bill also authorizes dealers to absorb the sales and use tax on all other items sold during the same time period and thereby relieve the purchasers of the obligation to pay such tax. Dealers who absorb such taxes are liable for payment of the same to the Tax Commissioner. The bill incorporates HB 121, HB 131, HB 484, HB 509, HB 528, HB 708, HB 1125, and HB 1206 and is identical to SB 571. This bill is identical to SB 571.

*Patron - Parrish*

**HB534 Motor fuels tax; DMV suggested changes; penalties.** Eliminates registered and certified mail requirements for assessments; requires certified mail for license cancellation notices; prohibits use of letters of credit as security; allows for license denial or cancellation for failure to obtain a new or additional certificate of deposit; requires persons who transport motor fuel for hire to file monthly returns; establishes a Class 1 misdemeanor for willfully and intentionally applying for or collecting a refund on taxable fuel or for willfully and intentionally using fuel for a taxable purpose after a refund for the fuel has been issued. It also grandfathered licensed persons who have an irrevocable letter of credit with DMV prior to June 30, 2006, so they will not be required to replace such letters.

*Patron - Parrish*

**HB568 Communications tax reform.** Completely revises the taxation of communications services as follows. Applies a statewide communications sales and use tax to retail communication and video services on a competitively neutral basis. The communications sales and use tax rate will be 5 percent on the following: Local Exchange; Paging; Inter-Exchange (Both interstate and intrastate); Cable Television; Satellite Television; Wireless; and Voice over the Internet (VoIP).

A \$0.75 "911 Tax" will be applied to each local exchange line (landline) and the current \$0.75 "911 Fee" will continue to be applied to each wireless number.

The state communications sales and use tax, and state 911 fees and taxes replace the following currently billed taxes and fees: Local Consumer Utility Tax (LCUT); Local Gross Receipts Tax (BPOL) - (Only the portion above 0.5 percent currently billed to customers, where applicable); Local E-911; Virginia Relay Fee; and Cable Franchise Fee.

A statewide rights-of-way use fee will be applied to all cable TV service lines as is currently applied on all local exchange telephone lines. The rate of the fee will be the same as deter-

mined annually by the Virginia Department of Transportation in accordance with § 56-468.1 of the Virginia Code.

The sales and use tax, 911 tax, and the cable rights-of-way fee assessed on consumers of video services from a single provider will be remitted to the Virginia Department of Taxation, which will administer the distribution of the Communications Sales and Use Tax Trust Fund within 30 days of receipt of the collections for a given month. The rights-of-way use fee assessed on consumers of both cable video services and voice services from a single provider will be remitted in accordance with subsection I of § 56-468.1. The 911 fees will be remitted directly to the Wireless 911 Board for administration.

The redistribution of taxes and fees is intended to be revenue neutral to localities and the Wireless 911 Board and shall cover the current cost of the Virginia Relay Center.

The provisions of the act will be effective on January 1, 2007.

*Patron - Nixon*

**HB569 Cigarette tax; penalty for failure to properly affix stamps.** Increases from \$250 to \$500 the penalty for failure to affix tax stamps to 100 or more packs of cigarettes. If the number of unstamped packs exceeds 500, it shall be prima facie of intent to defraud. If a person sells, transports, receives or possesses 3,000 or more packages of unstamped cigarettes, the Tax Department may impose a penalty, not to exceed \$2,500 per pack.

*Patron - Nixon*

**HB576 Sales and use tax; exemption for certain church property.** Expands the current exemption for tangible personal property purchased by nonprofit churches to include that which is used in any form for recording and reproducing services.

*Patron - Nixon*

**HB612 Cigarette tax; deduction of bad debts from taxes owed.** Permits stamping agents to deduct the cost of the tax stamps on cigarettes they have sold but for which payment is uncollectible. This bill is identical to SB 418.

*Patron - O'Bannon*

**HB772 Tax administration; judicial appeals of assessments.** Precludes circuit courts from granting relief to taxpayers seeking correction of erroneous assessments in cases in which the erroneous assessment was attributable to the taxpayer's willful failure or refusal to provide necessary information as required by law.

*Patron - Armstrong*

**HB779 Transient occupancy tax on certain rentals.** Raises the maximum amount of transient occupancy tax that Nelson County may charge for the rental of condominiums, apartments, townhouses, or like buildings from 2 percent to 5 percent, and requires any additional revenue to be spent on tourism.

*Patron - Abbitt*

**HB784 Lottery; penalty.** Makes changes that will enhance the ability of the Lottery to continue as a strong revenue producer for the Commonwealth, such as allowing licensed agents to provide other surety besides a bond that is satisfactory to the Lottery Director; allows lottery ticket sales be in cash or by debit card; creating a Class 5 felony for making, printing, or otherwise producing a document purporting to be Lottery correspondence; and reduces certain other penalties from a Class 2 to a Class 3 felony.

*Patron - Albio*

**HB786 Individual income taxes; credit for purchase of long-term care insurance.** Provides a credit against individual income taxes for certain long-term care insurance premiums paid by the individual during the taxable year. The amount of the credit for each taxable year shall equal 15 percent of the amount paid during the taxable year by the individual in long-term care insurance premiums for long-term care insurance coverage for himself. The total credits over the life of any policy would not be allowed to exceed 15 percent of the amount of premiums paid for the first 12 months of coverage. The credit would be available beginning with the 2006 taxable year. Any unused credit may be carried over in the next five taxable years. The Tax Commissioner shall establish guidelines regarding the information that must be included by a taxpayer with his tax return for proof of payment of the premiums. The credit would replace the current income tax deduction for long-term care insurance. This bill is identical to SB 287.

*Patron - Landes*

**HB862 Personal property tax; classification of certain aircraft.** Creates a separate classification for personal property tax rate purposes for aircraft having a registered empty gross weight equal to or greater than 20,000 pounds that are not owned and operated by scheduled air carriers recognized under federal law. Localities are thereby authorized to set a tax rate for such aircraft at any rate that does not exceed that applicable to the general class of tangible personal property. This bill is identical to SB 521.

*Patron - Byron*

**HB869 Local license taxes.** Permits localities to select a due date for businesses to apply for annual local licenses between March 1 and May 1 and they must do so no later than the 2007 license year. Under current law the due date is March 1. This bill is identical to SB 522.

*Patron - Byron*

**HB896 State and local sales and use tax and local taxes on meals; gratuities or service charges on meals.** Excludes from the sales price of meals all gratuities or service charges for purposes of calculating the sales and use tax and the local tax on meals; however the mandatory service charges or gratuities in excess of 20 percent would still be subject to the sales and use tax and the local meals tax. This bill is identical to SB 85.

*Patron - Gear*

**HB909 Enterprise zone job creation grant program; grant eligible position.** Provides that personal service providers would not be eligible for enterprise zone grants.

*Patron - Oder*

**HB916 Real estate tax assessments for open space property; golf courses.** Clarifies that golf courses are included in the category of open-space land for purposes of special assessments for real estate tax purposes.

*Patron - Oder*

**HB926 Economic Development for Virginians with Disabilities Grant Program.** Creates a grant fund to be distributed to nonprofit organizations that sell donated goods and spend at least 75 percent of their revenues on program services, including employing or training people with disabilities or people with barriers to self-sufficiency. The term "people with barriers to self-sufficiency" is defined as people who have limited or no work experience, a low level of education or training, physical or mental disabilities, or lack of workplace skills.

The grant funds are to assist with capital costs associated with construction of retail stores and other employment facilities. The program shall be administered by the Secretary of Health and Human Resources. The bill is contingent on funding in the appropriation act.

*Patron - Landes*

**HB963 Income tax; agricultural best management practices tax credit.** Adds taxpayers who have equines that create needs for agricultural best management practices to those who are engaged in agricultural production for market who may qualify for the agricultural best management practices tax credit, for taxable years beginning on or after January 1, 2007.

*Patron - Bulova*

**HB976 Motor vehicle sales and use tax; exemptions.** Includes registration certificates issued by the United States Armed Forces as valid documents that can be used by military personnel who have owned a vehicle for more than 12 months to obtain an exemption from the motor vehicle sales and use tax.

*Patron - Suit*

**HB980 Escrow payments on sale of certain tobacco products.** Requires the Attorney General to provide nonparticipating tobacco product manufacturers with information regarding the sale of their cigarettes in the Commonwealth in order to facilitate full and accurate escrow payments by such manufacturers. It also requires quarterly escrow payments, rather than annual, by nonparticipating tobacco product manufacturers that (i) are new to the market, (ii) default on any Master Settlement Agreement provisions, or (iii) as determined by the Attorney General, pose a risk of not making their escrow payments in the future.

*Patron - Hogan*

**HB1043 Coal tax credits.** Provides that the \$3-per-ton coal employment and production incentive tax credit may be allocated amongst coal producers and electricity generators. The allocation would be pursuant to a contract between such parties. Any amount allocated to a coal producer could be used as credit against the corporate income tax or any other tax imposed by the Commonwealth. Credits on or after January 1, 2006, and prior to July 1, 2011, that exceed the taxpayer's tax liability could be redeemed by the Tax Commissioner. Finally, the carryover period is extended from five to 10 years. This bill is identical to SB 365.

*Patron - Kilgore*

**HB1129 State Lottery Department.** Prohibits the sale of lottery tickets over the Internet. The bill provides that nothing shall be construed to prohibit (i) the use of the Internet to relay information or data relating to sales made to purchasers by licensed sales agents, their employees, or employees of the Department or (ii) the sale by the Department of prepaid subscriptions for the purchase of lottery tickets or shares for subsequent prize drawings.

*Patron - Cline*

**HB1148 Sales tax on motor fuels.** Sets the effective date for sales tax on fuels in certain transportation districts.

*Patron - Orrock*

**HB1173 Real property assessments; affordable housing.** Provides that (i) certain federal, state or local restrictions, as well as special expenses be considered in determining the fair market value and the capitalization rate for certain real property designated as affordable housing, and (ii) federal and state income tax credits with respect to real property shall not

be considered real property or income attributable to real property.

*Patron - Rapp*

**HB1217 Department of Taxation; electronic receipts of certain transactions.** Requires the Department of Taxation to accept, in lieu of a printed paper copy of recordation receipts from clerks of Court, a monthly electronic transfer of the recordation receipt copy on magnetic tape or other media acceptable to the Department. This is a recommendation of the Committee on District Courts.

*Patron - Moran*

**HB1231 Real estate taxes; computation of deferral.** Repeals the requirement that the deferral amount be calculated using a base-line amount equivalent to the real estate tax in the first full tax year of ownership by the taxpayer after the adoption of the deferral program by the locality, multiplied by 105 percent, or such higher percentage adopted by the locality in each tax year until the current tax year.

*Patron - Welch*

**HB1235 Sales and use tax revenue in certain public facilities in the City of Norfolk; dedication of revenue.** Adds the City of Norfolk to the list of cities permitted to retain the sales and use tax revenue generated in certain public facilities for which Norfolk issues bonds. The retention of the tax revenue expires when the bonds are retired. The bill also provides that public facilities shall not include residential condominiums, townhomes, or residential units.

*Patron - Melvin*

**HB1277 Tobacco Products Manufacturers.** Requires certain tobacco sales reports and documents to be filed directly with the Attorney General. Currently, the Commissioner of Agriculture and the Attorney General receive the reports.

*Patron - Ware, R.L.*

**HB1283 Local taxes; cap on penalty.** Provides that the penalty for failing to pay a local tax or assessment shall in no case exceed the amount of the tax assessed.

*Patron - Johnson*

**HB1290 Machinery and tools tax; method of valuation.** Requires commissioners of the revenue, in valuing machinery and tools to consider any bona fide, independent appraisal presented by the taxpayer. The bill would also provide that idle machinery and tools used in certain businesses be taxable as capital and subject to the State intangible personal property tax (the Commonwealth currently exempts intangible personal property from tax). Finally, the bill would require the Tax Commissioner to examine and report on certain related issues.

*Patron - Saxman*

**HB1323 Transient occupancy tax; Montgomery County.** Adds Montgomery County to the list of counties permitted to impose a transient occupancy tax of up to 5 percent, with any amount generated over 2 percent to be spent for tourism purposes.

*Patron - Nutter*

**HB1366 Tax administration; "jeopardized by delay" definition.** Makes a technical change to the definition of "jeopardized by delay" in the BPOL tax and local business tax provisions so it conforms to the state income tax definition.

*Patron - Hull*

**HB1370 Sales and use tax; Tax Commissioner's exemption reports.** Clarifies the process by which the Tax Commissioner creates and submits sales and use tax exemption reports to the chairmen of the House and Senate Finance Committees.

*Patron - Hull*

**HB1421 Real property tax; nonjudicial sale of tax delinquent properties.** Clarifies, with regard to nonjudicial sales of tax delinquent properties, (i) the status of other liens against such properties, which are unaffected by the sale; (ii) the means (Treasurer's Deed) by which title is transferred; and (iii) the treatment of excesses and shortfalls in the proceeds of the sale.

*Patron - Ingram*

**HB1505 Virginia Coalfield Economic Development Authority Tax.** Allows localities to use a portion of the revenues for improving water and sewer systems.

*Patron - Phillips*

**HB1535 Income tax; subtraction for certain death benefit payments.** Allows a beneficiary taxpayer to subtract the death benefit payments received from an annuity contract, when calculating Virginia taxable income, that are subject to federal income taxation, for taxable years beginning on or after January 1, 2007.

*Patron - Welch*

**HB1539 Sales and use tax; exemption for gas and oil.** Extends the sunset date from July 1, 2006, to July 1, 2011, for the sales and use tax exemption for equipment and materials used in drilling and refining natural gas and oil.

*Patron - Parrish*

**SB42 Department of Taxation; earned income tax credit information.** Requires the Department of Taxation to obtain information from each income tax taxpayer on whether he claimed a federal earned income tax credit and the amount claimed and permits the Department of Taxation to provide this and other information to the Department of Social Services regarding clients of the Department of Social Services, and permits the Department of Social Services to provide related information to the Department of Taxation. This bill is identical to HB 407.

*Patron - Puller*

**SB69 Conformity of taxation with Internal Revenue Code; emergency.** Provides that any reference to federal income tax laws in Chapter 3 (§ 58.1-300 et seq.) of Title 58.1 refers to the federal law as it exists on December 31, 2005. Current law specifies that such references refer to federal law as it existed on January 7, 2005. This bill contains an emergency clause. This bill incorporates SB 155 and is identical to HB 531.

*Patron - Chichester*

**SB70 Income taxes; payments to producers of quota tobacco and tobacco quota holders.** Provides a subtraction from income, for taxable years beginning on or after January 1, 2006, in computing individual and corporate income taxes for payments to producers of quota tobacco and tobacco quota holders pursuant to the American Jobs Creation Act of 2004.

*Patron - Ruff*

**SB73 Sales and use tax exemption; certain medicines and drugs.** Exempts from sales and use tax medicines and drugs (i) used by veterinarians in treating agricultural production animals; (ii) sold to farmers for direct use in producing

an agricultural product for market; or (iii) used by a veterinarian for agricultural production animals and dispensed or sold on prescription by the veterinarian. This bill is identical to HB 69.

*Patron - Houck*

**SB85 State and local sales and use tax and local taxes on meals; gratuities or service charges on meals.** Excludes from the sales price of meals all gratuities or service charges for purposes of calculating the sales and use tax and the local tax on meals; however the mandatory service charges and gratuities in excess of 20 percent would still be subject to the sales and use tax and local meals tax. This bill is identical to HB 896.

*Patron - Watkins*

**SB86 Local transient occupancy tax; cities and towns.** Provides that the transient occupancy tax shall be imposed only for the occupancy of any room or space suitable or intended for occupancy by transients for dwelling, lodging, or sleeping purposes. In 2005 the General Assembly passed a substantially similar restriction for county transient occupancy taxes.

*Patron - Watkins*

**SB110 Sales tax exemptions; medicines and drugs.** Provides that medicines and drugs purchased by nursing homes, clinics, and similar entities are exempt from sales tax. Currently, only medicines purchased by hospitals and nonprofit nursing homes are exempt from the tax.

*Patron - Stosch*

**SB139 Virginia Military Family Relief Fund; contribution of tax refund; report.** Establishes the Virginia Military Family Relief Fund, a special nonreverting fund to assist Virginia members of the armed services who have been called to active duty and to assist their families with living expenses. The Fund will be used by the Adjutant General to provide monetary grants to National Guard members and reservists who are called to either state or federal active duty to assist with living expenses. The bill also provides an income tax refund checkoff to individuals who want to contribute all or part of their income tax refund or additional contribution to the Military Family Relief Fund. This bill incorporates SB 385.

*Patron - O'Brien*

**SB186 Use value assessment and taxation; roll-back taxes.** Provides that, at the option of the locality, roll-back taxes under local use value assessment ordinances shall not apply to a subdivision, separation, or split-off of property which results in parcels that do not meet minimum acreage requirements, provided that title to the subdivided parcels is held in the name of an immediate family member for at least the first 60 months following the subdivision.

*Patron - Martin*

**SB260 Classification and taxation of property.** Provides that in valuing machinery and tools for taxation, the commissioner of the revenue shall, if requested in writing, consider an independent appraisal submitted by the taxpayer. The bill also provides that, for taxable years beginning on or after January 1, 2007, certain certified pollution control equipment and facilities are exempt from state and local taxation, pursuant to Section 6 of Article X of the Constitution of Virginia. Finally, the bill requires that the Tax Commissioner convene a working group to consider several issues relating to the assessment and valuation for appraisals relating to machinery and tools, and to report by November 1, 2006. Further, the bill clarifies that idle

machinery and tools are intangible capital segregated for state, not local, taxation.

*Patron - Wagner*

**SB287 Individual income taxes; credit for purchase of long-term care insurance.** Provides a credit against individual income taxes for certain long-term care insurance premiums paid by the individual during the taxable year. The amount of the credit for each taxable year shall equal 15 percent of the amount paid during the taxable year by the individual in long-term care insurance premiums for long-term care insurance coverage for himself. The total credits over the life of any policy would not be allowed to exceed 15 percent of the amount of premiums paid for the first 12 months of coverage. The credit would be available beginning with the 2006 taxable year. Any unused credit may be carried over in the next five taxable years. The Tax Commissioner shall establish guidelines regarding the information that must be included by a taxpayer with his tax return for proof of payment of the premiums. The credit would replace the current income tax deduction for long-term care insurance. This bill is identical to HB 786.

*Patron - Blevins*

**SB302 Local taxes; use of collection agents.** Prohibits localities from referring delinquent accounts for collection to an attorney, the sheriff, or other delinquent tax collector unless the treasurer has sent written notification of the delinquency to the taxpayer's address as contained in local tax records, or, if the treasurer has reason to believe such address is not current, to such other address that the treasurer may obtain.

*Patron - Williams*

**SB358 Real property tax exemption in redevelopment or conservation areas or rehabilitation districts.** Authorizes local governing bodies to provide for the partial exemption from taxation of (i) new structures located in redevelopment or conservation areas or rehabilitation districts and (ii) other improvements to real estate located in redevelopment or conservation areas or rehabilitation districts. The partial exemption would be a percentage of the increase in assessed value as a result of the new structure or improvement or an amount not to exceed 50 percent of the construction cost of such structure or improvement. The local governing body would be allowed to establish criteria for qualifying real estate including, but not limited to, the square footage for new structures. The bill is contingent on a constitutional amendment authorizing the exemption.

*Patron - Edwards*

**SB365 Coal tax credits.** Provides that the \$3-per-ton coal employment and production incentive tax credit may be allocated among coal producers and electricity generators. The allocation would be pursuant to a contract between such parties. Any amount allocated to a coal producer could be used as credit against the corporate income tax or any other tax imposed by the Commonwealth. Credits earned on or after January 1, 2006, and prior to January 1, 2011, that exceed the taxpayer's tax liability could be redeemed by the Tax Commissioner. Finally, the carryover period is extended from 5 to 10 years. This bill is identical to HB 1043.

*Patron - Wampler*

**SB404 Property taxes; generating equipment of electric suppliers.** Provides that generating equipment of electric suppliers utilizing wind turbines may be taxed at a rate or rates that exceeds the real estate rate, but does not exceed the personal property rate. The bill has an effective date of January 1, 2007.

*Patron - Hanger*

**SB417 Taxation of certified pollution control equipment and facilities; development of five-year plan.** The Virginia Economic Development Partnership Authority, with other agencies, is required to prepare and execute a specific five-year plan to assist local governments that are dependent upon manufacturing facilities to diversify their economies. The bill also provides that certain certified pollution control equipment and facilities are exempt from state and local taxation, pursuant to Section 6 of Article X of the Constitution of Virginia.

*Patron - Hanger*

**SB418 Cigarette tax; deduction of bad debts from taxes owed.** Permits stamping agents to deduct from cigarette taxes owed the cost of the tax stamps on cigarettes they have sold but for which payment is uncollectible. This bill is identical to HB 612.

*Patron - Hanger*

**SB463 Montgomery County; transient occupancy tax.** Authorizes Montgomery County to impose a transient occupancy tax up to a rate of 5 percent. All revenues collected from that portion of the tax above 2 percent would be required to be spent on promoting tourism.

*Patron - Edwards*

**SB468 Transient occupancy tax; Historic Triangle area.** Eliminates the January 1, 2008, sunset date for the additional transient occupancy tax in the Counties of James City and York and makes other technical changes.

*Patron - Norment*

**SB475 Sales and use tax; semiconductor production exemption.** Provides a sales and use tax exemption for tangible personal property used in semiconductor manufacturing as well as other semiconductor equipment. This bill is identical to HB 530.

*Patron - Colgan*

**SB506 Coal and Gas Road Improvement Fund.** Allows localities that comprise the Virginia Coalfield Economic Development Authority to use revenue from their Coal and Gas Road Improvement Fund to repair or enhance existing water and sewer systems and lines to meet the needs of the public.

*Patron - Puckett*

**SB521 Tangible personal property; classifications.** Establishes a separate class of tangible personal property for aircraft having a registered empty gross weight equal to or greater than 20,000 pounds that are not owned or operated by scheduled air carriers recognized under federal law. This bill is identical to HB 862.

*Patron - Newman*

**SB522 Local license tax.** Authorizes localities to establish a license application date between March 1 and May 1 and they must do so no later than the 2007 license year. Under current law, the license application date is March 1. This bill is identical to HB 869.

*Patron - Newman*

**SB571 Sales and use tax exemption; school-related items.** Provides a sales and use tax exemption, beginning in 2006, for certain school-related items purchased during a specific three-day period during August each year. The exempt items are (i) school supplies, where the selling price of each item is \$20 or less, and (ii) footwear and clothing where the selling price of each item is \$100 or less. The bill also autho-

rizes dealers to absorb the sales and use tax on all other items sold during the same time period and thereby relieve the purchaser of the obligation to pay such tax. Dealers who absorb such taxes are liable for payment of the same to the Tax Commissioner. This bill is identical to HB 532.

*Patron - McDougale*

**SB583 Tax administration; amended return filing after change in another state.** Allows taxpayers one year from the final determination of a change made by any other state to file an amended return in the Commonwealth; requires taxpayers to file amended returns to report a reduction in credit for taxes paid to another state due to changes made by the other state; and reconciles inconsistent statutory periods for filing amended returns resulting from federal changes.

*Patron - Stosch*

**SB597 Local license tax; retailers of certain fuels.** Provides that when the Department of Mines, Minerals and Energy (DMME) determines that the weekly U.S. Retail gasoline price has increased by 20 percent or more in one week, and does not fall below that rate for 28 days, then the gross receipts taxes on fuel sales of a gas retailer made in the following licensing year shall not exceed 110 percent of the gross receipt taxes on fuel sales made in the license year of the increase. DMME must report its findings no later than January 30 each year to VML, VACO and the Virginia Petroleum, Convenience and Grocery Association.

*Patron - Watkins*

**SB601 Sales and use tax exemption; semiconductor wafers.** Exempts from sales and use tax semiconductor wafers for use or consumption by a semiconductor manufacturer.

*Patron - Stosch*

**SB655 Entitlement to certain sales tax revenues.** Entitles the City of Norfolk to all sales tax revenues generated by transactions taking place in certain public facilities to pay the cost of bonds issued to pay for such public facilities. Such entitlement shall continue for the lifetime of such bonds, which entitlement shall not exceed 35 years, and all such sales tax revenues shall be applied to repayment of the bonds. The bill also clarifies that a public facility does not include any residential condominiums, town homes, or residential units.

*Patron - Rerras*

**SB690 Job creation tax credits.** Adds to the type of jobs for which the job creation tax credit can be taken, the manufacturing of components that produce, store, and dispense hydrogen as a vehicle fuel. The sunset clause applicable to this section is extended from December 31, 2006, to December 31, 2011.

*Patron - Rerras*

**SB714 Retail sales and use tax; commercial and industrial exemptions.** Makes permanent certain retail sales and use tax exemptions related to the refining and processing of oil and natural gas and extend the sunset for exemption related to extraction and processing of natural gas and oil from July 1, 2006, to July 1, 2011.

*Patron - Norment*

**SB729 Tobacco taxes; roll-your-own tobacco.** Makes roll-your-own tobacco subject to the cigarette excise tax instead of the tobacco products tax. The cigarette tax on roll-your-own tobacco, however, would be imposed at the same rate and in the same manner as the tobacco products tax. Distributors of roll-your-own tobacco would be considered cigarette stamping agents and would be required to prepare an invoice describing the manufacturer, brand, and quantity in

ounces of roll-your-own tobacco included in each shipment to dealers located within the Commonwealth. A copy of the invoice would be attached to the shipment and would be deemed to be the cigarette revenue stamp. Accordingly, Non-participating Manufacturers (NPMs) would be required to include sales of roll-your-own tobacco when determining their required annual escrow deposit. The bill is effective January 1, 2007.

*Patron - Hawkins*

**SB731 Real estate reassessment; notice.** Requires localities to add onto the notice to taxpayers of real estate reassessments the amount of the immediately prior assessment amount, and if the tax rate that will apply to the new assessed value has been established, then the notice shall include such rate, the total amount of the new tax levy, and the percentage change in the new tax levy from the immediately prior one. If the tax rate that will apply to the new assessed value has not been established, then the notice shall include the time and place of the next meeting of the local governing body at which public testimony will be accepted on any real estate tax rate changes. Finally, if such meeting is more than 60 days from the date of the reassessment notice, the notice will include information about when the date of the meeting will be set and where it will be publicized.

*Patron - Herring*

## Failed

**FHB12 Sales and use tax exemption; school supplies, clothing, and footwear.** Provides a sales and use tax exemption for certain school supplies, clothing, and footwear purchased during a four-day period each year beginning on the first Thursday in August, beginning in 2006. The exempt items are the following: each article of school supplies with a selling price of \$20 or less and each article of clothing or footwear with a selling price of \$100 or less. The bill also authorizes dealers to absorb the sales and use tax on all other items sold during the same time period and thereby relieve the purchasers of the obligation to pay such tax. Dealers who absorb such taxes are liable for payment of the same to the Tax Commissioner. This bill was incorporated into HB 532.

*Patron - Jones, S.C.*

**FHB40 Estate tax.** Confirms the amount of Virginia estate tax due from an estate to the maximum amount of the federal estate tax credit for state estate taxes, as permitted under federal estate tax law, as such law shall be amended from time to time. Under current law the amount of Virginia estate tax cannot be less than the federal credit under federal law as such law existed on January 1, 1978. The bill incorporates HBs 516 and 519.

*Patron - Tata*

**FHB85 Sales and use tax revenue dedicated to the Transportation Trust Fund.** Increases the amount of sales and use tax revenue dedicated to the Transportation Trust Fund from an amount generated by a one-half percent sales and use tax, to an amount generated by a 1 percent sales and use tax.

*Patron - Cole*

**FHB86 Individual income tax; personal exemption amount.** Increases the personal exemption amount for an individual from \$900 to \$1,000 for taxable years beginning on or after January 1, 2006.

*Patron - Cole*

**FHB87 Real estate tax exemptions for the elderly and handicapped.** Adds Stafford County, Fauquier County, and

Clarke County to the list of localities in the Northern Virginia area that may use higher income levels and total net worth amounts in determining eligibility for real estate tax exemptions for the elderly and handicapped. This bill was incorporated into HB 121.

*Patron - Cole*

**HB96 Coalfield employment enhancement tax credit.** Extends the sunset date for the credit from January 1, 2008, to January 1, 2015.

*Patron - Kilgore*

**HB112 Motor vehicle sales and use tax; basis of tax.** Allows the DMV Commissioner to collect the motor vehicle sales and use tax on the basis of the final sale price less any rebates given by the manufacturer or dealer, in the case of the sale or use of a new motor vehicle.

*Patron - Albo*

**HB118 Sales and use tax revenue dedicated to the Transportation Trust Fund.** Increases the amount of sales and use tax revenue dedicated to the Transportation Trust Fund from an amount generated by a 0.50 percent sales and use tax, to an amount generated by a 0.75 percent sales and use tax.

*Patron - Marshall, R.G.*

**HB130 Sales tax exemption; energy efficient products.** Provides a sales tax exemption for purchases made during the period October 5, 2006, through October 8, 2006, of certain energy-efficient products.

*Patron - Cosgrove*

**HB131 Sales and use tax exemption; school supplies, clothing and footwear, and computers.** Provides a sales and use tax exemption, beginning in 2006, for certain school supplies, clothing and footwear, and computers purchased during a 10-day period each year beginning on the first Friday in August. The bill also authorizes dealers to absorb the sales and use tax on all other items sold during the same time period and thereby relieve the purchasers of the obligation to pay such tax. Dealers who absorb such taxes are liable for payment of the same to the Tax Commissioner. This bill was incorporated into HB 532.

*Patron - Cosgrove*

**HB140 Personal Property Tax Relief.** Reinstates the Personal Property Tax Relief Act of 1998 at 100 percent reimbursement for qualifying vehicles effective January 1, 2007.

*Patron - Cole*

**HB145 Motor vehicle fuels sales tax.** Makes the imposition of the 2 percent motor vehicle fuels sales tax optional for the localities in certain transportation districts. Under current law, the tax is imposed automatically in those districts.

*Patron - Cole*

**HB161 Income tax; subtraction of federal, state, or local government employee retirement payments.** Reduces taxable income by the amount of any federal, state, or local government employee retirement payments received.

*Patron - Lingamfelter*

**HB169 Real estate tax; limitation on tax rate.** Provides that localities must set real estate tax rates so that the total real estate tax revenue will not increase by more than 3 percent over the previous year's total real property tax levies with one exception. The exception would allow a locality to set its property tax rate at a rate not to exceed the rate of population growth plus the rate of inflation in the locality for the

immediately preceding year, but in no event shall the rate be set at any amount that would produce more than 6 percent growth.

*Patron - Lingamfelter*

**HB174 Transient occupancy tax; exemption.** Exempts from local transient occupancy taxes rooms or spaces rented by any nonstock Virginia corporation whose primary activity is the operation of a lodging facility.

*Patron - Lingamfelter*

**HB199 Sales and use tax and motor vehicle sales and use tax; definition of sale price.** Reduces the sale price (i) for determining general sales and use tax by any cash rebates and (ii) for determining motor vehicle sales and use tax by any cash discount allowed and taken; any finance charges, carrying charges, service charges or interest from credit extended on sales of tangible personal property under conditional sale contracts or other conditional contracts providing for deferred payments of the purchase price; any separately stated local property taxes collected; or any cash rebates. Where used articles are taken in trade, or in a series of trades as a credit or part payment on the sale of new or used articles, the tax levied by this chapter shall be paid on the net difference between the sales price of the new or used articles and the credit for the used articles. The reductions in sale price for the motor vehicle sales and use tax (other than cash rebates) are the same reductions allowed for general sales and use tax under current law.

*Patron - Marshall, R.G.*

**HB202 Real property tax exemption; elderly and disabled.** For localities in Northern Virginia, increases from \$340,000 to \$400,000 the maximum financial worth cap a locality may use in providing real estate tax exemptions to the elderly or disabled.

*Patron - Marshall, R.G.*

**HB219 Income tax; employer-provided commuting benefits tax credit.** Grants an income tax credit for taxable years beginning on or after January 1, 2007, to employers who pay employees' eligible commuting expenses, which include multiple-passenger vehicle and mass transit transportation costs, parking fees, and showers and bike rack installation costs. The credit equals 40 percent of such costs, not to exceed \$240 per employee each year. Unused credits may be carried over for five years.

*Patron - Jones, D.C.*

**HB242 Admissions tax; Scott County.** Authorizes Scott County to impose a tax on admissions to any off-track horse race wagering facility in the amount of \$0.25 for each patron admitted.

*Patron - Kilgore*

**HB245 Income tax; age deduction.** Provides that those taxpayers born after January 1, 1939, and no later than January 1, 1942, who are subject to the means test at age 65 with regard to the \$12,000 deduction are allowed a deduction of no less than \$6,000.

*Patron - Shannon*

**HB248 Sales and use tax; exemption for certain contractors.** Exempts from paying the sales and use tax any person who contracts on or after July 1, 2006, to perform services for and provide tangible personal property for consumption or use by the Commonwealth, any political subdivision of the Commonwealth, or the United States, if the Commonwealth, political subdivision, or the United States certifies that

title to such tangible personal property will pass to such governmental entity.

*Patron - Shannon*

**HB249 Individual income tax; senior citizen tax relief.** Provides for indexing the \$12,000 and \$6,000 age deduction amounts based on the Consumer Price Index for All Urban Consumers, for taxable years beginning on or after January 1, 2007.

*Patron - Shannon*

**HB270 Income tax; toll payment tax credit.** Provides a tax credit against income tax for taxpayers making electronic toll collection payments, such as Smart Tag, in an amount equal to 10 percent of the total amount paid annually for tolls on Virginia highways, for taxable years beginning on and after January 1, 2007.

*Patron - Poisson*

**HB277 Real property tax exemption; elderly and disabled.** For localities in Northern Virginia, increases from \$340,000 to \$540,000 the maximum financial worth cap a locality may impose in providing real estate tax exemptions to the elderly or disabled. This bill was incorporated into HB 121.

*Patron - Caputo*

**HB315 Real estate tax; limitation on tax rate.** Provides that the total tax revenue in a locality may not exceed 105 percent of the total tax revenue in the locality in the immediately prior year unless approved by at least a two-thirds majority vote of the local governing body.

*Patron - Albo*

**HB319 Personal property tax; valuation of automobiles.** Requires that automobiles be valued for personal property tax purposes according to the National Automobile Dealers Association Used Car Pricing Guide or the Kelley Blue Book, whichever reports a lower value.

*Patron - Albo*

**HB328 Sales and use tax exemption; funeral expenses.** Provides a sales and use tax exemption for the first \$2500 in funeral expenses that are otherwise taxable.

*Patron - Morgan*

**HB390 Sales and use tax exemption; Energy Star certified products.** Exempts certain energy-efficient products from sales and use tax. This bill was incorporated into HB 130.

*Patron - Englin*

**HB394 Income tax; tax credit for low-income renters.** Provides an income tax credit for taxable years beginning on or after January 1, 2007, for certain low-income individuals and persons filing joint returns in an amount equal to 25 percent of their annual housing rental expenses up to an amount equal to 6 percent of the federal poverty guidelines.

*Patron - Englin*

**HB395 Cigarette tax.** Increases the cigarette tax rate from \$0.30 per pack to \$0.80 per pack.

*Patron - Englin*

**HB410 Recordation tax; distribution for transportation.** Provides for the distribution of excess recordation tax revenues to the Commonwealth Transportation Board for use throughout the Commonwealth for (i) projects that will reduce poor air quality, (ii) projects that will reduce traffic congestion, and (iii) projects that will aid the safety of motorists or pedestrians.

*Patron - Marshall, R.G.*

**HB422 Individual income tax; personal exemption amount.** Increases the personal exemption amount for an individual from \$900 to \$1,000 for taxable years beginning on or after January 1, 2007.

*Patron - Nutter*

**HB423 Sales and use tax; distribution to certain localities.** Distributes certain sales and use tax revenues to localities that have experienced a reduction in machinery and tools tax revenues of at least 50 percent during the two most recently ended fiscal years, excluding any reduction due to a decrease in the tax rate. The annual amount to be distributed shall be the lesser of one-half of the annual amount distributed to the county, city, or town pursuant to § 58.1-605, or one-half of the two-year reduction in the machinery and tools tax revenues for the locality. Such annual payments shall continue until the fiscal year immediately following two successive fiscal years in which the county's, city's, or town's total machinery and tools tax revenues for those two fiscal years equal or exceed 80 percent of the amount of such revenues collected in the two-year period immediately preceding the two fiscal years in which there was at least a 50 percent reduction in such revenues.

*Patron - Nutter*

**HB428 Tax administration; filing of tax returns by military personnel in combat zones.** Prohibits the Tax Commissioner from imposing interest or penalties and from performing collection actions with regard to tax returns of military personnel serving in combat zones, for taxable years beginning on or after January 1, 2006.

*Patron - Nutter*

**HB442 Coalfield employment enhancement tax credit.** Eliminates the restriction for tax credit being claimed under both the coalfield employment enhancement tax credit and the coal employment and production incentive tax credit for the same ton of coal.

*Patron - Kilgore*

**HB449 Income tax; land preservation tax credits.** Expands the land preservation tax credit by removing the \$100,000 annual credit limit that a taxpayer may take for qualified donations of conservation easements and putting a \$2.5 million or 50 percent of the fair market value, whichever is less, cap on each donated easement. However, the credit may exceed \$2.5 million, up to 50 percent of the fair market value of the donated interest if (i) the taxpayer has submitted two qualified appraisals from two different qualified appraisers, and (ii) the Secretary of Natural Resources, who has the sole discretion, has determined that the qualified donation provides exceptional benefit to the Commonwealth by meeting standards adopted by the Virginia Land Conservation Foundation. It also requires the filing of a statement for less-than-fee interest donations that describes how such interest meets the requirements of IRC § 170(h). It also adds, as qualified donations, easements on historic buildings or a complex of historic buildings or a portion of such buildings if the building is listed on the Virginia Landmarks Register, provided there are restrictions on the exterior surfaces of the building or complex of buildings. A fee of 1 percent of the value of the donated interest, or \$5,000, whichever is less, is imposed on any taxpayer who transfers unused tax credits.

*Patron - Ware, R.L.*

**HB450 Income tax; land preservation tax credits.** Removes the \$100,000 annual credit limit that a taxpayer may take for qualified donations of conservation easements and requires the filing of a statement for less-than-fee interest



donations that describes how such interest meets the requirements of IRC § 170(h). It also adds as qualified donations easements on historic buildings or a complex of historic buildings or a portion of such buildings if the building is listed on the Virginia Landmarks Register, provided there are restrictions on the exterior surfaces of the building or complex of buildings. A fee of 1 percent of the value of the donated interest, or \$5,000, whichever is less, is imposed on any taxpayer who transfers unused tax credits. It also allows the tax credits to pass at the death of the taxpayer to his estate and allows the estate to transfer unused tax credits.

*Patron - Ware, R.L.*

**HB477 Motor vehicle registration and driver's license application contents.** Adds language to motor vehicle registration forms and driver's license application forms that allows such registrants and applicants to contribute \$1 for Prevent Blindness Virginia, a nonprofit organization that provides driver education, vision screening and vision screening training.

*Patron - Ware, R.L.*

**HB479 Income tax; tax credit for health insurance premiums paid by small business employers.** Provides a tax credit for taxable years beginning on or after January 1, 2007, to employers who pay at least one-half of the annual health insurance premium per employee. The amount of the credit is the lesser of \$500 or the amount paid per employee. The total amount of credits available to each employer annually is limited to \$25,000. The credits are available to employers with 50 or fewer full-time employees.

*Patron - Frederick*

**HB483 Income tax; age deduction.** Reinstates the \$6,000 and \$12,000 deduction for taxpayers aged 62 through 64, and 65 and older, respectively, for taxable years beginning on and after January 1, 2006. However, individuals with taxable income exceeding \$150,000 and married couples with taxable income exceeding \$250,000 are not eligible for the deduction.

*Patron - Frederick*

**HB484 Sales and use tax exemption; school supplies, clothing and footwear, and computers.** Provides a sales and use tax exemption for certain school supplies, clothing and footwear, and computers purchased during a seven-day period each year beginning on the Tuesday prior to the first Monday in September, beginning in 2006. The exempt items are: each article of school supplies with a selling price of \$20 or less, each article of clothing or footwear with a selling price of \$100 or less, and each article of computers or related peripheral equipment with a selling price of \$1,500 or less. The bill also authorizes dealers to absorb the sales and use tax on all other items sold during the same time period and thereby relieve the purchasers of the obligation to pay such tax. Dealers who absorb such taxes are liable for payment of the same to the Tax Commissioner. This bill was incorporated into HB 532.

*Patron - Frederick*

**HB486 Income tax; teleworking tax credit.** Grants a tax credit to certain qualified employers for eligible costs incurred to provide an employee with the ability to telework, for taxable years beginning on or after January 1, 2007. The credit equals 75 percent of the cost of the initial set-up to enable teleworking for an employee who works five or more days weekly. The credit per employee is limited to \$1,000 annually.

*Patron - Frederick*

**HB488 Insurance premiums license tax; disposition of motor vehicle insurance license tax.** Requires the revenues generated by the license tax on motor vehicle insurance companies to be credited to the Transportation Trust Fund when deposited in the state treasury.

*Patron - Frederick*

**HB489 Commonwealth Transportation Investment Fund.** Creates the Commonwealth Transportation Investment Fund and dedicates to it one-third of all insurance license tax revenues, to be used for transportation projects throughout the Commonwealth. The Commonwealth Transportation Board is authorized to issue revenue bonds provided that the total face amount of bonds issued in any fiscal year shall not exceed two-thirds of the amount of insurance license tax revenues estimated to be dedicated in that year. The proceeds of the bonds shall be allocated among various transportation modes according to the formula under current law. All other revenues in the Fund not needed to pay debt service on the bonds, are allocated for transportation construction projects among the several highway systems of the Commonwealth according to the formula under current law. The particular transportation projects to be funded shall be determined by the Commonwealth Transportation Board. The bill also increases from \$800 million to \$1.2 billion the amount of Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes that were authorized in 2000 and dedicated to transportation projects, and makes other changes to transportation projects that were authorized in 2000.

*Patron - Frederick*

**HB509 Sales and use tax exemption; clothing, school supplies, computers, and sport or recreational equipment.** Provides a sales and use tax exemption for purchases made during a three-day period each year beginning the first Friday in August of the following items: (i) clothing with a sales price of \$100 or less per item; (ii) school supplies with a sales price of \$100 or less per item; (iii) computers with a sales price of \$3,500 or less per item; and (iv) sport or recreational equipment with a sales price of \$50 or less per item. The exemption does not apply to sales of items for use in a trade or business. The bill also authorizes dealers to absorb the sales and use tax on all other items sold during the same time period and thereby relieve the purchasers of the obligation to pay such tax. Dealers who absorb such taxes are liable for payment of the same to the Tax Commissioner. This bill was incorporated into HB 532.

*Patron - Armstrong*

**HB516 Estate tax.** Gradually phases out the Virginia estate tax by 25 percent per year over a four-year period. This bill was incorporated into HB 40.

*Patron - Armstrong*

**HB519 Estate tax.** Exempts from the estate tax (i) all estates where the majority of assets are an interest in a closely held business, including working farms, and (ii) all estates where the gross estate is worth \$10 million or less. This bill was incorporated into HB 40.

*Patron - Armstrong*

**HB528 Sales and use tax holiday for clothing and computers.** Establishes a sales and use tax exemption during the period from August 23 through August 27, 2006, and each such time period thereafter, for "clothing and footwear" costing less than \$200 per article; "computer systems" costing less than \$1,250; and "computers," "computer hardware," and "computer software" costing less than \$500. The bill also requires the Department of Taxation to promulgate regulations that

implement the temporary exemption program by August 1, 2006. This bill was incorporated into HB 532.

*Patron - Rust*

**HB533 Income tax; land preservation tax credit.** Requires that the value of the donated interest in land (i) be calculated using an amount that does not exceed the assessed value of the property for purposes of local property tax, and (ii) not exceed such assessed value. If the most recent general reassessment of property in the locality occurred more than two years before the conveyance, the assessed value shall be adjusted by dividing the assessed value by the median ratio for the locality from the most recent Assessment/Sales Ratio Study published by the Department of Taxation. This bill was incorporated into HB 450.

*Patron - Parrish*

**HB536 Sales and use tax; exemption for certain contractors.** Exempts from paying the sales and use tax any person who contracts on or after July 1, 2006, to perform services for and provide tangible personal property for consumption or use by the Commonwealth, any political subdivision of the Commonwealth, or the United States, if the Commonwealth, political subdivision, or the United States certifies that title to such tangible personal property will pass to such governmental entity.

*Patron - Parrish*

**HB540 Real property taxes; exemption for certain elderly or disabled persons.** Increases, and makes uniform statewide, the maximum income and net worth amounts of elderly or disabled persons that localities may use in providing real estate tax exemptions for such persons (i) from \$50,000 to \$75,000 for annual income, and (ii) from \$200,000 to \$350,000 for net worth. The net worth cap is also increased by increasing from 10 to 20 the number of acres on which the person's home is located that can be excluded in calculating net worth. The bill states that an emergency exists and is effective upon passage. This bill was incorporated into HB 121.

*Patron - McClellan*

**HB559 Taxation; extend statute of limitations for refunds.** Extends the statute of limitations from 3 to 10 years for taxpayers to file amended returns in order to get a refund. The bill also deletes obsolete language.

*Patron - Amundson*

**HB560 Real property tax exemption; elderly and disabled.** For localities in Northern Virginia, increases from \$340,000 to \$500,000 the maximum financial worth cap a locality may impose in providing real estate tax exemptions to the elderly or disabled. This bill was incorporated into HB 121.

*Patron - Amundson*

**HB578 Local piggyback income tax and personal property tax.** Allows localities to impose a local income tax at a rate of either 0.50 percent or 1 percent upon the Virginia taxable income of individuals, trusts, estates, and corporations provided the personal property tax rate does not exceed \$0.01 per \$100 of value on personally owned motor vehicles. The Tax Commissioner collects the tax and returns it to localities based on taxpayers' residences. A new classification for personal property tax purposes is created for motor vehicles used for nonbusiness purposes. The provisions of the act will take effect January 1, 2007.

*Patron - Watts*

**HB579 Income tax; deduction for individuals of incarcerated family members.** Provides a \$1,000 deduction to taxpayers who have a parent, spouse, or child who normally

resides in the same home but who is incarcerated in a Virginia correctional facility.

*Patron - Watts*

**HB581 Motor fuel tax; rate increase.** Increases the tax on gasoline, diesel fuel, and alternative fuel by \$0.085 per gallon, increases the motor carrier road tax by an equivalent of \$0.085 per gallon of fuel used in the Commonwealth, and increases the alternative use fee for certain motor carriers from \$100 to \$150 (the fee is an alternative to paying the motor carrier road tax). All motor fuels taxes will be indexed every two years beginning July 1, 2007, by an amount equal to the percentage change in the U.S. Department of Labor's Producer Price Index for Highway and Street Construction. The revenue generated is used for transportation purposes as required by existing law.

*Patron - Watts*

**HB613 Income tax; energy efficiency tax credit.** Grants an income tax deduction for taxable years beginning on or after January 1, 2006, to individuals who purchase energy efficient equipment for their homes. The amount of the deduction equals 50 percent of such equipment expenditures, but not more than \$5,000 total.

*Patron - O'Bannon*

**HB659 Recordation tax; dedicated for transportation.** Dedicates recordation tax revenues not already dedicated, to the Commonwealth Transportation Board for transportation projects in localities throughout the Commonwealth on a pro rata basis pursuant to the amount of the recordation tax collected in each locality.

*Patron - Wardrup*

**HB660 Insurance license tax; dedication for transportation.** Dedicates all insurance license tax revenues to be used for transportation projects throughout the Commonwealth.

*Patron - Wardrup*

**HB661 Sales and use tax revenue dedicated to the Transportation Trust Fund.** Increases the amount of sales and use tax revenue dedicated to the Transportation Trust Fund from an amount generated by a 0.50 percent sales and use tax, to an amount generated by a 0.75 percent sales and use tax.

*Patron - Wardrup*

**HB678 Publications tax; Water Quality Improvement Fund.** Creates a tax to be imposed on newspapers, magazines, newsletters, or other publications at the rate of \$0.01 on every such publication delivered and sold in the Commonwealth. The revenue generated shall be deposited into the Water Quality Improvement Fund.

*Patron - Wardrup*

**HB708 Sales and use tax exemption; school-related items.** Provides a sales and use tax exemption for certain school-related items purchased during a specific one-week period during the end of August each year, beginning in 2006. The exempt items are: school supplies, footwear, and clothing when the selling price of each item is \$100 or less. The bill also authorizes dealers to absorb the sales and use tax on all other items sold during the same time period and thereby relieve the purchaser of the obligation to pay such tax. Dealers who absorb such taxes are liable for payment of the same to the Tax Commissioner. This bill was incorporated into HB 532.

*Patron - Ware, O.*

**HB753 Income tax; income tax credit for low-income taxpayers.** Replaces the current income tax credit for

low-income taxpayers with a refundable credit equal to 10 percent of the federal earned income tax credit, effective for taxable years beginning on or after January 1, 2006.

*Patron - McEachin*

**HB770 Income tax; distribution of revenues to localities.** Requires the transfer of 1 percent of individual income tax revenues to localities in 2006, and the amount increases 1 percent each year until it reaches a maximum of 5 percent for 2010 and thereafter. The revenues are distributed to counties and cities as follows: (i) 50 percent based on the relative share of the total state income tax paid by taxpayers filing returns in each locality, (ii) 40 percent based on where wages are earned, and (iii) 10 percent divided equally among all counties and cities.

*Patron - Sickles*

**HB797 Commissioners of the revenue; certain DMV duties.** Requires local commissioners of the revenue to participate in the Department of Motor Vehicles Select program through which he would perform select DMV transactions including titling, registration, plate issuance, address changes, providing copies of DMV records, and Motor Voter registration.

*Patron - Fralin*

**HB802 Income tax; toll payment tax credit.** Provides a tax credit against income tax, for taxpayers owning and operating commercial vehicles, in an amount equal to 25 percent of the total amount paid for tolls on Virginia highways, for taxable years beginning on and after January 1, 2007.

*Patron - Fralin*

**HB835 Income tax credit; veterinarian pro bono tax credit.** Allows a nonrefundable credit to veterinarians of \$40 for each spaying, neutering or euthanasia procedure performed at no cost on animals from public pounds and 501 (c) (3) shelters.

*Patron - Welch*

**HB850 Income tax; revenue surplus tax credit.** Allows a tax credit of surplus revenues for individuals after contributions have been determined for the Revenue Stabilization Fund and the Water Quality Improvement Fund.

*Patron - Cline*

**HB880 Individual income tax credit and sales and use tax exemption; certain energy efficient products.** Provides, retroactive to January 1, 2005, (i) a sales and use tax exemption for the purchase of solar energy systems and other energy efficient products and (ii) an individual income tax credit equal to 60 percent of the expenses incurred for materials and labor of installing a solar energy system, not to exceed \$8,000. This bill was incorporated into HB 1153.

*Patron - Gear*

**HB897 Real estate tax; limitation on tax rate.** Provides that an annual assessment, biennial assessment or general reassessment of real property may not result in more than a five percent increase in the total real estate tax levies for a county, city or town, with one exception. The bill also provides that a county, city or town may not set its real property tax rate for any tax year at a rate that would produce more than 105 percent of the previous year's total real property tax levies for such county, city or town, with one exception. The exception would allow a locality to set its property tax rate at a rate not to exceed the rate of population growth plus the rate of inflation in the locality for the immediately preceding year. The average tax increase on individuals would not exceed five percent. However, some taxpayers could be above the average while

others could fall below the average. Under current law, (i) the annual growth rate in a locality's total real estate taxes from an annual assessment, biennial assessment or general reassessment is not capped, provided the locality holds a public hearing in regard to its real property tax rate; and (ii) there is no cap on real property tax rates.

*Patron - Gear*

**HB973 Individual income tax; senior citizen tax relief.** Provides for indexing the \$12,000 and \$6,000 age deduction amounts based on the Consumer Price Index for All Urban Consumers, for taxable years beginning on or after January 1, 2007.

*Patron - Jones, S.C.*

**HB1003 Sales and use tax; increase in certain localities.** Imposes an additional 0.25 percent sales and use tax in Arlington County, Fairfax County, the City of Alexandria, the City of Fairfax, and the City of Falls Church if approved by ordinance by the governing bodies of those localities whose population comprise at least 90 percent of the population in all of such localities. The bill is effective the first day of the month following 60 days from the date of such approval. The revenue is to be used solely for each locality's financial obligations to the Washington Metropolitan Area Transit Authority.

*Patron - Ebbin*

**HB1072 Local food and beverage tax; Floyd County.** Adds Floyd County to the list of counties that may impose the local food and beverage tax without approval at referendum, provided that a public hearing is held and that an ordinance passed the governing body by unanimous vote.

*Patron - Dudley*

**HB1082 Sales and use tax; increase in certain localities.** Imposes an additional 0.25 percent sales and use tax in Arlington County, Fairfax County, the City of Alexandria, the City of Fairfax, and the City of Falls Church if approved by ordinance by the governing bodies of those localities whose population comprise at least 90 percent of the population in all of such localities. The bill is effective the first day of the month following 60 days from the date of such approval. The revenue is to be used solely for each locality's financial obligations to the Washington Metropolitan Area Transit Authority.

*Patron - Scott, J.M.*

**HB1086 Real property assessments; consideration of affordable housing limitations.** Requires local tax assessors to consider the impact of legally imposed rent restrictions on real property operated as affordable housing in determining the fair market value of such property. The bill also provides that federal and state income tax credits with respect to real property shall not be considered real property or income attributable to real property. This bill was incorporated into HB 1173.

*Patron - Scott, J.M.*

**HB1097 Real property tax exemption; elderly and disabled.** For localities in Northern Virginia, increases from \$340,000 to \$540,000 the maximum financial worth cap a locality may impose in providing real estate tax exemptions to the elderly or disabled. This bill was incorporated into HB 121.

*Patron - Sickles*

**HB1098 Income tax; age deduction.** Increases the amount of the married taxpayers' adjusted federal adjusted gross income from \$75,000 to \$100,000 for purposes of the \$1 for \$1 reduction of the age deduction for taxable years beginning on or after January 1, 2006.

*Patron - Sickles*

**HB1113 Income tax credit; veterinarian pro bono tax credit.** Allows a nonrefundable credit to veterinarians of \$40 for each spaying, neutering or euthanasia procedure performed at no cost on animals from public pounds and 501 (c) (3) shelters, for taxable years beginning on or after January 1, 2007.

*Patron - Athey*

**HB1114 Income tax; animal adoption tax credit.** Grants an income tax credit for taxable years beginning on or after January 1, 2007, to individuals for one-half of the adoption fees they pay when they adopt one or more animals from public pounds or charitable animal shelters. The amount of the credit may not exceed \$25 per adoption.

*Patron - Athey*

**HB1124 Sales and use tax revenue; distribution to localities based on real estate tax revenue growth.** Distributes sales and use tax revenue generated by a one-half percent sales and use tax among all counties and cities whose total real property tax revenues for the most recently ended fiscal year do not exceed the total real property tax revenues for the immediately preceding fiscal year by a rate that is more than the sum of the rate of the population growth plus the rate of inflation for the immediately preceding year.

*Patron - Cline*

**HB1125 Sales and use tax exemption; school-related items.** Beginning in 2006, provides a sales and use tax exemption for certain school-related items purchased during a specific one-week period during the end of August each year. The exempt items are: (i) school supplies, footwear, and clothing where the selling price of each item is \$100 or less; (ii) computer systems where the selling price for each system is \$1,500 or less; and (iii) computers, computer hardware, computer software, and portable calculators where the selling price for each item is \$500 or less. This bill was incorporated into HB 532.

*Patron - Cline*

**HB1126 Income tax; motion picture production company tax credit.** Grants a tax credit against the individual and corporate income taxes, for taxable years beginning on or after January 1, 2007, for any motion picture production company that produces films in the Commonwealth. The credit is equal to 10 percent of the total aggregate payroll for residents employed in connection with such production when total production costs in Virginia are at least \$300,000 but not more than \$1 million. The credit rises to 20 percent of such payroll if the production costs in Virginia exceed \$1 million. Any unused credit may be carried forward for 10 years.

*Patron - Cline*

**HB1128 State Lottery Department.** Prohibits the State Lottery Department from paying fees in excess of \$200,000 to any individual or entity for using copyrighted words, phrases, or any other material.

*Patron - Cline*

**HB1160 Income tax and insurance premiums tax; employer-provided commuting expenses tax credit.** Grants an income or insurance premiums tax credit to employers in an amount equal to 50 percent of the eligible commuting expenses that they pay for their employees. The annual credit shall not exceed \$600 per employee or the employer's tax liability, whichever is less, and shall be effective for tax years beginning on or after January 1, 2006.

*Patron - Eisenberg*

**HB1197 Residential development impact fee assessments; adequate public facilities.** Allows localities with a population of at least 80,000 and that has had an annual growth rate of at least one and one-quarter percent over the previous three years to adopt ordinances for the assessment of impact fees when certain public facilities are inadequate to support a proposed residential development. If the proposed development is for senior residents only, then impact fees may be assessed in relation to the adequacy of public safety, or public sewer or water facilities. For all other proposed residential developments, the impact fees may be assessed in relation to the adequacy of education, transportation, or public water or sewer needs. Such fees shall be a pro rata share of the costs of reasonable and necessary capital improvements attributable to the proposed development. Prior to any impact fee assessment, the locality must identify the particular public facility needs in its comprehensive plan, and must have in place a capital improvement program that provides a reasonable basis for determining the extent or level of inadequacy of such facilities in the area of the proposed development. If the locality does not apply impact fees paid by a developer to the capital project that served as the basis for such assessment within six years of collection, then the developer may seek a writ of mandamus to compel the locality to do so.

*Patron - Marshall, R.G.*

**HB1206 Sales and use tax exemption; school supplies.** Provides a sales and use tax exemption for school supplies that cost \$100 or less per item and are purchased during a specific three-day period in the first part of August each year, beginning in 2006. This bill was incorporated into HB 532.

*Patron - Moran*

**HB1215 Local cigarette tax.** Authorizes Isle of Wight County to impose a cigarette tax not to exceed the greater of \$0.05 per pack or the amount of the state cigarette tax.

*Patron - Barlow*

**HB1251 Sales and use tax; exemption for certain contractors.** Exempts from paying the sales and use tax any person who contracts on or after July 1, 2006, to perform services for and provide tangible personal property for consumption or use by the Commonwealth, any political subdivision of the Commonwealth, or the United States, if the Commonwealth, political subdivision, or the United States certifies that title to such tangible personal property will pass to such governmental entity.

*Patron - Hugo*

**HB1298 Real estate reassessment; notice.** Requires localities to add onto the notice to taxpayers of real estate reassessments (i) the amount of the immediately prior assessment amount, and (ii) the time and place of the next meeting of the local governing body at which public testimony will be accepted on any real estate tax rate changes. This bill was incorporated into HB 491.

*Patron - Hall*

**HB1315 Sales and use tax; exemption for certain contractors.** Exempts from paying the sales and use tax any person who contracts on or after July 1, 2006, to perform services for and provide tangible personal property for consumption or use by the Commonwealth, any political subdivision of the Commonwealth, or the United States, if the Commonwealth, political subdivision, or the United States certifies that title to such tangible personal property will pass to such governmental entity.

*Patron - Frederick*

**HB1364 Business, professional and occupational license (BPOL) tax; media exemption.** Repeals the BPOL tax exemption for newspapers, magazines, newsletters or other publications issued daily or regularly at average intervals not exceeding three months, as well as for radio and television broadcasting stations.

*Patron - Wardrup*

**HB1367 Income tax credit; veterinarian pro bono tax credit.** Allows a nonrefundable credit to veterinarians of \$40 for each spaying, neutering or euthanasia procedure performed at no cost on animals from public pounds and 501 (c) (3) shelters.

*Patron - Hull*

**HB1384 Local telecommunications tax; Town of Abingdon.** Permits the Town of Abingdon to impose the local telecommunications tax and prohibits Washington County from imposing the tax in Abingdon during any time that Abingdon imposes the tax.

*Patron - Johnson*

**HB1385 Car tax relief.** Removes the cap on the overall amount of car tax relief beginning January 1, 2007, and gradually increases the amount of car tax relief to 100 percent of the reimbursable amount for qualifying vehicles over a six-year period. The bill is effective January 1, 2007.

*Patron - Albo*

**HB1436 Transportation Trust Fund; dedication of certain recordation tax revenue.** Dedicates to the Transportation Trust Fund the additional recordation tax revenue generated by the recordation tax increase enacted during the 2004 Special Session I. This bill was incorporated into HB 1257.

*Patron - Lingamfelter*

**HB1444 Real property tax exemption for the elderly and disabled; City of Norfolk.** Increases the financial worth cap and total income caps that the City of Norfolk may impose in providing real estate tax exemptions to the elderly or disabled. This bill was incorporated into HB 121.

*Patron - Miller*

**HB1446 Income tax; deduction for licensed medical caregivers.** Grants an income tax deduction in the amount of \$10,000 for licensed medical caregivers who provide medical-related services to individuals in their homes.

*Patron - Watts*

**HB1449 Income tax; in-home health care tax credit.** Provides an income tax credit for every individual taxpayer who pays medical and in-home care expenses for family members living with the taxpayer, for taxable years beginning on or after January 1, 2007. The amount of the credit is equal to the amount in excess of \$10,000 paid for such expenses and that is not reimbursed.

*Patron - Watts*

**HB1470 Income tax; tax credit for waste motor oil/fluids reclamation systems.** Adds waste motor oil/fluids reclamation systems to the current credit for waste motor oil burning equipment that a business purchases. The credit may not exceed \$5,000 annually and the effective date for the purchase of reclamation systems is for taxable years beginning on or after January 1, 2007.

*Patron - Saxman*

**HB1480 Income tax; career and technical education equipment tax credit.** Provides a corporate and individ-

ual income tax credit for approved and accepted donations of career and technical equipment to Virginia's public school systems. The credit, available for taxable years beginning on or after January 1, 2007, will be 50 percent of the assessed value of the equipment but may not exceed that taxpayer's tax liability. It may be carried over for 5 years.

*Patron - Nutter*

**HB1484 Sales and use tax; payments by certain vendors.** Repeals, effective May 1, 2006, the requirement that certain vendors make an additional payment of sales and use tax to the Department of Taxation in June 2006. Under current law the requirement would be repealed effective August 1, 2006. The bill has an emergency clause.

*Patron - Gear*

**HB1553 Individual income tax; senior citizen tax relief.** Provides for indexing the \$12,000 and \$6,000 age deduction amounts based on the Consumer Price Index for All Urban Consumers, for taxable years beginning on or after January 1, 2007.

*Patron - Scott, J.M.*

**HB1600 Major business facility job tax credit.** Provides that the state income tax credit for certain companies that create new jobs for qualified full-time employees shall apply when 25 or more new jobs are created in BRAC-impacted census tracts in the Commonwealth.

*Patron - Brink*

**HB1601 Motor fuel tax; increase.** Increases the tax on gasoline, diesel fuel, and alternative fuel by \$0.055 per gallon, increases the motor carrier road tax by an equivalent of \$0.055 per gallon of fuel used in the Commonwealth, and increases the alternative use fee for certain motor carriers from \$100 to \$150 (the fee is an alternative to paying the motor carrier road tax). The revenue generated is used for transportation purposes as required by existing law.

*Patron - Hull*

**HB1611 Motor vehicle sales and use tax; increase.** Increases the motor vehicle sales and use tax from 3 percent to 5 percent and dedicates the revenue generated for transportation purposes. The authority to impose the additional tax ceases on December 31 of any year in which any of the additional revenue is not used for transportation purposes.

*Patron - Brink*

**SB56 Special assessments for land preservation.** Provides that a local assessing office may find one of the following documents useful in making his determination as to whether certain real estate is devoted solely to agricultural or horticultural use: (i) the assigned USDA/ASCS farm number, and evidence of participating in a federal farm program, or (ii) federal tax forms (1040F) Farm Expenses and Income, (4835) Farm Rental Income and Expenses, or (1040E) Cash Rent for Agricultural Land, or (iii) a Conservation Farm Management Plan prepared by a professional, or (iv) documentation of gross sales averaging more than \$5,000 annually over the previous three years.

*Patron - Reynolds*

**SB60 Sales and use tax exemption; school-related items.** Authorizes certain counties and cities by a majority vote of the local governing body to provide an exemption from their local sales and use tax for certain school-related items purchased during a specific one-week period during the end of August each year. The state sales and use tax also would not apply to such school-related items in participating counties and cities. The exempt items would be clothing and school supplies

where the selling price of each item is \$100 or less. To be eligible, a county or city must have a high unemployment rate and be contiguous to a state, including the District of Columbia, that has a sales tax holiday in effect. In addition, any county or city with a high unemployment rate that is contiguous to such counties and cities would also be eligible for the sales tax holiday. A high unemployment rate is defined as a 10-year average annual unemployment rate greater than 5 percent. The bill also authorizes dealers in participating counties and cities to absorb the sales and use tax on all other items sold during the same time period and thereby relieve the purchaser of the obligation to pay such tax. Dealers who absorb such taxes are liable for payment of the same to the Tax Commissioner.

*Patron - Reynolds*

**SB63 Grants and tax refunds for producing and using clean and efficient energy.** Provides tax refunds and grant awards for using clean and efficient energy including (i) grant awards in the amount of 0.85 cents for each kilowatt of electricity produced by a corporation from certain renewable energy resources; (ii) grants to individuals and corporations equal to 15 percent of the cost incurred in installing photovoltaic property, solar water heating property, or wind-powered electrical generators (grants are limited to \$2,000 for each system of photovoltaic property, \$1,000 for each system of solar water heating property, and \$1,000 for each system of wind-powered electrical generators); (iii) a refund of sales and use tax paid on certain appliances meeting energy star efficiency requirements developed by the federal government and for heat pumps, air conditioners, and natural gas water heaters meeting specified performance measures; and (iv) a refund of one-half of the sales and use tax paid on motor vehicles using clean fuel sources as a source of propulsion. Refunds of sales and use taxes on appliances, heat pumps, air conditioners, natural gas water heaters, and motor vehicles using clean fuel sources as a source of propulsion are limited to a maximum of \$500 in tax paid per item. In addition, no person shall receive more than \$5,000 in refunds in any calendar year for each of the appliances, heat pumps, air conditioners, natural gas water heaters, and motor vehicles covered under the bill. The tax refunds and grants programs sunset in 2011.

*Patron - Whipple*

**SB64 Sales tax on motor fuels.** Increases from 2 percent to 4 percent the sales tax on fuels in every county or city situated in the Northern Virginia Transportation District. In the first full fiscal year of the tax increase such counties and cities would be required to reduce their real estate tax rates in order to reduce real estate tax revenues in the following fiscal year by the amount of incremental revenues generated by the sales tax increase. The reduction in real estate tax rates would be required only in the first fiscal year of the sales tax increase.

*Patron - Whipple*

**SB91 Income tax credit; production of electricity from renewable resources.** Provides an individual and corporate income tax credit for producing electricity from renewable resources of energy. Tax credit would be allowed for electricity that is produced in the 10-year period beginning on the date that a qualified facility for producing electricity from renewable resources is placed in service. The credit amount would equal 0.85 cents for each kilowatt of electricity produced from renewable resources that is sold by the taxpayer to an unrelated person. The bill would be effective for taxable years beginning January 1, 2007.

*Patron - Watkins*

**SB93 Land preservation tax credit.** The bill provides an aggregate limit of \$600,000 or 50 percent of the fair market value in tax credit for each parcel of land donated under the

Virginia Land Conservation Incentives Act of 1999, which limit includes any transfer of unused tax credits. Under the bill, the value of any improvement to land shall not be considered for purposes of valuing land donations for tax credit. The fair market value of the land must not exceed the highest and best use for which the property is adaptable, and must be supported by market evidence. The bill would restrict tax credit to land or interest in land that (i) meets guidelines of objective criteria established by the Virginia Land Conservation Foundation or (ii) the Secretary of Natural Resources has otherwise determined provides exceptional benefit to the Commonwealth in cases that do not meet the objective criteria. The bill would permit only one transfer of unused tax credits associated with donated property and would prohibit nonprofit organizations from transferring any tax credit, and it would allow as a credit against the estate tax any unused credit held by the decedent of the estate at the time of his death. Land dedicated as open space within a residential or commercial development; as open space in any real estate development plan; or dedicated to fulfill density requirements to obtain approvals for zoning, subdivision, site plan, or building permits would not qualify for purposes of the tax credit. The bill provides that no more than one donation can be made from the same parcel of land during a 15-year period, unless there is no affiliation between the persons or entities who already have been allowed credit with respect to the parcel and the persons or entities seeking credit. In cases in which the fair market value of a donation of property is being contested, the burden of proof would be on the taxpayer to show there is a reasonable probability that (i) the property is physically adaptable for the highest and best use that is proposed in the appraisal and (ii) there is a need or demand for such use in the reasonably near future. In general, the provisions of the bill are applicable to conveyances of property made on or after July 1, 2006. This bill incorporates SB 403.

*Patron - Watkins*

**SB96 Sales and use tax exemption; commercial and industrial exemptions.** Provides a sales and use tax exemption for personal property purchased by a contractor on or after July 1, 2006, and used solely in any construction project for a local school division.

*Patron - Blevins*

**SB127 Sales and use tax; dedication of portion of revenue to local transportation and education.** Provides that 0.25 percent of the sales and use tax revenue shall be returned to the locality in which it was collected to be used for transportation, and that 0.25 percent of the sales and use tax revenue shall be returned to the locality in which it was collected to be used for education purposes.

*Patron - O'Brien*

**SB138 Fair market value for real property valuations.** Provides that the fair market value of real property shall be determined with regard to the percentage increase or decrease in the average sales price of real property that is sold in the same assessment area.

*Patron - O'Brien*

**SB140 Estate tax.** Conforms the amount of Virginia estate tax due from an estate to the maximum amount of the federal estate tax credit for state estate taxes, as permitted under federal estate tax law, as such law shall be amended from time to time. Under current law the amount of Virginia estate tax cannot be less than the federal credit under federal law as such law existed on January 1, 1978. This bill was incorporated into SB 504.

*Patron - O'Brien*

**SB155 Corporate income taxes; charitable contributions for Hurricane Rita relief efforts.** Expands the temporary suspension of limits on charitable deductions to cover donations made by corporations for Hurricane Rita relief efforts. A temporary suspension of limits on charitable deductions is in effect at the federal level for corporate donations for Hurricane Katrina relief efforts. This bill was incorporated into SB 69.

*Patron - Norment*

**SB189 Education tax credits.** Allows individuals and businesses to claim a tax credit on their Virginia income tax return for contributions to Department of Taxation-approved nonprofit foundations that provide financial assistance to public schools for capital projects or provide scholarships to students in the Commonwealth. The total amount of credits available in any given year is capped at \$50 million. In addition, an individual taxpayer may claim a credit for \$800, or \$1,200 if filing jointly, for education expenses paid for a dependent who is a student.

*Patron - Martin*

**SB219 Reassessment of real property; publication of revenue-neutral tax rate.** Requires a locality to calculate and publish in its budget a revenue-neutral tax rate in years in which real estate in the locality has been reassessed. The revenue-neutral tax rate is calculated for comparison purposes to demonstrate the tax rate that would be required to produce the same amount of revenue in the next fiscal year as if real estate had not been reassessed.

*Patron - Quayle*

**SB226 Sales tax on food.** Repeals provisions relating to the rate of the state sales tax on food.

*Patron - Chichester*

**SB254 Sales and use tax; exemption for certain contractors.** Exempts from paying the sales and use tax any person who contracts on or after July 1, 2006, to perform services for and provide tangible personal property for consumption or use by the Commonwealth, any political subdivision of the Commonwealth, or the United States, if the Commonwealth, political subdivision, or the United States certifies that title to such tangible personal property will pass to such governmental entity.

*Patron - Howell*

**SB258 Machinery and tools tax; method of valuation.** Requires machinery and tools that are placed in service on or after July 1, 2006, to be valued at their depreciated basis for federal income tax purposes if the owner has depreciated their value pursuant to the Internal Revenue Code. Such machinery and tools that were placed in service prior to July 1, 2006, will be valued commencing in 2010 at their depreciated basis for federal income tax purposes, and between 2006 and 2010 the valuation will be determined by a phased-in blending of the value determined by the method in effect on January 1, 2006, and by its depreciated basis for federal income tax purposes.

*Patron - Wagner*

**SB264 Virginia College Savings Plan; income tax deductions and sales of prepaid tuition contracts.** Increases the income tax deduction for payments under prepaid tuition contracts and contributions to savings trust accounts to \$3,000 per contract or account beginning January 1, 2006, and to \$4,000 per contract or account beginning January 1, 2008. Under current law, the annual deduction may not exceed \$2,000 per prepaid tuition contract or savings trust account.

The bill provides that the Board of the Virginia College Savings Plan shall not enter into any prepaid tuition contract on or after July 1, 2008.

*Patron - Bell*

**SB267 Sales and use tax; increase in certain localities.** Imposes an additional 0.25 percent sales and use tax in Arlington County, Fairfax County, the City of Alexandria, the City of Fairfax, and the City of Falls Church if approved by ordinance by the governing bodies of those localities whose population comprise at least 90 percent of the population in all of such localities. The bill is effective the first day of the month following 60 days from the date of such approval. The revenue is to be used solely for each locality's financial obligations to the Washington Metropolitan Area Transit Authority. This bill is contingent on matching federal funds being appropriated and distributed to the Washington Metropolitan Area Transit Authority.

*Patron - Whipple*

**SB270 Grants and tax refunds and exemptions for producing and using clean and efficient energy.** Provides tax refunds and grant awards for using clean and efficient energy including (i) grant awards in the amount of 0.85 cents for each kilowatt hour of electricity produced by a corporation from certain renewable energy resources; (ii) grants to individuals and corporations equal to 15 percent of the cost incurred in installing photovoltaic property, solar water heating property, or wind-powered electrical generators (grants are limited to \$2,000 for each system of photovoltaic property, \$1,000 for each system of solar water heating property, and \$1,000 for each system of wind-powered electrical generators); (iii) a sales and use tax exemption for certain energy efficient products that have been awarded the energy star certification mark based on requirements developed by the U.S. Environmental Protection Agency and the U.S. Department of Energy; and (iv) a refund of one-half of the sales and use tax paid on motor vehicles using clean fuel sources as a source of propulsion. Refunds of the sales and use tax on motor vehicles using clean fuel sources as a source of propulsion are limited to a maximum of \$500 in tax paid per item. The tax refunds and grants programs sunset in 2011.

*Patron - Whipple*

**SB276 Income tax; different tax rate on income derived from sale of certain real estate.** Provides for the imposition of a 2.3 percent tax rate on the taxable proceeds from a sale of an apartment building or complex to its tenant organization or to a nonprofit organization, effective for taxable years beginning on and after January 1, 2007.

*Patron - Whipple*

**SB279 Community Housing Tax Credit.** Establishes a tax credit that would replace the current low-income housing tax credit. Any developer or investor who builds or substantially rehabilitates a multifamily housing project that qualifies for the federal low-income housing tax credit would be eligible for a tax credit equal to 50 percent of the cost to acquire the land for the multifamily housing project. However, the credit would not exceed an amount equal to \$5,000 multiplied by the number of low-income housing units placed in service as a result of the project. The developer or investor would not be able to claim more than \$500,000 in tax credit in any taxable year. The credit would have a five-year carryover period. Any unused credit could be transferred to another taxpayer for use on a Virginia income tax return. The Board of Housing and Community Development would be required to promulgate guidelines for the credit.

*Patron - Whipple*

**SB385 Individual income tax; refund checkoff for Military Family Relief Fund of Virginia.** Provides an income tax refund checkoff to individuals who want to contribute part or all of their income tax refund or an additional contribution to the Military Family Relief Fund of Virginia. The fund will be used by the Adjutant General of the National Guard to provide monetary grants to National Guard members and reservists who are called to either state or federal active duty. The Adjutant General is responsible for developing and publishing criteria and eligibility requirements for National Guard members and reservists to receive the grants or loans. This bill was incorporated into SB 139.

*Patron - McDougle*

**SB403 Land preservation tax credit.** The bill provides an aggregate limit of \$600,000 in tax credit for each parcel of land donated under the Virginia Land Conservation Incentives Act of 1999, which limit includes any transfer of unused tax credits. The bill provides that no more than one donation can be made from the same parcel of land during a 15-year period, unless there is no affiliation between the persons or entities who already have been allowed credit with respect to the parcel and the persons or entities seeking credit. For donations of property made on or after January 1, 2007, the bill would require that the donation be reviewed by a licensed reviewer for purposes of determining whether or not the donation is in compliance with standards promulgated by the Department of Taxation. No credit would be allowed for any donation made on or after such date unless the licensed reviewer certifies compliance, and the donation is subsequently registered with the Department. The Department would issue licenses to qualified applicants seeking to become licensed reviewers. This bill was incorporated into SB 93.

*Patron - Hanger*

**SB478 Sales and use tax; exemption for certain contractors.** Exempts from paying the sales and use tax any person who contracts on or after July 1, 2006, to perform services for and provide tangible personal property for consumption or use by the Commonwealth, any political subdivision of the Commonwealth, or the United States, if the Commonwealth, political subdivision, or the United States certifies that title to such tangible personal property will pass to such governmental entity.

*Patron - Colgan*

**SB504 Estate tax.** Provides that for deaths occurring on or after December 31, 2006, a tax in the amount of the federal credit shall be imposed on the taxable estate of a resident whose gross estate exceeds \$10 million. However, the tax will not be imposed on an estate if the majority of the assets are an interest in a closely-held business or a working farm.

*Patron - Norment*

**SB544 Neighborhood Assistance Act.** Makes several changes to the program including (i) increasing the annual cap for tax credits allowed under the program from \$8 million to \$12 million, (ii) providing that \$1 million of the cap increase would be dedicated for education programs and \$3 million for providing grants to private schools for students with disabilities, and (iii) reducing the tax credit percentage for donations made by corporations and individuals from 45 percent to 40 percent along with eliminating the restriction placed upon individuals from claiming a tax credit for the donation if a charitable contribution deduction is also taken. The Department of Education would administer the Schools for Students with Disabilities Fund from which grants would be made to private schools for students with disabilities. The Department would be required to establish an application process for such schools

seeking grants from the Fund. The Department would review the application and make a determination of whether to award a grant, based in part on the intended use of grant moneys by the applicant. The Fund would be funded from monetary donations for which the Department would allocate the annual \$3 million in tax credits. The Board of Education would be required to establish regulations for the grants program, including regulations for procedures to allocate the \$3 million in tax credits in fiscal years in which more than \$3 million in monetary donations were made to the Fund.

*Patron - Stosch*

**SB575 Sales tax exemption; mixed use developments that include affordable housing.** Entitles a locality or a local redevelopment authority to the sales tax revenues generated on the premises of a mixed-use development that incorporates residential units, provided that at least 20 percent of the residential units are used for affordable housing. The mixed-use development would have to be certified by the Department of Housing and Community Development as a qualifying project. The sales tax revenues would be used to service the payments on obligations issued by the locality or the redevelopment authority for the mixed-use development. The entitlement to the sales tax revenues would not exceed 35 years. The obligations would have to be issued by July 1, 2010.

*Patron - Stolle*

**SB595 Sales and use tax; refund for exempted entities.** Allows nonprofit entities to apply for a refund of the sales and use tax paid on purchases after January 1, 2007, instead of exempting such entities from paying the tax at the time of purchase.

*Patron - Watkins*

**SB630 Sales and use tax revenue dedicated to the Transportation Trust Fund.** Increases the amount of sales and use tax revenue dedicated to the Transportation Trust Fund from an amount generated by a 0.50 percent sales and use tax, to an amount generated by a 0.75 percent sales and use tax.

*Patron - Cuccinelli*

**SB659 Estate tax.** Conforms the amount of Virginia estate tax due from an estate to the maximum amount of the federal estate tax credit for state estate taxes, as permitted under federal estate tax law, as such law shall be amended from time to time. Under current law the amount of Virginia estate tax cannot be less than the federal credit under federal law as such law existed on January 1, 1978. This bill was incorporated into SB 504.

*Patron - McDougle*

**SB661 Income tax; employer-provided commuting benefits tax credit.** Grants an income tax credit for taxable years beginning on or after January 1, 2007, to employers who pay employees' eligible commuting expenses, which include multiple-passenger vehicle and mass transit transportation costs, parking fees, and showers and bike rack installation costs. The credit equals 40 percent of such costs, not to exceed \$240 per employee each year. Unused credits may be carried over for five years.

*Patron - Miller*

**SB678 Motor fuels taxes; elimination of certain refunds.** Eliminates the current refund of fuels taxes for fuels used in operating or propelling recreational or pleasure watercraft. All revenues attributable to the repeal of the refund would be deposited into the Game Protection Fund to be used for the direct benefit of the boating public.

*Patron - Hanger*



**SB698 Major business facility job tax credit.** Provides that the state income tax credit for certain companies that create new jobs for qualified full-time employees shall apply when 25 or more new jobs are created in BRAC-impacted census tracts in the Commonwealth.

*Patron - Whipple*

**SB708 Funding of transportation in the Commonwealth.** Provides several mechanisms for funding transportation in the Commonwealth. The bill would provide that all moneys credited to specified transportation-related funds shall be solely used for the purposes set forth therein relating to the funding and maintenance of highways (including access roads and bikeways adjacent thereto), public transportation, congestion mitigation, railways, seaports, and airports; making payments on bonds and obligations related to funding transportation projects; or making loans to finance transportation projects. The bill would raise new revenues for transportation by (i) imposing an additional \$200 fee upon certain convictions relating to violations of Virginia's driving laws; (ii) imposing annually additional fees on any driver with a driver's record having a balance of 8 or more demerit points; (iii) increasing motor vehicle registration fees by \$10 for all vehicles and doubling the gross weight registration fee for vehicles weighing more than 10,000 pounds; (iv) increasing current liquidated damages for violations of any weight limit imposed under law or for violations of any weight limit included in a permit that has been issued; (v) imposing additional liquidated damages of \$20 for every violation of any weight limit imposed under law or any weight limit included in a permit that has been issued; (vi) increasing the state grantor's tax to 30 cents for each \$100 of value with the revenues from the increase in the tax distributed to the respective locality and required to be used for local or regional transportation projects; (vii) authorizing local governments to impose a local grantor's tax at the rate of 10 cents for each \$100 of value with the revenues to be used for local or regional transportation projects; (viii) increasing the motor fuels tax on diesel fuel to 17.5 cents per gallon (the current rate of the motor fuels tax on gasoline and gasohol); (ix) imposing a 5 percent tax on motor fuels that would be based on the statewide average retail price of a gallon of self-serve unleaded regular gasoline over rolling six-month periods and that would be imposed at a cents per gallon rate; and (x) increasing the motor vehicle sales and use tax from 3 percent to 3.75 percent, phased-in over fiscal years 2007, 2008, and 2009. The bill would also dedicate for transportation purposes all insurance license tax revenues relating to automobile insurance policies. The bill would allow individuals to apply for a refund of any motor fuels tax paid in excess of 17.5 cents per gallon. Individuals would apply for a refund when the cumulative amount of the refund would exceed \$5.

*Patron - Hawkins*

**SB726 Motor vehicle sales and use tax; increase.** Increases the motor vehicle sales and use tax from 3 percent to 5 percent and dedicates the revenue generated for transportation purposes. The authority to impose the additional tax ceases on December 31 of any year in which any of the additional revenue is not used for transportation purposes.

*Patron - Hawkins*

## Carried Over

**HB67 State recordation tax; additional distribution to localities.** Provides that 50 percent of the amount of state recordation taxes collected that are attributable to deeds and other instruments recorded shall be apportioned and distributed annually to or for each such county or city, beginning June 30, 2007. This provision applies to any county or city that has a

Purchase of Development Rights program in effect, or has filed a statement of intent with the Virginia Department of Agriculture and Consumer Services that it will create such a program within three years or less from the date of such filing.

*Patron - Lewis*

**HB155 Classification of taxable real property.** Permits localities to tax residential property at a lower tax rate than that imposed on the general class of real property by creating a separate classification for taxation purposes.

*Patron - Alexander*

**HB159 Virginia Technology and Biotechnology Investment Act created.** Creates a research and development tax credit, not to exceed 50 percent of the tax liability due and not to exceed \$500,000, for "technology" and "biotechnology" companies in Virginia and permits the credit to be carried over for up to 10 years, for taxable years beginning on and after January 1, 2006. The bill also creates a tax credit for individual taxpayers, estates, trusts, partnerships, and corporations that invest in technology or biotechnology companies. This tax credit, not to exceed 15 percent of the qualified investment and not to exceed \$500,000, can be claimed for each of the five tax years beginning on and after January 1, 2006. In no event will more than \$5 million in either of the credits be allowed annually. In addition, any unused tax credits can be carried over, in most circumstances, for up to 10 years. The bill permits technology or biotechnology companies to carry over net operating losses for up to 10 years. The bill creates a "corporation tax benefit certificate program" to be administered by the Innovative Technology Authority in cooperation with the Tax Department. Under the program, technology or biotechnology companies may transfer their unused but otherwise allowable research and development tax credits or net operating loss carryovers for a minimum of 75 cents on the dollar to another corporation taxpayer provided neither is an affiliate or a subsidiary of the other. The proceeds from the transfer can be used for a broad range of "costs" associated with operating a technology or biotechnology company.

*Patron - Purkey*

**HB212 Sales and use tax exemption; nonprofit military organizations.** Permits nonprofit organizations of past or present members of the Armed Forces of the United States to obtain a sales tax exemption from the Department of Taxation.

*Patron - Cox*

**HB306 Car tax; dedicates a portion of income tax to localities.** Repeals the car tax reimbursement program and replaces it by dedicating 17.5 percent of the state individual income tax collections to localities. The bill is effective January 1, 2009, but only if a constitutional amendment is ratified in November, 2008, exempting from taxation all motor vehicles used for nonbusiness purposes.

*Patron - Rust*

**HB485 Recordation tax.** Reduces the recordation tax rates to the levels prior to the increase imposed by Chapter 3 of the Acts of Assembly of 2004, Special Session I.

*Patron - Frederick*

**HB529 Local meals tax.** Prohibits a referendum on the local food and beverage tax from being held more than once every three years in the same county.

*Patron - Parrish*

**HB668 Motor fuels tax; refund for taxicabs.** Clarifies the refund of fuels tax for taxicabs to include travel to medical facilities and public transportation facilities.

*Patron - Wardrup*

**☐HB836 Meals tax; referendum required in certain cities.** Restricts the imposition in any city having a population of 400,000 or more of any new meals tax or tax rate increase without approval by referendum.

*Patron - Welch*

**☐HB874 Sales and use tax exemption; telecommunications companies.** Restores the sales and use tax exemption for telecommunication companies that was eliminated in the 2004 Special Session I.

*Patron - Byron*

**☐HB974 Motor vehicle sales and use tax; exemptions.** Exempts from the motor vehicle sales and use tax cars with an EPA fuel efficiency rating of 50 mpg or greater, and SUV's with an EPA fuel efficiency rating of 30 mpg or greater.

*Patron - Englin*

**☐HB1250 Income tax; indexing rates, filing thresholds, personal exemptions, and standard deduction.** Indexes to the rate of inflation the amount of the income tax brackets for tax rates, filing thresholds, personal exemptions, and standard deductions.

*Patron - Hugo*

**☐HB1294 Income tax; Public/Private Education Investment tax credit.** Creates income tax credits for business entities and individual taxpayers who make contributions to eligible public school foundations and eligible scholarship foundations. For individual taxpayers, the amount of the annual credit is 100 percent of the contribution but may not exceed \$800 for individual taxpayers and \$1,200 for married taxpayers filing jointly. The amount of the annual credit for business entities is 90 percent of the contribution with no limit on the dollar amount. The public school foundations are required to disburse annually 90 percent of the contributions for capital improvement projects approved by the local school board and for extracurricular activities. The scholarship foundations are required to disburse 90 percent of its contributions for qualified educational expenses through scholarships. There is a \$20 million cap on total tax credits awarded annually, with \$10 million allocated for contributions made to public school foundations and \$10 million allocated for contributions made to scholarship foundations. The credit would be effective for taxable years beginning on and after January 1, 2006.

*Patron - Saxman*

**☐HB1328 Assessment of real estate devoted to water-dependent use.** Establishes and defines, for special assessment for land preservation, real estate devoted to water-dependent use. Consistent with constitutional mandate for establishing and defining such real estate, the bill provides that the General Assembly has determined that the classification of real estate devoted to water-dependent use is in the public interest for the preservation or conservation of such real estate. All provisions applicable to real estate devoted to agricultural, horticultural, forestal, and open-space uses apply equally to real estate devoted to water-dependent use. In addition, the commissioner of the revenue or duly appointed assessor shall value real estate devoted to water-dependent use in the same manner he values real estate devoted to agricultural, horticultural, forestal, or open-space use. Moreover, if property is subsequently rezoned to water-dependent, it shall be eligible for consideration for special assessment and taxation only after three years have passed since the rezoning was effective. Furthermore, the Director of the Department of Conservation and Recreation, the State Forester, and the Commissioner of Agriculture and Consumer Services shall provide, to the commissioner of the revenue or duly appointed assessor of each

locality adopting a land-use plan, a statement of the standards which shall be applied uniformly throughout the Commonwealth in determining whether real estate is devoted to water-dependent use. The provisions of this act become effective on January 1, 2009 upon the passage of a constitutional amendment authorizing such provisions.

*Patron - Wittman*

**☐HB1462 Sales and use tax; commercial and industrial exemptions.** Restores the exemption, eliminated by the General Assembly in the 2004 Special Session I, for certain public service corporations, telecommunications companies, and telephone companies. The bill is effective July 1, 2007.

*Patron - Hull*

**☐HB1485 Sales and use tax exemption; nonprofit schools.** Exempts nonprofit schools from the following two criteria used, among others, in determining sales and use tax exemption for nonprofit entities: (i) that the entity's annual general administrative costs, including salaries and fundraising, relative to its annual gross revenue, under generally accepted accounting principles, is not greater than 40 percent; and (ii) that if the entity's gross annual revenue was \$250,000 or greater in the year prior to applying for the exemption, then the entity must provide a financial audit performed by an independent certified public accountant.

*Patron - Janis*

**☐HB1489 Income tax; deduction for organ donation medical expenses.** Provides an income tax deduction for medical expenses not covered by insurance that are paid by the transplant recipient and that have not been taken as a medical deduction on the taxpayer's federal income tax return, effective for taxable years beginning on or after January 1, 2007. The amount of the deduction is the lesser of \$5,000 or the actual amount paid by the taxpayer.

*Patron - Amundson*

**☐HB1549 Tangible personal property tax relief reimbursement payments to localities.** Provides that tangible personal property tax relief reimbursement payments to localities be made within 15 days of each locality's billing date for tangible personal property tax in effect on January 1, 1998.

*Patron - Griffith*

**☐HB1568 Income tax; rent reductions tax credit.** Removes the January 1, 2010, sunset date and allows the VHDA to approve an additional \$100,000 in credits, for a total of \$150,000, for rental fees that are reduced by 50 percent or more.

*Patron - McClellan*

**☐HB1595 Local license taxes; repeal.** Repeals local license taxes.

*Patron - Hugo*

**☐HB1599 Local cigarette tax; administration.** Requires any locality that levies a cigarette tax and permits the use of meter impressions or stamps to evidence its payment to enter into an arrangement with the Department of Taxation to allow tobacco wholesalers to use a dual die or stamp to evidence payment of local and state taxes. Under current law entering into such an arrangement is permitted but not required.

*Patron - Hugo*

**☐SB45 Real property taxes; service charges in lieu of; Virginia Port Authority.** Clarifies the basis for determining

service charges in lieu of real property taxes for real property owned by the Virginia Port Authority and its instrumentalities.

*Patron - Locke*

**CSB331 Individual income taxes; tax credits for tuition expenses.** Establishes a pilot program for refundable income tax credits for tuition and textbook expenses charged by a private school or a public school to parents of certain children. The credit is the lesser of \$1,000 or actual tuition expenses for taxable years beginning January 1, 2006, and is limited to low income taxpayers in counties with a population of less than 10,000. For purposes of public school funding, a child for whom credit is taken will be included in the average daily membership of the school division in which the child resides, but the amount of the credit taken will be deducted from the state funds available to that school division. The tax credit will expire on January 1, 2009.

*Patron - Obenshain*

**CSB333 Rules and procedures for tax cases in circuit courts.** Establishes new rules and procedures for cases involving taxes administered by the Department of Taxation (individual, corporate, sales and use taxes) intended to streamline the resolution of disputes once they enter the court system. For example, discovery would be expedited using stipulations for matters previously discovered in the course of the initial collection process; depositions would be used only with the consent of both parties or if ordered by the court; and bifurcation of issues, in the court's discretion, in order to speed the resolution of the case. The bill also establishes a Small Tax Case procedure for use in cases where taxes owed are \$50,000 or less. Procedures such as no requirement to file an answer to the initial petition in order to contest petition, and stipulations will be used. Overall, the procedure will be informal (briefs and oral argument not required) and will allow the introduction of any evidence that has probative value.

*Patron - Obenshain*

**CSB626 Taxes and fees for the Virginia Water Quality Improvement Fund.** Establishes a \$1 per day lodging fee on the sale of hotel, motel, and similar rooms and provides that such revenues plus \$40 million annually in recordation tax revenues shall be deposited into the Virginia Water Quality Improvement Fund for funding of water quality.

*Patron - Quayle*

**CSB692 Costs of blight abatement.** Authorizes localities to place a lien on blighted properties repaired or acquired by the locality to recover any accrued unpaid interest 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 accrued unpaid interest thereon, of blight abatement to the property owner.

*Patron - Devolites Davis*

## Trade and Commerce

### Passed

**PHB1094 Virginia Post-Disaster Anti-Price Gouging Act.** Authorizes the Governor, upon finding that during a disaster a supplier is selling necessary goods or services at such an unconscionable price that it presents an imminent and substantial danger to the public welfare by creating public panic,

to issue 30-day emergency orders requiring the supplier to reduce the price to the prevailing price in the local market.

*Patron - Amundson*

**PHB1103 Virginia Consumer Protection Act; choice of remedies.** Provides that a person who accepts a cure offer under the Virginia Consumer Protection Act may not bring another legal action that is substantially based on the same allegations of fact on which the action under the Act was based.

*Patron - Athey*

**PSB77 Virginia Post-Disaster Anti-Price Gouging Act.** Provides that the duration of a "time of disaster," which currently is the shorter of the period of a declared state of emergency or the 30 days following the natural disaster or other occurrence that resulted in the Governor's or President's declaration of the state of emergency, may be extended to include the 30 days that follow an extension or renewal of the state of emergency. It is unlawful for a supplier, during the time of disaster, to sell necessary goods and services at an unconscionable price within the area for which a state of emergency has been declared.

*Patron - Watkins*

**PSB717 Purchase of service handguns; retired state law-enforcement officers.** Allows any state-level law-enforcement officer who retires after 20 years of state service to purchase his service handgun for \$1, even if a portion of his service was with another state agency.

*Patron - Stolle*

### Failed

**FHB238 Virginia Racing Commission; local referendum on racetrack or satellite facility.** Provides that no local referendum for approval of a racetrack or satellite facility shall be held more often than every seven years in the same county, city, or town. Currently this time period is three years.

*Patron - Marshall, R.G.*

**FHB396 Enterprise zones.** Provides that the combined state and local sales and use tax rate in an enterprise zone shall be 2.5 percent and authorizes localities to increase the local license tax thresholds from \$50,000 and \$100,000 to \$250,000 and \$500,000, respectively. Revenues from the 2.5 percent sales and use tax shall be distributed as follows: 1 percent shall be distributed in the same manner as the local sales and use tax, 1 percent shall be distributed to the general fund of the state treasury, and 0.5 percent shall be distributed to the Transportation Trust Fund.

*Patron - McEachin*

**FHB500 Consumer reports.** Requires each national consumer reporting agency to furnish to any consumer, upon request and at no charge, two complete consumer reports per calendar year. Currently, federal law requires such agencies to provide consumers with one free consumer report annually.

*Patron - Armstrong*

**FHB766 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, removal of the freeze, or temporary lift of the freeze for a period of time, and a fee of no

more than \$12 for a temporary lift of a freeze for a specific party. A violation is a prohibited practice under the Consumer Protection Act. This bill was incorporated into HB 1508.

*Patron - Sickles*

**HB1511 Credit report security freeze; credit header information; penalties.** Authorizes an individual 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. Certain disclosures are exempt from the freeze. The measure also limits the release of credit header information to persons who would have a permissible purpose to obtain a consumer's credit report under the federal Fair Credit Reporting Act. "Credit header" refers to nonpublic identifying information in a consumer's credit file, including a consumer's social security number. Violations are a prohibited practice under the Consumer Protection Act. This bill was incorporated into HB 1508.

*Patron - Plum*

**SB218 Identity theft; security freezes; civil penalty.** Authorizes any consumer under the age of 18 or over the age of 65 who is living in a nursing facility or other institution 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, removal of the freeze, or temporary lift of the freeze. A person violating the requirements is liable to an injured person for the greater of actual damages or \$1,000, and reasonable costs and attorney fees.

*Patron - Quayle*

**SB295 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 \$25 for each freeze or removal. Certain disclosures are exempt from the freeze. A violation is a prohibited practice under the Consumer Protection Act.

*Patron - Cuccinelli*

## Carried Over

**HB425 Home Care Consumer and Worker Protection Act.** Provides protection for home health care services consumers and providers by ensuring that both parties are well-informed regarding their status as employees, independent contractors, and employers; civil penalties.

*Patron - Nutter*

**HB523 Antifreeze bittering agent.** Requires that any engine coolant or antifreeze that is manufactured or sold within the Commonwealth that contains more than 10 percent ethylene glycol, include not less than 30 parts per million, and not more than 50 parts per million, denatonium benzoate as a bittering agent in order to render the coolant or antifreeze unpalatable.

*Patron - Oder*

**HB908 Enterprise zone real property investment grants; mixed-use percentage.** Changes from 30 percent to 20 percent the amount of floor space in a mixed-use building that must be devoted to commercial, office, or industrial use in an enterprise zone.

*Patron - Oder*

**HB1508 Credit reports; security breaches.** Requires consumer reporting agencies to provide individuals with monthly access to their credit reports for a fee of up to \$2 per report, for up to 12 reports per year. Additional reports would be available for a fee of \$8. The measure also requires data collectors that keep personal information on individuals to notify a Virginia resident when there has been a breach of the security of the data. The notice shall include a description of the categories of information that were acquired by an unauthorized person and a toll-free number that the individual may use to learn what types of information were maintained about the individual. An individual receiving such a notice may obtain, at no cost, consumer credit reports beginning two months following the breach of security and continuing on a quarterly basis for two years thereafter.

*Patron - Plum*

**HB1510 Personal Information Privacy Act; restricted use of social security numbers.** Adds several other restrictions to the use of social security numbers (SSNs), including use of SSNs on the Internet, the sale, trade or other disclosure of SSNs, and the refusal to do business with an individual who refuses to disclose his SSN under certain circumstances.

*Patron - Plum*

**SB177 Enterprise zone job creation grant program; grant eligible position.** Deletes from the definition of "grant eligible position" language that currently excludes retail, local service, and restaurant establishments.

*Patron - Locke*

**SB178 Enterprise zone real property investment grants; mixed-use percentage.** Changes from 30 percent to 20 percent the amount of floor space in a mixed-use building that must be devoted to commercial, office, or industrial use in an enterprise zone. The provisions of the bill would apply to properties placed in service on or after July 1, 2006.

*Patron - Locke*

## Unemployment Compensation

### Passed

**HB567 Unemployment compensation; maximum weekly benefit.** Increases the maximum weekly benefit from \$330 to \$347 for claims effective on or after July 3, 2006.

*Patron - Nixon*

### Failed

**HB144 Unemployment compensation; benefit disqualification.** Disqualifies a public school teacher for unemployment compensation benefits if the individual's teaching contract is not renewed as a result of a failure to comply with the school board's licensure or certification requirements.

*Patron - Cole*

**FHB282 Unemployment compensation; effect of failure to maintain employment records.** Eliminates a presumption, established pursuant to Virginia Employment Commission regulation 16 VAC 5-32-10, in favor of the party making an allegation. The presumption arises when an employer fails to maintain work records with respect to an individual in its employ. The bill eliminates this presumption only in situations where the employer is a staffing service or professional service organization that is contractually prohibited from interfacing with the entity to which the employee is assigned.

*Patron - Spruill*

**FHB932 Pre-clearance drug testing program.** Requires the Virginia Employment Commission to prepare a plan for a voluntary pre-clearance program for drug-free employees. The program will allow participants to be tested for illegal substance use at the expense of the Commonwealth, and those who pass the test would be referred to employers who have notified the Commission that passing a drug screening test is a condition for employment. The Commission is required to complete its plan by November 30, 2006.

*Patron - Nutter*

**F SB247 Unemployment compensation; quit to follow military spouse.** Provides that good cause for leaving employment exists if an employee voluntarily leaves a job to accompany the employee's spouse, who is on active duty in the military or naval services of the United States, to a new military-related assignment established pursuant to a permanent change of duty order from which the employee's place of employment is not reasonably accessible and is located in a state that, pursuant to statute, does not deem a person accompanying a military spouse as a person leaving work voluntarily without good cause. Benefits paid to qualifying claimants shall be charged against the pool rather than against the claimant's employer. The measure will take effect if the federal government appropriates adequate funds to pay benefits under this provision.

*Patron - Ticer*

**F SB382 Unemployment compensation; benefit disqualification.** Disqualifies a public school teacher for unemployment compensation benefits if the individual's teaching contract is not renewed as a result of a failure to comply with the school board's licensure or certification requirements.

*Patron - McDougle*

## Carried Over

**C HB964 Unemployment tax filing; domestic service employees.** Requires the Virginia Employment Commission to permit employers to pay unemployment taxes and file reports annually, commencing in 2007, if they employ individuals who perform only domestic service and have a quarterly payroll of not more than \$2,500. Currently such payments and filings are made quarterly.

*Patron - Bulova*

## Waters of the State, Ports and Harbors

### Passed

**P HB552 Regional water supply plans.** Allows a town to enter into a regional water supply plan with an adjacent county.

*Patron - Saxman*

**P HB1150 Chesapeake Bay and Virginia Waters Clean-up and Oversight Act.** Requires the Secretary of Natural Resources to develop a clean-up plan for the Chesapeake Bay and Virginia waters that have been designated as impaired. The plan will include measurable objectives, a description of the strategies to meet the plan's objectives, time frames for accomplishing the objectives, and a plan for disbursing funds for point and nonpoint pollution projects. The plan will also include an analysis of alternative funding mechanisms. The Secretary is to submit the plan by January 1, 2007, and is to submit a progress report on the clean-up semiannually.

*Patron - Lingamfelter*

**P HB1457 Impaired waters.** Allows an aggrieved party to conduct a use attainability analysis in order to demonstrate that the attainment of the designated use for an impaired water body is not feasible. This analysis would be submitted to, and reviewed by, the State Water Control Board. The Board would then determine whether the development or implementation of the total maximum daily load should be delayed.

*Patron - Ware, R.L.*

**P SB106 Local consent to State Water Control Board permits.** Requires an application for a new or modified individual Virginia Pollutant Discharge Elimination System permit or a new or modified coverage under a general Virginia Pollutant Discharge Elimination System permit, authorizing direct or indirect discharge of stormwater runoff from a new municipal solid waste landfill into a local watershed protection district established and designated as such by city ordinance prior to January 1, 2006, to contain a certification from the local governing body of the city in which the discharge is to take place, that the discharge is consistent with the city's ordinance establishing and designating the local watershed protection district in order to be considered complete. The bill does not apply to any municipal solid waste landfill in operation on or before January 1, 2006. This bill expires on July 1, 2026.

*Patron - Blevins*

**P SB173 Virginia Port Authority police.** Allows the Authority to enter into agreements with private terminal operators to permit special police officers to provide and enforce safety and security on the operator's property.

*Patron - Quayle*

### Carried Over

**C HB1496 Nontidal wetlands permits.** Eliminates the requirements of having to obtain permits from both the state and federal governments for impacts to nontidal wetlands. The person would only have to obtain either the State Programmatic General Permit or a federal permit depending on the type of project.

*Patron - Cosgrove*

## Welfare (Social Services)

### Passed

**HB56 Mandatory reporting of child abuse and neglect by eligibility workers.** Requires any person employed by a local department of social services who determines eligibility for public assistance to report suspected child abuse or neglect to the local department or the Department of Social Services' toll-free child abuse and neglect hotline. The bill is effective on January 1, 2007 and the Department of Social Services must provide training to implement its provisions.

*Patron - Fralin*

**HB73 Social services; constitution of local board for a city.** Allows a city council to appoint one of its members to the local social services board for that city. This bill is identical to SB 25.

*Patron - Orrock*

**HB727 Administrative changes to adoption laws.** Expands jurisdiction and venue choices for parties involved in adoption, reduces the review time of an adoption petition, and adds factors for the court to consider when determining whether or not to grant an adoption petition. Additionally, the bill sets out the procedure for close relative adoptions. The bill also makes several other administrative changes to the adoption laws to make navigating through the adoption process easier and to facilitate use of the process by all involved.

*Patron - McQuigg*

**HB729 Birth parent recommendation of adoptive parents.** Creates a new adoption procedure that allows the birth parent to recommend adoptive parents. Additionally, the birth parent can choose between more open parental placement adoption procedures or maintain privacy through use of the agency adoption procedures.

*Patron - McQuigg*

**HB730 Creation of a mutual consent adoption registry; sunset.** Creates a mutual consent adoption registry that allows birth parents and adoptees to exchange identifying information after the adoptee has reached 21 years of age. Requires the Department of Social Services to establish the registry and assess a fee for registrants. The fee is to be the lowest fee that will cover the costs associated with operating the registry, but it shall not exceed \$50 per registrant. The bill includes a sunset of July 1, 2009. The provisions of the bill are subject to an appropriation of funds in the General Appropriation Act.

*Patron - McQuigg*

**HB855 Guardianship; petition by parent of incapacitated person.** Authorizes the parent or guardian of an incapacitated person who is under the age of 18 to file a petition for guardianship six months prior to the child's eighteenth birthday. Where the petition is brought by any other person, the petition may be filed no earlier than the respondent's eighteenth birthday.

*Patron - Ebbin*

**HB856 Public Guardianship Program; authority to make funeral arrangements.** Authorizes, when there is no known next of kin, a public guardian or conservator to make funeral or burial arrangements.

*Patron - Ebbin*

**HB1156 Sexual and domestic violence; confidentiality of records.** Requires providers of sexual or domestic violence services to keep victim records confidential and requires the Director of the Department of Social Services to work with the Statewide Domestic Violence Coalition to develop policies and implement methods to ensure the confidentiality of victim records and records pertaining to the address or location of any shelter or facility assisted under the Family Violence Prevention and Services Act, 42 U.S.C. § 10401 et seq.

*Patron - Janis*

**HB1213 Social services; faith-based organizations.** Directs the Department of Social Services to coordinate offers of assistance from faith-based organizations during natural disasters. This bill is identical to SB 730.

*Patron - Moran*

**HB1317 Foster care; criminal background checks.** Requires a nationwide, rather than statewide, criminal background check for any individual with whom the local board or agency is considering placing a child on an emergency, temporary, or permanent basis, including the birth parent of a child in foster care placement. In emergency circumstances, a statewide Virginia Criminal Information Network search may still be performed to satisfy the background check requirement, provided that a national search is also performed afterwards. The child shall be removed from the home immediately if any adult resident, within three days of the child's placement, fails to provide fingerprints and written permission to perform a national criminal history record check when requested.

*Patron - Cosgrove*

**HB1351 Adult services; reporting of suspected abuse, neglect, or exploitation.** Requires local departments of social services or the adult protective services hotline, upon receiving the initial report pursuant to § 63.2-1606, to notify the local law-enforcement agency directly in any cases of (i) sexual abuse as defined in § 18.2-67.10, (ii) serious bodily injury or disease as defined in § 18.2-369 that is believed to be the result of abuse or neglect, or (iii) any other criminal activity involving abuse or neglect that places the adult in imminent danger of death or serious bodily harm.

*Patron - Bell*

**HB1534 Background checks; adoption.** Provides that a child-placing agency may approve as an adoptive or foster parent a person who was convicted of felony drug possession or distribution provided that 10 years have elapsed since conviction and his civil rights have been restored by the Governor.

*Patron - Welch*

**HB1589 Family day homes; sex offenders prohibited; penalty.** Makes it a Class 1 misdemeanor for a person to operate a family day home if he knows that any of his employees or volunteers are convicted sex offenders. This bill is identical to SB 420.

*Patron - Gilbert*

**SB25 Social services; constitution of local board for a city.** Allows a city council to appoint one of its members to the local social services board for that city. This bill is identical to HB 73.

*Patron - Houck*

**SB48 Kinship Foster Care.** Requires a local board of social services, before making a foster care placement, to first seek out kinship foster care. The Board of Social Services shall adopt regulations for determining whether the child has a rela-

tive who is eligible to become a kinship foster parent. Kinship foster care placements are subject to the requirements, and receive the benefits, of other foster care placements, including payments for the care of the child.

*Patron - Miller*

**SB253 Mandatory reporting of child abuse and neglect.** Requires any adult who has received training in the detection of child abuse and neglect to report it to the local department of social services or the Department of Social Services' toll-free hotline. The bill exempts from the mandatory reporting requirement information required by the doctrine of the religious organization or denomination to be kept in a confidential manner and information that the practitioner would not be required to disclose in court testimony pursuant to other Code provisions.

*Patron - Howell*

**SB257 Child day program exemption from licensure.** Allows an exemption from licensure for programs of recreational activities offered by local governments, staffed by local government employees, and attended by school-age children. The programs shall be subject to safety and supervisory standards established by the local governments.

*Patron - Wagner*

**SB420 Family day homes; sex offenders prohibited.** Makes it a Class 1 misdemeanor for a person to operate a family day home if he knows that any of the home's employees or volunteers are convicted sex offenders. This bill is identical to HB 1589.

*Patron - Hanger*

**SB421 Child care facilities; criminal background checks; civil penalty.** Requires all businesses and organizations that provide care to children, the elderly, or disabled to request a national criminal background check of all employees and volunteers, and punishes failure to do so with a \$500 civil penalty and, in some cases, a Class 3 misdemeanor for a second offense.

*Patron - Hanger*

**SB534 Adoption laws; putative father registry.** Makes procedural and administrative changes to adoption laws, creates a "designated adoption," and establishes a putative father registry. The bill removes a provision that Virginia law applies to entrustment agreements executed in the Commonwealth by agencies outside the Commonwealth. Acknowledged, adjudicated, presumed and registered fathers whose identity is not reasonably ascertainable are entitled to notice of an adoption. Consent is not required of a birth father who denies paternity under oath and in writing or a birth parent who, without just cause, has neither visited nor contacted the child for six months. Unmarried birth fathers may consent to the termination of parental rights prior to the birth of the child. The amount of time to object to proceedings is decreased from 21 to 15 days after the notice is mailed. Failure to appear at a hearing waives the right to consent to the adoption. The length of time during which an entrustment agreement can be revoked by the birth parents is reduced from until the child is 25 days old and 15 days have elapsed since execution to until the child is 10 days old and seven days have elapsed. Current law requires that a child be 10 days old before consent to a parental placement adoption can be executed in juvenile court; this bill allows such consent on the third day of the child's life. Consent is revocable for 10 days instead of the current 15 and is not revocable at all after the child is 10 days old. The bill creates a new form of adoption where a birth parent may designate adoptive parents but may use agency adoption and the exchange of certain identifying information does not have to

occur. A Putative Father Registry is established and will be administered by the Department of Social Services and funded by an additional \$50 filing fee. Any man who has engaged in sexual intercourse with a woman is deemed to be on legal notice that a child may be conceived and may register with the Registry which will entitle him to notice if the child is placed for adoption. Provisions related to adult and step-parent adoption are revised.

*Patron - O'Brien*

**SB691 Adoption; sexually violent offenders.** Prohibits sexually violent offenders and offenders who are required to register pursuant to § 9.1-902 from adopting a child.

*Patron - Obenshain*

**SB704 Family day home systems and family day homes; civil penalty.** Requires any person who operates a family day home approved by a licensed family day system, a licensed family day home, or a voluntarily registered family day home to furnish a written notice to the parent or guardian of each child under the care of the family day home stating (i) the amount of liability insurance in force covering operation of the family day home or (ii) the fact that there is no liability insurance in effect. The bill also requires that such notice be acknowledged in writing and requires the operator to notify parents and guardians in the event the amount of insurance coverage decreases. Any person who fails to give the required notice shall be subject to a civil penalty of \$500 for each such failure.

*Patron - Edwards*

**SB730 Social services; faith-based organizations.** Directs the Department of Social Services to coordinate offers of assistance from faith-based organizations during natural disasters. This bill is identical to HB 1213.

*Patron - Herring*

## Failed

**HB32 Child Day Programs; exemption from licensure for local recreation programs.** Exempts from licensure requirements certain recreation programs attended by children over the age of five. Safety and supervisory standards are to be established by local governments.

*Patron - Tata*

**HB66 Social services; Virginia Caregivers Grant.** Increases the grant available to a caregiver of a mentally or physically impaired relative from \$500 to \$3,000 if the caregiver can provide appropriate documentation that without such care, the relative would be domiciled in a nursing facility. Grants from this fund shall not exceed the amount appropriated by the General Assembly to the Virginia Caregivers Grant Fund.

*Patron - Purkey*

**HB227 Domestic violence; confidentiality of records.** Requires the Director of the Department of Social Services to work with the Statewide Domestic Violence Coalition to develop policies and implement methods to assure the confidentiality of records pertaining to the address or location of any shelter or facility assisted under the Family Violence Prevention and Services Act, 42 U.S.C. § 10401 et seq. This bill was incorporated into HB 1156.

*Patron - Jones, D.C.*

**HB231 Day care facilities, assisted living facilities, child welfare agencies; emergency preparedness training.**

Adds section requiring all operators of assisted living facilities, adult day care centers, and child welfare agencies to complete an emergency preparedness training program as a condition of licensure. The program shall include the essential procedures, operations, and assignments required to prevent, manage, and respond to a critical event or emergency, including natural disasters involving fire, flood, tornadoes, or other severe weather; loss or disruption of power, water, communications, or shelter; medical emergencies; explosions; bomb threats; gun, knife, or other weapons threats; spills or exposures to hazardous substances; the presence of unauthorized persons or trespassers; the loss, disappearance, or kidnapping of a resident; hostage situations; violence on the facility property; incidents involving acts of terrorism; and other incidents posing a serious threat of harm to residents, personnel, or facilities.

*Patron - Jones, D.C.*

**HB246 Income tax; tax credit for certain health care practitioners.** Provides an income tax credit to health care practitioners who provide, without compensation, medical services to indigent persons who cannot pay for the services themselves. The amount of the credit is equal to 25 percent of the fee the practitioner would charge for the service, not to exceed \$500 annually for any practitioner. The credit would be available for taxable years beginning on or after January 1, 2007.

*Patron - Shannon*

**HB358 Neighborhood Assistance Act; tax credits.** Changes the eligibility requirements for individuals to claim neighborhood assistance tax credits to align them with eligibility requirements for businesses. Individuals will be eligible for the credit for donations of real property and stock as well as monetary donations, and they may still claim the deduction on their federal tax returns for taxable years beginning on or after January 1, 2006.

*Patron - Hamilton*

**HB465 Emergency response; notification of location of certain facilities.** Requires the Commissioners of Health, Mental Health, Mental Retardation and Substance Abuse Services, and Social Services to notify the Virginia Department of Emergency Management (VDEM) of the location and capacity of all nursing homes, hospice facilities, group homes, assisted living facilities, and adult day care facilities licensed in the Commonwealth. VDEM is then responsible for forwarding this information to designated local emergency planning contacts and the Virginia Geographic Information Network Office, in order to assist in the planning and implementation of emergency response.

*Patron - Ingram*

**HB583 Public Assistance; eligibility for TANF benefits.** Provides that a person shall not be ineligible for Temporary Assistance for Needy Families (TANF) benefits solely as the result of a felony drug possession conviction.

*Patron - Watts*

**HB634 Assisted living facilities; regulations.** Strikes the requirement that all licensed assisted living facilities with six or more residents be able to connect by July 1, 2007, to a temporary emergency electrical power source for the provision of electricity during an interruption of the normal electric power supply.

*Patron - Phillips*

**HB726 Parental consent prior to a minor entering into an adoption.** Requires that any birth parent 14 years of age or younger must receive parental consent prior to petition-

ing for adoption or entering an entrustment agreement. Provides for judicial consent in lieu of parental consent.

*Patron - McQuigg*

**HB728 Creation of putative father registry; penalty.** Creates a putative father registry that requires any man who has sexual intercourse with a woman to register with the registry or forgo his right to oppose the adoption of a child that may have resulted from such intercourse. Also makes it a Class 4 misdemeanor to wrongfully disseminate information contained in the registry.

*Patron - McQuigg*

**HB806 Foster care services.** Adds to the definition of foster care services the provision of care to a child and his family when the child has been identified as needing such services to prevent or eliminate the need for relinquishment of custody.

*Patron - Fralin*

**HB873 Information technology professionals; reporting child abuse; penalty.** Adds information technology professionals to the list of those required to report suspected child abuse or neglect.

*Patron - Byron*

**HB969 Adult Fatality Review Team; duties; membership; confidentiality; etc.; penalties; report.** Requires the Commissioner of the Department of Social Services and the Chief Medical Examiner to develop an Adult Fatality Review Team (Team) to review suspicious deaths of adults in order to create a body of information to help prevent future fatalities. The Team is charged with reviewing the death of any incapacitated adult aged 18 or older, and any adult aged 60 or older (i) who was the subject of an adult protective services investigation or (ii) whose death was due to abuse or neglect or acts suggesting possible abuse or neglect. The bill sets forth duties, membership, confidentiality, reporting, and other requirements for the Team. The bill also excludes any information acquired during a review from the Virginia Freedom of Information Act. This bill is identical to SB 635.

*Patron - Ebbin*

**HB1280 Criminal history and central registry check for placements of children.** Strikes the limiting language "statewide" so as to permit the entire record of criminal history information to be obtained and considered by the local board and licensed child-placing agency for an individual with whom the board or agency is contemplating a placement. This bill was incorporated into HB 1317.

*Patron - Johnson*

**HB1332 Juvenile detention facilities; placement of adults.** Requires that adults, and juveniles being tried as adults, be held only in adult correctional facilities. The bill also requires that upon reaching age 18, any adult in a juvenile facility shall be transferred to an adult facility.

*Patron - Bell*

**HB1434 Mandatory reporting of child abuse and neglect; civil penalty.** Requires any regular minister, priest, rabbi, or accredited practitioner to report suspected child abuse or neglect to a local department of social services or the Department of Social Services' toll-free child abuse and neglect hotline. The bill exempts from the mandatory reporting requirement information required by the doctrine of the religious organization or denomination to be kept in a confidential manner and information that the practitioner would not be required to disclose in court testimony pursuant to other Code provisions.

*Patron - Brink*



**FHB1550 Residential community programs.** Directs the Department of Corrections, where appropriate and resources are available, to give nonviolent prisoners who have not been convicted of specific offenses or sentenced to one or more life terms the opportunity to participate in a residential community program, work release, or a community-based program. Current law requires that the prisoner not be convicted of any violent crime and be sentenced to at least three years. The bill restricts the cost of keep to no more than 30 percent of the prisoner's gross earnings, and directs the Department to prescribe guidelines for the program that emphasize training and education related to job skills, literacy, money management, and other life skills.

*Patron - BaCote*

**F SB32 Social services; time limit on receipt of TANF.** Allows the children of VIEW participants to continue receiving TANF financial assistance beyond the initial 24-month period if (i) the VIEW participating parent is no longer the children's legal guardian, (ii) another relative of the children now has legal custody, and (iii) the children otherwise meet the eligibility requirements set forth in §§ 63.2-602 through 63.2-607. This bill is contingent upon appropriation of funds.

*Patron - Miller*

**F SB240 Public assistance; eligibility for TANF benefits.** Provides that a person shall not be ineligible for Temporary Assistance for Needy Families (TANF) benefits solely as the result of a felony drug possession conviction. This bill is contingent upon the appropriation of funds.

*Patron - Ticer*

**F SB458 Income tax; tax credit for certain health care practitioners.** Provides an income tax credit to health care practitioners who provide, without compensation, medical services to indigent persons who cannot pay for the services themselves. The amount of the credit is equal to 25 percent of the fee the practitioner would charge for the service, not to exceed \$500 annually for any practitioner. The credit would be available for taxable years beginning on or after January 1, 2007.

*Patron - Devolites Davis*

**F SB584 Child abuse or neglect; mandated reporting of certain teenage pregnancies.** Requires an attending physician or other health professional to report teenage pregnancies as child abuse or neglect upon finding that a child under the age of 15 is pregnant.

*Patron - Cuccinelli*

**F SB615 Child Day Care Regulations.** Establishes staff-to-child ratios, activity space guidelines, and training and qualification guidelines for program directors, program leaders, and general staff for regulated child day care centers.

*Patron - Wagner*

## Carried Over

**C HB415 Nursing homes; notification of sex offenders.** Requires nursing homes and certified nursing facilities to notify residents, residents' families, residents' legal representatives, and the public of the presence of a person convicted of a sexual offense for which registration is required pursuant to §9.1-902 residing in the nursing home or certified nursing facility. Also allows such facilities to request from the State Police electronic notification of any sex offender.

*Patron - Griffith*

**C HB598 Emergency medical services personnel; reporting child abuse; penalty.** Adds emergency medical services personnel certified by the Board of Health to the list of those required to report suspected child abuse or neglect.

*Patron - Cosgrove*

**C HB1358 Assisted living facilities; exemption from licensing requirements.** Allows, for life-sharing communities, an exemption from the requirement to have a staff member who is awake 24 hours per day. "Life-sharing community" is defined as an assisted living facility, operated by a nonprofit organization, that (i) offers a safe, secure environment in a free-standing, self-contained unit for residents who have been assessed by a medical professional as having a mental disability; (ii) is located in a community setting; (iii) consists of the residents as well as staff or family members who live in the units; (iv) has at least one staff or family member in such facility at all times when residents are present and requires the staff or family member on premises to be responsible for the care and supervision of the residents; (v) has established written emergency procedures that provide for prompt assistance to the staff or family member on premises by other staff members who may be at locations other than the facility where the assistance is requested; and (vi) provides, at the time of admission, written notice to each resident and his legally authorized representative that the facility is exempt from the above requirement.

*Patron - Bell*

**C HB1538 Day care facilities; exemptions from licensure.** Limits exemption from licensure for "come and go" programs currently exempt. The bill provides that the exemption only applies where the program does not (i) provide care for a child under the age of eight, (ii) provide care for a child who resides more than one half-mile from the program, or (iii) initiate, arrange, or participate in the transportation of a child. The bill also requires that, if the program allows a parent to designate individuals who are not authorized to pick up a child, the parent must provide appropriate legal documentation in support of this request.

*Patron - Reid*

**C SB47 Kinship Care Program.** Establishes the Kinship Care Program within the Department of Social Services for relatives who are (i) within the third degree by blood or marriage to the parent or step-parent of a child, (ii) caring full-time for that child in the role of a substitute parent as a result of a court's placement of the child in the legal custody of the relative, as defined in § 16.1-228, and (iii) determined to be capable caregivers as defined in the bill. Relatives who qualify as capable caregivers are not required to meet foster care requirements, and they may receive financial assistance and case management services as determined by the local board of social services.

*Patron - Miller*

**C SB635 Adult Fatality Review Team; duties; membership; confidentiality; penalties; report; etc.** Requires the Commissioner of the Department of Social Services and the Chief Medical Examiner to develop an Adult Fatality Review Team (Team) to review suspicious deaths of adults in order to create a body of information to help prevent future fatalities. The Team is charged with reviewing the death of any incapacitated adult aged 18 or older, and any adult aged 60 or older (i) who was the subject of an adult protective services investigation or (ii) whose death was due to abuse or neglect or acts suggesting possible abuse or neglect. The bill sets forth duties, membership, confidentiality, reporting, and other requirements for the Team. The bill also excludes any information acquired

during a review from the Virginia Freedom of Information Act. This bill is identical to HB 969.

*Patron - Howell*

## Wills and Decedents' Estates

### Passed

**HB1115 Persons presumed dead.** Clarifies existing law and determines the date of death under various presumptions, provides for survivorship matters and beneficiary designations for persons presumed dead, provides for the appointment of a curator when the presumption of death is not applicable, and eliminates surety bond requirements.

*Patron - Athey*

**HB1303 Virginia Small Estate Act.** Modifies the collection of personal property by affidavit provision by increasing from \$15,000 to \$50,000 the allowable value of the personal probate estate. The effective date will be January 1, 2007.

*Patron - Alexander*

**SB217 Guardianship and conservatorship; appointment of administrators.** States that a tax-exempt charitable organization that has been designated by the Virginia Department for the Aging as a public conservator or guardian may serve in that capacity for other individuals. It further provides that a non-profit charitable organization may serve as an administrator of an estate of an individual if 45 days have elapsed since the decedent's death and no distributee has notified the clerk. Such charitable organization must establish that it made a diligent search for any distributee.

*Patron - Quayle*

### Failed

**SB49 Intestate succession.** Increases the amount of the surviving spouse's share from 1/3 to 1/2 where there are surviving descendants which are not the children of the surviving spouse.

*Patron - Miller*

## Workers' Compensation

### Passed

**HB326 Workers' compensation; sole shareholders and members.** Authorizes the sole shareholder of a stock corporation with one shareholder and the sole member of a limited liability company with one member to elect to be included as employees under the workers' compensation coverage of the business. The same election is currently afforded to sole proprietors and to all of the partners of a business.

*Patron - Morgan*

**HB417 Birth-Related Neurological Injury Program; Virginia Retirement System.** Eliminates requirements that the investment advisors retained by the board of directors of the Birth-Related Neurological Injury Program be from a list provided by the chief investment officer of the Virginia Retirement System and that the board consult with the chief investment officer semiannually. Any investment advisor retained by

the board will be required to either be a federal covered investment advisor or registered with the State Corporation Commission under the Securities Act.

*Patron - Tata*

**HB865 Workers' compensation; temporary partial disability benefits.** Provides that the post-injury average weekly wage, in the case of a temporary partial disability of 13 weeks or less, shall be computed by dividing the employee's total earnings during the first two weeks of partial incapacity by two, and that such average is subject to retroactive adjustment for the 90 days preceding an application for an adjustment. If the duration of the partial disability is longer than 13 weeks, it will be computed by dividing the total earnings during the period of partial incapacity by the number of weeks in the period. These provisions apply to commissioned employees, self-employed income, and income from an employer in which the injured worker or a family member has an ownership interest. The provisions may also apply to other employments in the discretion of the Workers' Compensation Commission.

*Patron - Byron*

**HB941 Workers' compensation liability; self-insurance.** Corrects the statement of the minimum ratio of debt to equity that an employer is required to demonstrate prior to obtaining certification as a self-insurer. The minimum ratio is currently codified as 2:2, and the 1996 Acts of Assembly stated the ratio as 2.2; this measure restates the ratio as 2.2:1.

*Patron - Morgan*

**HB942 Structured Settlement Protection Act; workers' compensation benefits.** Exempts all payments in settlement of workers' compensation claims, including transfers of workers' compensation claims, awards, benefits, settlements or payments made or payable pursuant to Title 65.2, from the provisions of the Structured Settlement Protection Act.

*Patron - Morgan*

### Failed

**HB565 Workers' compensation; temporary partial disability benefits.** Requires an injured employee who is released to return to work, as a condition of eligibility for partial disability benefits, to prove that he made a reasonable effort to market his residual work capacity during the period for which he seeks compensation. The measure also provides that compensation for a temporary partial disability of 13 weeks or less shall be calculated based on post-injury average weekly wages over the entire period of partial disability. If the duration of the partial disability is longer than 13 weeks, it will be calculated quarterly, provided that if the partial disability period ends before the end of a 13-week interval, the calculation for the final interval shall be as if the period of partial disability was for less than 13 weeks. This bill was incorporated into HB 865.

*Patron - Nixon*

**HB866 Workers' compensation; temporary partial disability benefits; marketing standards.** Requires an injured employee who is released to return to work, as a condition of eligibility for partial disability benefits, to prove that he made a reasonable effort to market his residual work capacity during the period for which he seeks compensation.

*Patron - Byron*

**HB1361 Workers' compensation; primacy of coverage.** Provides that when an employee suffers an injury cov-

ered by the Workers' Compensation Act that results from a third party's tort, the employer's workers' compensation insurance coverage for the injured employee is secondary to the third party's liability insurance coverage.

*Patron - Bell*

**FHB1585 Workers' compensation coverage for first responders.** Exempts first responders injured during a declared state of emergency from the requirement that the physician treating the employee be chosen from a three-physician panel provided by the employer. The measure provides that a first responder injured during a state of emergency shall be taken forthwith to any available health care facility and be furnished medical treatment at the employer's expense. It also provides that if certain first responders become ill due to an exposure to a radioactive, chemical or biologic agent, and thereafter transmits the illness to a family member, the family member is entitled to employer-provided medical care.

*Patron - Sickles*

**F SB361 Workers' compensation coverage for first responders.** Exempts first responders injured during a declared state of emergency from the requirement that the physician treating the employee be chosen from a three-physician panel provided by the employer. The measure provides that a first responder injured during a state of emergency shall be taken forthwith to any available health care facility and be furnished medical treatment at the employer's expense. It also provides that if certain first responders become ill due to an exposure to a radioactive, chemical or biologic agent, and thereafter transmits the illness to a family member, the family member is entitled to employer-provided medical care.

*Patron - Edwards*

## Carried Over

**C HB416 Virginia Birth-Related Neurological Injury Compensation Program.** Provides that "birth-related injury or death" does not include an infant's disability or death caused by maternal disease, infection, or neglect including, but not limited to, chorioamnionitis in cases in which no objective medical evidence indicates hypoxia during the time of labor, delivery, or resuscitation; maternal substance abuse; willful maternal failure during pregnancy to take medications prescribed or adhere to directives from health care providers; or prematurity in cases in which no objective medical evidence indicates hypoxia during the time of labor, delivery, or resuscitation. A procedure for adopting and amending a recommended format for expert panel assessments of birth injury claims is established. A presumption that the report of the medical advisory panel is correct is established, and the procedure for objecting to the report is revised. The measure provides for a waiver of confidentiality of medical records by filing a petition with the Virginia Birth-Related Neurological Injury Compensation Program. The Program is required to make assistance available to individuals completing petitions for acceptance into the Program. The current rebuttable presumption of fetal distress that arises if the hospital fails to provide the fetal heart monitor tape to the claimant is repealed. The measure provides that no inference or presumption shall arise from the absence of a documented umbilical cord blood gas test result. Attorney fees incurred in connection with a petition for entry into the Program are limited to those for services provide after the claimant has received a copy of the report of the medical advisory panel. Certain time limits, including those for rehearings and reviews of Commission determinations, are jurisdictional, while other time limits are specifically subject to extension for good cause. The measure also clarifies provisions regarding

referral of cases from circuit court to the Workers' Compensation Commission.

*Patron - Tata*

**C SB643 Virginia Birth-Related Neurological Injury Compensation Program.** Provides that "birth-related injury or death" does not include an infant's disability or death caused by maternal disease, infection, or neglect including, but not limited to, chorioamnionitis in cases in which no objective medical evidence indicates hypoxia during the time of labor, delivery, or resuscitation; maternal substance abuse; willful maternal failure during pregnancy to take medications prescribed or adhere to directives from health care providers; or prematurity in cases in which no objective medical evidence indicates hypoxia during the time of labor, delivery, or resuscitation. A procedure for adopting and amending a recommended format for expert panel assessments of birth injury claims is established. A presumption that the report of the medical advisory panel is correct is established, and the procedure for objecting to the report is revised. The measure provides for a waiver of confidentiality of medical records by filing a petition with the Virginia Birth-Related Neurological Injury Compensation Program. The Program is required to make assistance available to individuals completing petitions for acceptance into the Program. The current rebuttable presumption of fetal distress that arises if the hospital fails to provide the fetal heart monitor tape to the claimant is repealed. The measure provides that no inference or presumption shall arise from the absence of a documented umbilical cord blood gas test result. Attorney fees incurred in connection with a petition for entry into the Program are limited to those for services provide after the claimant has received a copy of the report of the medical advisory panel. Certain time limits, including those for rehearings and reviews of Commission determinations, are jurisdictional, while other time limits are specifically subject to extension for good cause. The measure also clarifies provisions regarding referral of cases from circuit court to the Workers' Compensation Commission.

*Patron - Watkins*

## Constitutional Amendments

### Passed

**P HB101 Constitutional amendment (voter referendum); marriage.** Provides for a referendum at the November 2006 election on approval of a proposed constitutional amendment to define marriage. The proposed amendment provides that "only a union between one man and one woman may be a marriage valid in or recognized by this Commonwealth and its political subdivisions." The proposed amendment also prohibits the Commonwealth and its political subdivisions from creating or recognizing "a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance, or effects of marriage." Further, the proposed amendment prohibits the Commonwealth or its political subdivisions from creating or recognizing "another union, partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities, or effects of marriage." This bill incorporates HB 374 and is identical to SB 526.

*Patron - Cosgrove*

**P HB1382 Constitutional amendment (voter referendum); powers of the General Assembly; limitations on powers including incorporation of churches.** Provides for a referendum at the November 2006 election on approval of a proposed constitutional amendment relating to incorporation of

churches. The proposed amendment deletes language that prohibits the General Assembly from granting charters of incorporation to churches. This prohibition was held to be unconstitutional in 2002 by the United States District Court for the Western District of Virginia in *Falwell v. Miller* (203 F.Supp. 2d 624). The Court held that the prohibition against incorporation of churches violated the plaintiff church's First Amendment right to the free exercise of religion. Since that case, the State Corporation Commission has granted charters to churches. This amendment deletes the now obsolete language and makes no change in current law.

*Patron - McQuigg*

**[P]HJ41 Constitutional amendment (second resolution); marriage.** Provides that "only a union between one man and one woman may be a marriage valid in or recognized by this Commonwealth and its political subdivisions." The proposed amendment also prohibits the Commonwealth and its political subdivisions from creating or recognizing "a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance, or effects of marriage." Further, the proposed amendment prohibits the Commonwealth or its political subdivisions from creating or recognizing "another union, partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities, or effects of marriage." This resolution incorporates HJR 23. This proposed constitutional amendment is identical to the amendment proposed in SJR 92.

*Patron - Marshall, R.G.*

**[P]HJ159 Constitutional amendment (second resolution); powers of the General Assembly; limitations on powers including incorporation of churches.** Deletes language that prohibits the General Assembly from granting charters of incorporation to churches. This prohibition was held to be unconstitutional in 2002 by the United States District Court for the Western District of Virginia in *Falwell v. Miller* (203 F.Supp. 2d 624). The Court held that the prohibition against incorporation of churches violated the plaintiff church's First Amendment right to the free exercise of religion. Since that case, the State Corporation Commission has granted charters to churches. This amendment deletes the now obsolete language and makes no change in current law.

*Patron - McQuigg*

**[P]SB357 Constitutional amendment (voter referendum); property exempt from taxation.** Provides for a referendum at the November 2006 election on approval of a proposed constitutional amendment relating to property tax exemptions. The proposed amendment authorizes the General Assembly to enact legislation that will permit localities to provide a partial exemption from real property taxes for real estate and associated new structures and improvements in conservation, redevelopment, or rehabilitation areas.

*Patron - Edwards*

**[P]SB526 Constitutional amendment (voter referendum); marriage.** Provides for a referendum at the November 2006 election on approval of a proposed constitutional amendment to define marriage. The proposed amendment provides that "only a union between one man and one woman may be a marriage valid in or recognized by this Commonwealth and its political subdivisions." The proposed amendment also prohibits the Commonwealth and its political subdivisions from creating or recognizing "a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance, or effects of marriage." Further, the proposed amendment prohibits the Commonwealth or its political subdivisions from creating or recognizing "another union, partnership, or other legal status to which is assigned the rights,

benefits, obligations, qualities, or effects of marriage." This bill is identical to HB 101.

*Patron - Newman*

**[P]SJ87 Constitutional amendment (second resolution); property exempt from taxation.** Authorizes the General Assembly to enact legislation that will permit localities to provide a partial exemption from real property taxation for real estate and associated new structures and improvements in conservation, redevelopment, or rehabilitation areas.

*Patron - Edwards*

**[P]SJ92 Constitutional amendment (second resolution); marriage.** Provides that "only a union between one man and one woman may be a marriage valid in or recognized by this Commonwealth and its political subdivisions." The proposed amendment also prohibits the Commonwealth and its political subdivisions from creating or recognizing "a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance, or effects of marriage." Further, the proposed amendment prohibits the Commonwealth or its political subdivisions from creating or recognizing "another union, partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities, or effects of marriage." This proposed constitutional amendment is identical to the amendment proposed in HJR 41.

*Patron - Newman*

## Failed

**[F]HB374 Constitutional amendment (voter referendum); marriage.** Provides for a referendum at the November 2006 election on approval of a proposed constitutional amendment to define marriage. The proposed amendment provides that "only a union between one man and one woman may be a marriage valid in or recognized by this Commonwealth and its political subdivisions." The proposed amendment also prohibits the Commonwealth and its political subdivisions from creating or recognizing "a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance, or effects of marriage." Further, the proposed amendment prohibits the Commonwealth or its political subdivisions from creating or recognizing "another union, partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities, or effects of marriage." This bill was incorporated into HB 101.

*Patron - Marshall, R.G.*

**[F]HJ23 Constitutional amendment (second resolution); marriage.** Provides that "only a union between one man and one woman may be a marriage valid in or recognized by this Commonwealth and its political subdivisions." The proposed amendment also prohibits the Commonwealth and its political subdivisions from creating or recognizing "a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance, or effects of marriage." Further, the proposed amendment prohibits the Commonwealth or its political subdivisions from creating or recognizing "another union, partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities, or effects of marriage." This resolution was incorporated into HJR 41, a companion to HB 101.

*Patron - Cosgrove*

**[F]HJ98 Constitutional amendment (first resolution); transportation funding.** Provides that moneys in the Commonwealth Transportation Fund, Transportation Trust Fund, and Highway Maintenance and Operating Fund shall be used for (i) administering, planning, constructing, improving, or

maintaining the roads embraced in the systems of highways for the Commonwealth and its localities or furthering the interests of the Commonwealth in the areas of highways, public transportation, railways, seaports, or airports; (ii) making payments on bonds or other obligations that have been issued or entered into to finance transportation projects; or (iii) making loans to finance transportation projects. The amendment provides for the crediting of various sources of revenue to the transportation funds. It allows for borrowing from transportation funds for other purposes by a four-fifths vote of each house of the General Assembly.

*Patron - Albo*

## Carried Over

**☐HJ1 Constitutional amendment (first resolution); Governor's term of office.** Permits the Governor to succeed himself in office. The amendment allows two four-year terms (either in succession or not in succession) but prohibits election to a third term. The amendment allows Governors elected in 2009 and thereafter to serve two successive terms. Service for more than two years of a partial term counts as service for one term.

*Patron - Purkey*

**☐HJ2 Constitutional amendments (first resolution); Virginia Redistricting Commission.** Establishes 13-member Virginia Redistricting Commission to redraw Congressional and General Assembly district boundaries after each decennial census. Provides procedure for appointment of Commission members and standards to govern redistricting plans including the current Constitution's standards on population equality, compactness, and contiguity and additional standards to minimize splits of localities and to prohibit consideration of incumbency and political data. The amendments also provide for 40 senators and 100 delegates rather than the present ranges of 33 to 40 senators and 90 to 100 delegates.

*Patron - Shuler*

**☐HJ3 Constitutional amendment (first resolution); Transportation Funds.** Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, and Highway Maintenance and Operating Fund. All revenues dedicated to Transportation Funds on January 1, 2007, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan or reduction must be repaid with reasonable interest within four years.

*Patron - Lingamfelter*

**☐HJ4 Constitutional amendment (first resolution); terms of office; General Assembly members and the Governor; future amendments.** Provides for four-year terms for House of Delegates members and six-year terms for Senate members and the Governor. The resolution also provides that constitutional amendments must be passed in two separate sessions and deletes the requirement that there must be an election for the House of Delegates between those two sessions.

*Patron - Shuler*

**☐HJ18 Constitutional amendment (first resolution); Transportation Funds.** Requires the General Assembly to

maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, and Highway Maintenance and Operating Fund. All revenues dedicated to Transportation Funds on January 1, 2007, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan or reduction must be repaid with reasonable interest within four years.

*Patron - Marshall, R.G.*

**☐HJ20 Constitutional amendment (first resolution); Board of Education.** Provides for the appointment of the members of the Board of Education as follows: four members, including a member designated as president, appointed by the Governor; three members appointed by the House of Delegates; and two members appointed by the Senate, in accordance with the rules of each house. Members are to be appointed for four-year terms. Terms are staggered. No person may be appointed to more than two consecutive full terms. Members in office when the amendment takes effect will serve until their successors are appointed. Presently, the Constitution provides that all nine members are appointed by the Governor.

*Patron - Purkey*

**☐HJ22 Constitutional amendments (first resolution); Governor's term of office; Board of Education.** One amendment permits the Governor to succeed himself in office. The amendment allows two four-year terms (either in succession or not in succession) but prohibits election to a third term. The amendment allows Governors elected in 2009 and thereafter to serve two successive terms. Service for more than two years of a partial term counts as service for one term. A second amendment provides for the appointment of the members of the Board of Education as follows: four members, including a member designated as president, appointed by the Governor; three members appointed by the House of Delegates; and two members appointed by the Senate, in accordance with the rules of each house. Members are to be appointed for four-year terms. Terms are staggered. No person may be appointed to more than two consecutive full terms. Members in office when the amendment takes effect will serve until their successors are appointed. Presently, the Constitution provides that all nine members are appointed by the Governor.

*Patron - Purkey*

**☐HJ24 Constitutional amendment (first resolution); highway and transportation trust funds.** Provides that the Highway Maintenance and Operating Fund and the Transportation Trust Fund established in 1986 will be permanent and separate funds and will be funded annually by the General Assembly by appropriations of the revenues generated by the 1986 package of tax and fee increases and the revenues from all other sources that were appropriated to the Funds in the fiscal year ending June 30, 2005. The amendment limits the use of Fund moneys to transportation and related purposes.

*Patron - Fralin*

**☐HJ27 Constitutional amendment (first resolution); Governor's term of office.** Extends the Governor's term to six years beginning with the Governor elected in 2009, continues the prohibition on successive terms, and provides six-year terms for the lieutenant governor and attorney general since the

terms for those offices are set by reference to the term of the governor.

*Patron - Purkey*

**☐HJ29 Constitutional amendment (first resolution); restoration of civil rights.** Authorizes the General Assembly to provide by general law for the restoration of civil rights for persons convicted of felonies who have completed service of their sentence including any period or condition of probation, parole, or suspension of sentence. The present Constitution provides for restoration of rights by the Governor. The amendment retains the right of the Governor to restore civil rights and adds the alternative for restoration of rights pursuant to general law. This proposed constitutional amendment is identical to the amendment proposed in SJR 15.

*Patron - Jones, D.C.*

**☐HJ34 Constitutional amendment (first resolution); property exempt from taxation.** Amends the Constitution of Virginia to exempt from property taxes privately owned motor vehicles used for nonbusiness purposes.

*Patron - Rust*

**☐HJ46 Constitutional amendment (first resolution); assessments of real property.** Provides that the General Assembly may define and classify real estate devoted to water-dependent use and may by general law authorize any locality to allow deferral of, or relief from, portions of taxes otherwise payable on such real estate if it were not so classified. Currently, the General Assembly is afforded such power with respect to real estate devoted to agricultural, horticultural, forest, or open-space uses.

*Patron - Wittman*

**☐HJ56 Constitutional amendment (first resolution); real property assessments and tax rates.** Provides that assessments of real property shall not increase annually by more than one percent plus the percentage increase, if any, in the rate of inflation. Increases in the rate of taxation on real property are limited to one percent per year.

*Patron - Frederick*

**☐HJ57 Constitutional amendment (first resolution); property tax exemptions.** Provides an exemption from real and personal property taxes for totally disabled veterans.

*Patron - Frederick*

**☐HJ58 Constitutional amendment (first resolution); Highway Maintenance and Operating Fund and Transportation Trust Fund.** Provides that the Highway Maintenance and Operating Fund and the Transportation Trust Fund shall be permanent funds. Starting with the Commonwealth's fiscal year beginning July 1, 2009, the General Assembly shall appropriate to each Fund an amount no less than the amount appropriated to the respective Fund in the immediately preceding fiscal year. The amendment limits the use of Trust Fund moneys to highway construction, maintenance, and improvements and to furthering the public interest in public transportation, railways, seaports, and airports. The General Assembly may use Fund proceeds for other purposes only by a four-fifths vote of the members in each house. However, Fund proceeds used for other purposes must be repaid to the Fund within four years.

*Patron - Frederick*

**☐HJ59 Constitutional amendment (first resolution); limit on appropriations.** Limits total appropriations in any fiscal year to the preceding year's total appropriations plus the greater of (i) five percent or (ii) a percentage increase equal to the rate of inflation plus the rate of population increase. How-

ever, additional appropriations may be made (a) for tax relief, (b) for deposits to the Revenue Stabilization Fund, or (c) non-recurring capital projects. "Total appropriations" is defined so as not to include appropriated moneys that are received from the federal government or an agency or unit thereof.

*Patron - Frederick*

**☐HJ61 Constitutional amendment (first resolution); congressional and General Assembly districts; the redistricting process.** Provides for a bipartisan panel of three special masters drawn from a pool of retired judges to redraw congressional and General Assembly district boundaries after each decennial census and for voter approval of the plan adopted by the panel. The amendment is patterned after California Proposition 77 (2005).

*Patron - Armstrong*

**☐HJ62 Constitutional amendment (first resolution); exercise of eminent domain powers.** Provides that the taking of private property by eminent domain for the primary purpose of economic development does not constitute a permissible public use. The proposed amendment makes it a judicial question whether private property is being condemned for a permissible public use. This proposed constitutional amendment is identical to the amendment proposed in SJR 121.

*Patron - Armstrong*

**☐HJ68 Constitutional amendment (first resolution); property exempt from taxation.** Authorizes the General Assembly to enact legislation that will permit localities to exempt from property taxes up to the first \$100,000 of assessed value of real estate designed for continuous habitation and owned and occupied by the same individuals as their home.

*Patron - Watts*

**☐HJ80 Constitutional amendment (first resolution); Transportation Funds.** Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, and Highway Maintenance and Operating Fund. All revenues dedicated to Transportation Funds on January 1, 2006, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan or reduction must be repaid with reasonable interest within four years. This proposed constitutional amendment is identical to the amendment proposed in SJR 58.

*Patron - Iaquinto*

**☐HJ126 Constitutional amendment (first resolution); exercise of eminent domain powers.** Provides that the taking of private property by eminent domain for the primary purpose of tax revenue enhancement does not constitute a permissible public use.

*Patron - Rapp*

**☐HJ135 Constitutional amendment (first resolution); property exempt from taxation.** Directs the General Assembly to enact legislation that will permit localities to exempt from property taxes up to 20 percent of the value of residential or farm property that is designed for continuous habitation as a home and is owner-occupied. This proposed constitutional amendment is identical to the amendment proposed in SJR 79.

*Patron - Brink*

**☐HJ138 Constitutional amendment (first resolution); highway and transportation trust funds.** Provides that the Highway Maintenance and Operating Fund and the Transportation Trust Fund established in 1986 will be permanent and separate funds and will be funded annually by the General Assembly by appropriations equivalent to the revenues generated by the 1986 package of tax and fee increases and other revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan or reduction must be repaid with reasonable interest within four years.

*Patron - Moran*

**☐HJ140 Constitutional amendment (first resolution); Virginia Redistricting Commission.** Establishes the Virginia Redistricting Commission to redraw congressional and General Assembly district boundaries after each decennial census. Appointments to the five-member Commission are to be made in the year 2010 and each tenth year thereafter as follows: one each by the majority and minority party leaders of the Senate and House of Delegates from a pool of nominees provided by the Supreme Court and a fifth independent member appointed by the four partisan members from a pool of nominees provided by the Supreme Court. The Commission is directed to file district plans for the Senate and House of Delegates within 30 days of receipt of the federal census data and for congressional districts within 90 days of receipt of the federal census data. There is a 30-day public comment period. The standards to govern redistricting plans include population equality, compactness, contiguity, respect for communities of interest, use of geographic features and locality boundaries in drawing lines, and creation of competitive districts. Use of political data is limited to testing the effects of a plan. Information on incumbent and candidate residence is not to be used. The Commission is patterned after the Arizona Independent Redistricting Commission.

*Patron - Moran*

**☐HJ142 Constitutional amendment (first resolution); Virginia Redistricting Commission.** Establishes the Virginia Redistricting Commission to redraw congressional and General Assembly district boundaries after each decennial census. Appointments to the 11-member Commission are to be made in the census year by the most recently retired living Chief Justice of the Virginia Supreme Court. Appointments are to be made to represent each congressional district. Persons to be appointed to the Commission shall be retired justices or judges of the Supreme Court, Court of Appeals, or circuit courts. The Commission is directed to certify district plans for the General Assembly within one month of receipt of the new census data or by March 1 of the year following the census, whichever is later, and for the House of Representatives within three months of receipt or by June 1 of the year following the census, whichever is later.

*Patron - Barlow*

**☐HJ145 Constitutional amendments (first resolution); balance of executive and legislative branch powers.** Proposes several amendments to the Constitution to (i) extend the Governor's term to six years beginning with the Governor elected in 2009, (ii) continue the prohibition on successive terms, (iii) provide six-year terms for the lieutenant governor and attorney general, (iv) authorize the General Assembly to nullify or suspend administrative regulations, (v) transfer five of the nine appointments on the Board of Education made by the Governor to the legislature, and (vi) permit the General Assembly to extend a session for any period by a two-thirds

vote. 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). These proposed constitutional amendments are identical to the amendments proposed in SJR 100.

*Patron - Purkey*

**☐HJ146 Constitutional amendment (first resolution); legislative sessions.** Provides for an organizational session of the General Assembly beginning on the second Wednesday in December or on another day that may be designated in accordance with a joint rule of the General Assembly and lasting no longer than three days. The business of the organizational session would be limited to administrative and procedural matters, the confirmation of gubernatorial and other appointees, and the election of judicial officers. This resolution 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 proposed constitutional amendment is identical to the amendment proposed in SJR 101.

*Patron - Landes*

**☐HJ182 Constitutional amendment (first resolution); Transportation Trust Fund.** Provides that the Transportation Trust Fund established in 1986 will be a permanent fund and receive all revenues generated by the 1986 package of tax and fee increases and any later enactments dedicating additional revenues to the Fund. The amendment limits the use of Trust Fund moneys to purposes of highway construction, maintenance, and improvements, public transportation, railways, seaports, and airports. The General Assembly may use fund proceeds for other purposes only by a two-thirds vote of the members in each house. However, fund proceeds used for other purposes must be repaid to the Fund within three years.

*Patron - Marshall, D.W.*

**☐HJ238 Constitutional amendment (first resolution); Transportation Funds.** Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, Priority Transportation Fund, and other funds dedicated to transportation by general law. All revenues dedicated to Transportation Funds on January 1, 2006, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan or reduction must be repaid with reasonable interest within three years.

*Patron - Moran*

**☐SJ15 Constitutional amendment (first resolution); restoration of civil rights.** Authorizes the General Assembly to provide by general law for the restoration of civil rights for persons convicted of felonies who have completed service of their sentence including any period or condition of probation, parole, or suspension of sentence. The present Constitution provides for restoration of rights by the Governor. The amendment retains the right of the Governor to restore civil rights and adds the alternative for restoration of rights pursuant to general law. This proposed constitutional amendment is identical to the amendment proposed in HJR 29.

*Patron - Miller*

**CSJ45 Constitutional amendment (first resolution); Virginia Redistricting Commission.** Establishes the Virginia Redistricting Commission to redraw Congressional and General Assembly district boundaries after each decennial census. Appointments to the 13-member Commission are to be made in the census year as follows: two each by the President pro tempore of the Senate, Speaker of the House of Delegates, minority leader in each house, and the state chairman of each of the two political parties receiving the most votes in the prior gubernatorial election. The 12 partisan members then select the thirteenth member by a majority vote; or, if they cannot agree on a selection, they certify the two names receiving the most votes to the Supreme Court, which will name the thirteenth member. The Commission is directed to certify district plans for the General Assembly within one month of receipt of the new census data or by March 1 of the year following the census, whichever is later, and for the House of Representatives within three months of receipt or by June 1 of the year following the census, whichever is later. The standards to govern redistricting plans include the current Constitution's standards on population equality, compactness, and contiguity and additional standards to minimize splits of localities and to prohibit consideration of incumbency and political data.

*Patron - Deeds*

**CSJ49 Constitutional amendment (first resolution); Transportation Funds.** Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, Priority Transportation Fund, and other funds dedicated to transportation by general law. All revenues dedicated to Transportation Funds on July 1, 2006, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan or reduction must be repaid with reasonable interest within three years. The amendment limits the use of general and other non-transportation funds for transportation purposes except for certain debt service payments and, additionally, an amount not to exceed \$80 million in any fiscal year. This proposed constitutional amendment is identical to the amendment proposed in SJR 180.

*Patron - O'Brien*

**CSJ58 Constitutional amendment (first resolution); Transportation Funds.** Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, and Highway Maintenance and Operating Fund. All revenues dedicated to Transportation Funds on January 1, 2006, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan or reduction must be repaid with reasonable interest within four years. This proposed constitutional amendment is identical to the amendment proposed in HJR 80.

*Patron - Norment*

**CSJ78 Constitutional amendment (first resolution); highway and transportation trust funds.** Provides that the Highway Maintenance and Operating Fund and the Transportation Trust Fund established in 1986 will be permanent and separate funds and will be funded annually by the General Assembly by appropriations of the revenues generated by the 1986 package of tax and fee increases and the revenues from all other sources that were appropriated to the Funds in the fiscal year ending June 30, 2005. The amendment limits the use of Fund moneys to transportation and related purposes.

*Patron - Rerras*

**CSJ79 Constitutional amendment (first resolution); property exempt from taxation.** Directs the General Assembly to enact legislation that will permit localities to exempt from property taxes up to 20 percent of the value of residential or farm property that is designed for continuous habitation as a home and is owner-occupied. This proposed constitutional amendment is identical to the amendment proposed in HJR 135.

*Patron - Whipple*

**CSJ81 Constitutional amendment (first resolution); property partially exempt from taxation.** Directs the General Assembly to enact legislation that will exempt from property taxes a part of the value of owner-occupied residences.

*Patron - Rerras*

**CSJ83 Constitutional amendment (first resolution); Transportation Trust Fund.** Provides that the Transportation Trust Fund established in 1986 will be a permanent fund and be funded annually by the General Assembly by appropriations equivalent to the revenues generated by the 1986 package of tax and fee increases or the appropriation for the fiscal year ending June 30, 2005, whichever is greater. The amendment limits the use of Trust Fund moneys to highway construction, improvements, administration, and maintenance, and to improve public transportation, railways, seaports, and airports. The General Assembly may borrow from the Fund for other purposes or reduce the level of required appropriations to the Fund only by a three-fifths vote of members in each house, and the loan or reduction must be repaid within four years.

*Patron - Cuccinelli*

**CSJ89 Constitutional amendment (first resolution); property tax assessments.** Provides that real property will be assessed at fair market value at the time of purchase plus the fair market value of improvements to the property at the time of the assessment.

*Patron - Ruff*

**CSJ100 Constitutional amendments (first resolution); balance of executive and legislative branch powers.** Proposes several amendments to the Constitution to (i) extend the Governor's term to six years beginning with the Governor elected in 2009, (ii) continue the prohibition on successive terms, (iii) provide six-year terms for the lieutenant governor and attorney general, (iv) authorize the General Assembly to nullify or suspend administrative regulations, (v) transfer five of the nine appointments on the Board of Education made by the Governor to the legislature, and (vi) permit the General Assembly to extend a session for any period by a two-thirds vote. 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). These proposed constitutional amendments are identical to the amendments proposed in HJR 145.

*Patron - Devolites Davis*



**CSJ101 Constitutional amendment (first resolution); legislative sessions.** Provides for an organizational session of the General Assembly beginning on the second Wednesday in December or on another day that may be designated in accordance with a joint rule of the General Assembly and lasting no longer than three days. The business of the organizational session would be limited to administrative and procedural matters, the confirmation of gubernatorial and other appointees, and the election of judicial officers. This resolution 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 proposed constitutional amendment is identical to the amendment proposed in HJR 146.

*Patron - Devolites Davis*

**CSJ104 Constitutional amendment (first resolution); property exempt from taxation.** Directs the General Assembly to enact legislation that will permit localities to exempt or partially exempt from property taxes motor vehicles owned or leased by any member of the armed forces serving in an area of active military conflict.

*Patron - Devolites Davis*

**CSJ121 Constitutional amendment (first resolution); exercise of eminent domain powers.** Provides that the taking of private property by eminent domain for the primary purpose of economic development does not constitute a permissible public use. The proposed amendment makes it a judicial question whether private property is being condemned for a permissible public use. This proposed constitutional amendment is identical to the amendment proposed in HJR 62.

*Patron - Martin*

**CSJ139 Constitutional amendment (first resolution); exercise of eminent domain powers.** Removes the General Assembly's power to define the "public uses" for which property may be condemned. The amendment provides that the term "public uses" shall mean only 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. Moreover, 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.

*Patron - Cuccinelli*

**CSJ180 Constitutional amendment (first resolution); Transportation Funds.** Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, Priority Transportation Fund, and other funds dedicated to transportation by general law. All revenues dedicated to Transportation Funds on July 1, 2006, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan or reduction must be repaid with reasonable interest within three years. The amendment limits the use of general and other non-transportation funds for transportation purposes except for certain debt service payments and, additionally, in an amount not to exceed \$80 million in any fiscal year. This

proposed constitutional amendment is identical to the amendment proposed in SJR 49.

*Patron - Howell*

## Other Resolutions

### Passed

**PHJ7 Designating the Commonwealth Coach and Trolley Museum, Inc., as the Official Transit Museum of the Commonwealth.**

*Patron - Fralin*

**PHJ13 Lung Cancer Awareness Month.** Designates November, in 2006 and in each succeeding year, as Lung Cancer Awareness Month in Virginia to correspond with National Lung Cancer Awareness Month.

*Patron - Tata*

**PHJ36 Angelman Syndrome Awareness Week.** Designates the third week of May, in 2006 and in each succeeding year, as Angelman Syndrome Awareness Week in Virginia.

*Patron - Morgan*

**PHJ67 Designating the week preceding the first Sunday in April, in 2006 and in each succeeding year, as Sleep Awareness Week in Virginia.**

*Patron - Amundson*

**PHJ124 Resolution; animal nuisance.** Encourages the Virginia Association of Counties (VACO) and the Virginia Municipal League (VML) to advise and advocate to their respective members to adopt a nuisance animal ordinance.

*Patron - Orrock*

**PHJ184 Cold War Victory Day.** Designates May 1, in 2006 and in each succeeding year, as Cold War Victory Day in Virginia.

*Patron - Scott, J.M.*

**PHJ212 Resolution; Opening day of the 2007 Session of the General Assembly at Historic Triangle in Hampton Roads.** Directs the Joint Rules Committee to develop the plans for an event to be held in the Historic Triangle in Hampton Roads involving members of the General Assembly on the opening day of the 2007 Session of the General Assembly.

*Patron - Rapp*

**PHJ229 Mentoring Month and Thank Your Mentor Day in Virginia.** Designates January as Mentoring Month in Virginia and January 25th as Thank Your Mentor Day in Virginia.

*Patron - Miller*

**PHJ250 Commemorating 400 years of the right to trial by jury in Virginia and the New World.**

*Patron - Griffith*

**PHJ383 Proclaim Winston Spencer Churchill an honorary citizen of the Commonwealth of Virginia, posthumously.** Honoring The Right Honorable Winston Spencer Churchill on the occasion of the 60th anniversary of his address to the General Assembly on March 8, 1946, by proclaiming him an honorary citizen of the Commonwealth of Virginia, posthumously.

*Patron - Callahan*

**PHR6 Uninsured attorneys.** Encourages the Supreme Court of Virginia and the Virginia State Bar to consider the problem of uninsured attorneys. The Supreme Court of Virginia and the Virginia State Bar shall further consider some form of mandatory insurance for attorneys or an uninsured attorneys fund for client/victim compensation for malpractice committed by uninsured attorneys in the Commonwealth.

*Patron - Joannou*

**PHR12 Resolution; Constitution Day in Virginia.** Reaffirms the General Assembly's commitment to Constitution Day on September 17 each year.

*Patron - Scott, E.T.*

**PHR13 Recognizing Czechoslovakian-Americans and their descendants.** Recognizes the contributions and heritage of Czechoslovakian-Americans and their descendants in Virginia as an integral part of the early history and culture of the Commonwealth.

*Patron - Ingram*

**PSJ12 Responsible Dog Ownership Week.** Designates the last full week of September, in 2006 and each succeeding year, as "Responsible Dog Ownership Week in Virginia" to promote public awareness of the responsibilities of dog ownership.

*Patron - Houck*

**PSJ70 Official Transit Museum of the Commonwealth.** Designates the Commonwealth Coach and Trolley Museum, Inc., as the Official Transit Museum of the Commonwealth.

*Patron - Edwards*

**PSJ85 Civilian Conservation Corps Day.** Designates March 31, in 2006 and in each succeeding year, as Civilian Conservation Corps Member Appreciation Day in Virginia.

*Patron - Obenshain*

**PSJ170 Resolution; Freedom of Information Day.** Designates March 16, of 2006 and each succeeding year, as Freedom of Information Day in Virginia.

*Patron - Houck*

## Failed

**FHJ28 Memorializing Congress to propose an amendment to the United States Constitution to set terms of service for federal circuit and district court judges.** Memorializes Congress to propose an amendment to set eight-year terms for federal circuit and district court judges who now have lifetime tenure and to submit the amendment to the states for ratification.

*Patron - Lingamfelter*

**FHJ30 Memorializing Congress to reauthorize Section 5 and other special provisions of the Voting Rights Act.** Calls on Congress to reauthorize remedial provisions in the Act due to expire in 2007, including the Section 5 review process, federal monitor and observer provisions, and bilingual voting materials requirements.

*Patron - Jones, D.C.*

**FHJ51 Czech Capital of Virginia.** Recognize New Bohemia as the Czech Capital of Virginia.

*Patron - Ingram*

**FHJ72 Innocents Day.** Designates December 28, in 2006 and in each succeeding year, as "Innocents Day" in Virginia.

*Patron - Scott, E.T.*

**FHJ73 Constitution Day.** Designates September 17, in 2006 and in each succeeding year, as Constitution Day in Virginia.

*Patron - Scott, E.T.*

**FHJ105 Pocahontas Day.** Designates March 17th, in 2006 and in each succeeding year, as Pocahontas Day in Virginia.

*Patron - Morgan*

**FHJ106 Four American Revolutionary War flags.** Encourages the return of the four American Revolutionary War flags captured by Lieutenant Colonel Banastre Tarleton in 1779 and 1780 to their rightful homes in the Commonwealth of Virginia and the State of Connecticut.

*Patron - Morgan*

**FHJ121 United States Constitution; balanced budget amendment.** Urges the Congress to call a constitutional convention to propose an amendment that would require a balanced federal budget.

*Patron - Cline*

**FHJ123 Encouraging the review and development of guidelines to ensure religious freedom in public and higher education.** Encourages the State Council of Higher Education to consider establishing guidelines to ensure religious freedom at institutions of higher education in the Commonwealth.

*Patron - Cline*

**FHJ160 ZIP Codes in Henrico County.** Urges the Postmaster General of the United States to designate certain addresses in Henrico County as "Henrico, Virginia" and establish ZIP codes in Henrico County that are distinct from ZIP codes in other localities.

*Patron - McEachin*

**FHJ211 Resolution; Office of Commonwealth Preparedness and the Virginia Department of Emergency Management.** Encourages the Office of Commonwealth Preparedness and the Virginia Department of Emergency Management to further educate the citizens of the Commonwealth on effective disaster preparedness for natural and man-made disasters.

*Patron - Waddell*

**FHJ228 Virginia Historic Preservation Day.** Designate January 31, 2006, as Virginia Historic Preservation Day.

*Patron - Barlow*

**FHR19 Memorializing the President of the United States to disapprove the sale of terminal operations at United States ports to Dubai Ports World.**

*Patron - Marshall, R.G.*

**FHR20 Fair Tax.** Memorializes the Congress of the United States to enact the national retail sales tax plan known as FairTax.

*Patron - Welch*

**FSJ34 Resolution; Kinship care.** Recognizes the need to address issues relating to the care of children by extended

family, and to collaborate with national and local organizations in addressing these issues.

*Patron - Miller*

**FSJ57 Memorializing Congress; Camden County, NC, landfill.** Memorializes the Congress of the United States to take all action necessary and expedient to protect the citizens of the Commonwealth of Virginia and the State of North Carolina by preventing contamination of the waters of the United States and degradation of the National Wildlife Refuge by the proposed landfill to be located in Camden County, North Carolina.

*Patron - Quayle*

**FSJ97 Encourage FDA to approve Plan B contraception.** Encourages the United States Food and Drug Administration to approve the use of Plan B emergency contraception as over-the-counter medication.

*Patron - Lucas*

**FSJ152 Officially recognizing the Cheroenhaka (Nottoway) Indian Tribe.** Extends official state recognition to the Cheroenhaka (Nottoway) Indian Tribe.

*Patron - Lucas*

## Miscellaneous (Including Budget and Bonds)

### Passed

**PHB77 Commonwealth of Virginia Higher Educational Institutions Bond Act of 2006.** Authorizes the Treasury Board to issue bonds in an amount not to exceed \$395,428,570 pursuant to Article X, Section 9(c) of the Constitution of Virginia, for paying costs of acquiring, constructing, and equipping revenue-producing capital projects at institutions of higher education of the Commonwealth and repeals certain prior authorizations for the issuance of bonds to the extent that the maximum amount of such bonds has not been issued. The bill has an emergency clause and is in effect upon passage.

*Patron - Callahan*

**PHB83 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 - Sherwood*

**PHB214 Claims; relief for purchasers of property sold at treasurers' sales.** Provides a legal right to certain persons who purchased real property prior to June 1, 1973, at delinquent tax sales conducted by local treasurers. Prior to 1973, the law in effect provided that real property for which real estate taxes were delinquent was to be sold by the treasurer in December of each year at a tax sale. The purchaser at the tax sale then would have been eligible after a number of years to make application to obtain clear title. However, a statute that would have kept the process in place for the purchaser to obtain clear title was repealed in 1984 pursuant to the recodification of Title 58 of the Code of Virginia because it was deemed "obsolete." The bill would allow certain enumerated individuals who purchased property prior to June 1, 1973, at a treasurer's tax sale, who has not received a deed for the property purchased, to institute a court proceeding under the provisions of former law to obtain a deed to the property. This bill

has a sunset date of July 1, 2010, and also contains an emergency clause.

*Patron - Tata*

**PHB336 Special use permit; certain temporary structures.** Authorizes, without requiring a special use permit, the erection of certain tents intended to serve as temporary structures for a period of three days or less and that will be used primarily for private or family-related events.

*Patron - Orrock*

**PHB1379 Claims; Willie Neville Davidson.** Provides relief for Willie Neville Davidson in the amount of \$168,775 to be paid by August 1, 2006. Mr. Davidson was convicted of rape, burglary and two counts of forcible sodomy in 1981 and sentenced to 20 years' imprisonment. He was released on parole in 1992 after serving approximately 11 and one-half years of his sentence. Subsequent to his release, DNA tests conducted on the biological evidence contained in his case file excluded him as a suspect in the crimes for which he was convicted. On December 22, 2005, the Governor granted Mr. Davidson an absolute pardon.

*Patron - Melvin*

**PHB1380 Claims; Phillip Thurman.** Provides relief for Phillip Thurman who was convicted of rape, assault and battery, and abduction in 1985 and sentenced to 31 years' imprisonment. He was released on parole on November 17, 2004, after serving approximately 20 years of his sentence. Subsequent to his release, DNA tests conducted on the biological evidence contained in his case file excluded him as a suspect in the crimes for which he was convicted. On December 22, 2005, the Governor granted Mr. Thurman an absolute pardon. Under the bill, the Commonwealth will provide a lump-sum payment to Mr. Thurman of \$100,000 to be paid by August 1, 2006, and pay \$338,598 to purchase a non-assignable annuity for the benefit of Mr. Thurman providing for equal monthly payments to him for 15 years.

*Patron - Moran*

**SB28 Commonwealth of Virginia Higher Educational Institutions Bond Act of 2006.** Authorizes the Treasury Board to issue bonds in an amount not to exceed \$395,428,570 pursuant to Article X, Section 9(c) of the Constitution of Virginia, for paying costs of acquiring, constructing, and equipping revenue-producing capital projects at institutions of higher education of the Commonwealth and repeals certain prior authorizations for the issuance of bonds to the extent that the maximum amount of such bonds has not been issued. The bill has an emergency clause and is in effect upon passage.

*Patron - Chichester*

**SB609 Claims; Troy D. Hopkins.** Provides relief for Troy D. Hopkins in the amount of \$229,419 to be paid by August 1, 2006. Mr. Hopkins was convicted of murder in 1990 and sentenced to 28 years' imprisonment. Subsequently, another individual admitted to committing the murder. In 1992, Adrian Epps signed and affidavit confessing to the crime for which Mr. Hopkins had been convicted. Mr. Hopkins was paroled in 2001 and granted an absolute pardon on August 5, 2005.

*Patron - Lambert*

### Failed

**PHB29 Budget Bill.** Relating to the appropriation of funds for the 2004-06 biennium.

*Patron - Callahan*

**HB30 Budget Bill.** Appropriations of the Budget submitted by the Governor of Virginia providing a portion of revenues for the two years ending respectively on the thirtieth day of June, 2007, and the thirtieth day of June, 2008.

*Patron - Callahan*

**HB55 Biennial budget; failure to enact.** Provides for the continuation of the budget in effect through June 30 of an even-numbered year for the next fiscal year in the event that the General Assembly fails to enact a biennial budget by May 1 of that even-numbered year.

*Patron - Marshall, R.G.*

**HB76 Virginia Public Building Authority; bonds to finance capital projects.** Authorizes the Virginia Public Building Authority to issue bonds in an amount not to exceed \$209,462,000 to finance certain capital projects for the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services.

*Patron - Hamilton*

**HB404 Jamestown-Yorktown Foundation.** Requires the Virginia Department of Transportation to convey approximately 10.4 acres of land to the Jamestown-Yorktown Foundation and also grants to the Foundation in perpetuity the three current entrances on Jamestown Road held by the Foundation.

*Patron - Callahan*

**HB630 Claims; Rodney Robinette and Susan Cowden.** Provides relief for Rodney Robinette and Susan Cowden in the amount of \$175.00 to be paid by August 1, 2006. Mr. Robinette and Ms. Cowden paid \$175.00 to purchase property at an escheat sale. It was subsequently discovered that the property had improperly escheated to the Commonwealth.

*Patron - Phillips*

**HB1475 Commonwealth Transportation Board; bonds for Route 58 Corridor.** Authorizes the Commonwealth Transportation Board to issue bonds in an additional amount not to exceed \$299 million to fund certain specified transportation projects in the Route 58 Corridor.

*Patron - Carrico*

**SB29 Budget Bill.** Relating to the appropriation of funds for the 2004-06 biennium.

*Patron - Chichester*

**SB30 Budget Bill.** Appropriations of the Budget submitted by the Governor of Virginia providing a portion of revenues for the two years ending respectively on the thirtieth day of June, 2007, and the thirtieth day of June, 2008.

*Patron - Chichester*

**SB59 Commonwealth Transportation Board; bonds for Route 58 Corridor.** Authorizes the Commonwealth Transportation Board to issue bonds in an additional amount not to exceed \$299 million to fund certain specified transportation projects in the Route 58 Corridor.

*Patron - Reynolds*

**SB159 Virginia Public Building Authority; bonds to finance capital projects.** Authorizes the Virginia Public Building Authority to issue bonds in an amount not to exceed \$209,462,000 to finance certain capital projects for the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services.

*Patron - Norment*

**SB596 Relief of the Rainbow Forest Recreation Association.** Requests \$186,000 for the Rainbow Forest Recreation Association to make Department of Dam Safety-required corrections to a dam owned by the Association.

*Patron - Bell*

**SB608 Claims; Rufus Thomas, Jr.** Provides relief to Rufus Thomas, Jr., in the amount of \$10,000. Mr. Thomas alleges that an employee of the Sheriff's Department of the City of Richmond utilized either the Virginia Criminal Information Network or the National Crime Information Center systems to run a background check on him for no legitimate purpose, and then for personal reasons disseminated and discussed the information with others.

*Patron - Lambert*

**SB625 Conveyance of certain real property to a nonmunicipal entity; City of Hampton.** Provides that the conveyance of a portion of the Carousel Site to a nonmunicipal entity does not constitute a violation of the restrictions established by the Virginia Outdoors Fund Grant Program so long as the purpose of such conveyance is to enhance the public recreational facilities currently on the Carousel Site.

*Patron - Locke*

## Carried Over

**HB663 Chesapeake Bay Bridge and Tunnel Commission; bonds.** Provides that the Commission shall not issue any bonds after June 30, 2006, that are not redeemable before maturity by escrow or otherwise.

*Patron - Wardrup*

## Study Resolutions

### Passed

**HJ25 Science, math, and technology education in the Commonwealth; report.** Establishes a joint subcommittee to study science, math, and technology education in the Commonwealth at the elementary, secondary, and undergraduate levels.

*Patron - Cosgrove*

**HJ32 Campaign Finance Disclosure Act.** Encourages the State Board of Elections to continue its review of the Campaign Finance Disclosure Act to address issues raised during its review conducted during the 2005 interim pursuant to House Joint Resolution 667 (2005). This is a recommendation of the task force that assisted the State Board of Elections in conducting a review of the Campaign Finance Disclosure Act pursuant to House Joint Resolution 667 (2005). This resolution is identical to SJR 75.

*Patron - Jones, S.C.*

**HJ35 Punishment for DUI; report.** Directs the Virginia State Crime Commission to study the effectiveness of existing punishments for driving while intoxicated.

*Patron - Albo*

**HJ48 Joint Subcommittee to Study Medical, Ethical, and Scientific Issues Relating to Stem Cell Research Conducted in the Commonwealth; report.** Continues the joint subcommittee for one year to allow it to complete its work and monitor scientific developments in this area.

*Patron - Marshall, R.G.*

**PHJ60 Evaluation of the administration of the Comprehensive Services Act; report.** Directs the Joint Legislative Audit and Review Commission to evaluate the administration of the Comprehensive Services Act. In conducting this two-year study, the Commission shall, among other things, (i) evaluate the costs, quality, and reimbursement of children's residential services; (ii) examine the interdepartmental regulation of these facilities; (iii) assess the administration of the CSA by state and local governments; (iv) evaluate the quality and capacity of services available to and provided for CSA children; and (v) determine whether CSA children receive appropriate care, case management, education, and supervision. In each year of the study, JLARC will brief the Joint Subcommittee to Study the Cost Effectiveness of the Comprehensive Services for At-Risk Youth and Families Program established pursuant to SJR 96 (2006), and the chairmen of the House and Senate money and health committees. This study is a recommendation of the Joint Subcommittee Studying Private Youth and Single Family Group Homes in the Commonwealth pursuant to HJR 685 (2005).

*Patron - Nixon*

**PHJ75 U.S. Route 460 Communications Committee; report.** Extends the mandate of the US Route 460 Communications Committee until commencement of construction of the US Route 460 project as approved by the Commonwealth Transportation Board in November 2005. This resolution incorporates HJR 33 and is identical to SJR 33.

*Patron - Wardrup*

**PHJ96 Education and treatment of individuals with autism spectrum disorders.** Encourages the Board and Department of Education and the Board and the Department of Mental Health, Mental Retardation and Substance Abuse Services and other relevant entities to take certain actions to improve the education and treatment of individuals with autism spectrum disorders. The Board and Department of Education are urged to continue to implement regulatory initiatives designed to strengthen teacher qualifications, to include preservice and inservice professional development opportunities relating to the effective treatment of autism spectrum disorders. The Board and Department of Education are also urged to examine appropriate educational placements considering the individualized educational plans of autistic students, the effects of mainstreaming, and the feasibility of alternative placements in public and private schools having qualified staff and adequate facilities. Finally, the Board and Department of Mental Health, Mental Retardation and Substance Abuse Services are urged to continue to expand training opportunities that include approaches specifically addressing the needs of children with autism spectrum disorders.

*Patron - Hamilton*

**PHJ97 Asset transfers; report.** Requests the Department of Medical Assistance Services and the Joint Legislative Audit and Review Commission to monitor changes in the federal restrictions on sheltering assets to qualify for Medicaid long-term care services. This resolution is identical to SJR 122.

*Patron - Landes*

**PHJ100 Undergrounding electrical transmission lines; report.** Directs the Joint Legislative Audit and Review Commission to study the State Corporation Commission's analysis for determining the feasibility of undergrounding electrical transmission lines. In conducting its study, the Joint Legislative Audit and Review Commission shall examine (i) the factors considered by the State Corporation Commission in its analysis of the feasibility of installing underground electrical transmission lines; (ii) the effect on property values resulting

from installing underground, as opposed to overhead, transmission lines; (iii) the costs considered by the State Corporation Commission in reviewing transmission line applications; and (iv) such other issues as it deems appropriate. This two-year study shall not be conducted unless it is funded in the Appropriation Act.

*Patron - May*

**PHJ115 Institutional programming for sex offenders; report.** Directs the Virginia State Crime Commission to study the need for additional institutional programming at the Department of Corrections to treat sex offenders.

*Patron - Kilgore*

**PHJ116 Animal control officers; report.** Directs the Virginia State Crime Commission to study the need for regulation, training and funding of animal control officers.

*Patron - Kilgore*

**PHJ130 Monitoring and collection of data and information on the high school dropout and graduation rates in the Commonwealth; report.** Encourages the Department of Education to monitor and collect data and information on the high school dropout and graduation rates in the Commonwealth, pursuant to criteria prescribed by the Board of Education. In collecting the data and information, and in its monitoring efforts, the Department of Education shall (i) determine the relevancy of the current process and procedures for defining, counting, and reporting school dropout statistics and consider the need for revisions in such process and procedures and compliance by school divisions; (ii) compile data concerning the number of students who dropped out of school before the seventh grade and the reasons therefore, and the number of students who graduate annually, for school years 2002, 2003, 2004, and 2005; (iii) ascertain whether, by whom, and the manner in which students at risk of dropping out are counseled to remain in school; (iv) identify local school division initiatives and efforts to retain and retrieve students at risk of dropping out, particularly student populations with low high school graduation rates; and (v) apprise policymakers fully regarding the Commonwealth's dropout and high school graduation rates, and of any statutory, fiscal, or regulatory changes that may be necessary to avoid an increase in the school dropout rate.

*Patron - Hall*

**PHJ133 Long-term funding for the purchase of development rights to preserve open-space and farmlands; report.** Establishes a joint subcommittee to study long-term funding sources for the purchase of development rights to preserve open-space land and farmlands. This resolution is identical to SJR 94.

*Patron - Lewis*

**PHJ136 Juvenile justice; report.** Directs the Virginia State Crime Commission to conduct a two-year study of Virginia's juvenile justice system. The study will focus on recidivism, disproportionate minority contact with the justice system, improving the quality of and access to legal counsel, accountability in the courts, and diversion. In addition, Title 16.1 of the Code of Virginia will be analyzed to determine the adequacy and effectiveness of Virginia's statutes and procedures relating to juvenile delinquency.

*Patron - Moran*

**PHJ144 Telework; report.** Establishes a joint subcommittee to conduct a two-year study of the ways in which telework opportunities for state and private sector employees can be enhanced and increased. In its deliberations, the joint subcommittee will: (i) identify state agencies whose operations are most conducive to telework or alternative work schedules,

(ii) recommend fiscal and other incentives necessary to increase telework, and (iii) examine the impact of increased telework opportunities on the continuity of government operations in the event of natural or man-made disasters.

*Patron - Hugo*

**PHJ148 Resolution requesting state agencies to implement use of biodiesel; report.** Requests state agencies within the Commonwealth to implement the use of biodiesel fuels, where feasible, in fleet vehicles owned or operated by the agency. The Secretary of Administration must report to the General Assembly by the first day of the 2007 Regular Session of the General Assembly on the progress made by each agency toward using biodiesel fuels in fleet vehicles.

*Patron - Landes*

**PHJ158 Health care coverage for Virginians; report.** Directs the Joint Legislative Audit and Review Commission to study options for extending health insurance coverage to Virginians who are currently uninsured. In conducting the study, the Commission shall (i) analyze the number of uninsured Virginians, the reasons they do not have health insurance, the duration of periods without insurance, and their eligibility for employer-based and private health insurance coverage or government health care programs; (ii) assess the costs incurred by the Commonwealth, its insured citizens, and health care providers for the provision of emergency room or other health care to treat the uninsured population in Virginia; (iii) evaluate programs or plans implemented in other states as well as proposals that have been made by national organizations to expand health insurance coverage to the uninsured; and (iv) develop policy options to extend health insurance coverage to Virginia's uninsured that balance facilitating access to health insurance with requiring Virginians to assume greater personal responsibility for obtaining a minimum level of health insurance coverage. This resolution incorporates HJR 37.

*Patron - O'Bannon*

**PHJ183 Medical malpractice; report.** Continues the Joint Subcommittee Studying Risk Management Plans for Physicians and Hospitals to study various aspects of medical malpractice in Virginia, which may include: (i) the effectiveness of the current statutory framework of medical malpractice panels and whether the current framework should be amended to enhance efficiency or be eliminated and replaced with other procedural vehicles such as pre-trial certification of expert witnesses to reduce nonmeritorious claims or effectively evaluate claims; (ii) the feasibility of establishing a multijurisdictional pilot health court and subsequently a system of health courts in the Commonwealth; (iii) the breadth and impact of the risk management program established by SB 601 (2004); and (iv) effective peer review processes. This resolution incorporates HJR 50 and is identical to SJR 90.

*Patron - Athey*

**PHJ208 On-road testing of vehicle emissions in Northern Virginia; remote sensing devices; report.** Requests the Department of Environmental Quality, in consultation with the Environmental Protection Agency, to increase the use of on-road remote sensing of vehicle emissions to identify gross polluters and increase the percentage of vehicles that may be prescreened using on-road remote sensing of vehicle emissions in the Northern Virginia nonattainment area. The Department will report its progress to the 2007 and 2008 Regular Sessions of the General Assembly, and include information on associated costs and air quality benefits and impacts.

*Patron - Cosgrove*

**PSJ4 Derivative effects of increases in health care costs on health insurance premiums; report.** Directs the

Joint Commission on Health Care to study the derivative effects of increases in health care costs on health insurance premiums. In conducting its study, the Joint Commission on Health Care must examine (i) the factors leading to rising health care costs in the Commonwealth, (ii) the derivative effects of rising health care costs including increases in health insurance premiums and denial of coverage, and (iii) ways to reduce health care costs in the Commonwealth and alleviate burdens associated with the rising cost of health care.

*Patron - Reynolds*

**PSJ38 Beekeeping; report.** Requests that the Department of Agriculture and Consumer Services study the problems encountered by beekeepers in Virginia, assess possible solutions to assist beekeepers, and examine the regulation of honey production by small beekeeping operations.

*Patron - Blevins*

**PSJ51 Security of state government databases; report.** Directs the Auditor of Public Accounts to study the adequacy of the security of state government databases and data communications from unauthorized uses.

*Patron - O'Brien*

**PSJ59 Public transportation in U.S. 1 corridor; report.** Requests the Department of Rail and Public Transportation to conduct a study for improved public transportation services to Fort Belvoir in Fairfax County and the Marine Corps Base at Quantico in Prince William and Stafford Counties. The Department of Rail and Public Transportation shall conduct the study in consultation with Fort Belvoir, Quantico Marine Corps Base, the Potomac Rappahannock Transportation Commission, the Virginia Railway Express, and the counties of Fairfax, Prince William, and Stafford. However, this study may not be conducted unless funding is provided in the Appropriations Act to assist impacted localities in funding needs associated with the implementation of and response to the recommendations of the 2005 Base Realignment and Closure Commission (BRAC).

*Patron - Puller*

**PSJ60 Virginia's future transportation needs; report.** Establishes a joint subcommittee to study the role of the Commonwealth and its agencies in meeting Virginia's future transportation needs.

*Patron - Williams*

**PSJ75 Campaign Finance Disclosure Act.** Encourages the State Board of Elections to continue its review of the Campaign Finance Disclosure Act to address issues raised during its review conducted during the 2005 interim pursuant to House Joint Resolution 667 (2005). This is a recommendation of the task force that assisted the State Board of Elections in conducting a review of the Campaign Finance Disclosure Act pursuant to HJR 667 (2005). This resolution is identical to HJR 32.

*Patron - O'Brien*

**PSJ82 Public water systems; report.** Directs the Joint Legislative Audit and Review Commission to study very small and small community water systems in Virginia. The Commission shall determine whether the needs of Virginia's citizens are being met through the existing regulatory scheme with regard to both water quality and rates charged and shall make recommendations on any needed improvements.

*Patron - Houck*

**PSJ90 Medical malpractice; report.** Continues the Joint Subcommittee Studying Risk Management Plans for Physicians and Hospitals to study various aspects of medical mal-

practice in Virginia and the feasibility of establishing a system of health courts in the Commonwealth. This resolution is identical to HJR 183, which incorporated HJR 50.

*Patron - Newman*

**PSJ94 Open-space land and farmland preservation; report.** Establishes a joint subcommittee to study long-term funding sources for the purchase of development rights to preserve open-space land and farmlands. This resolution is identical to HJR 133.

*Patron - Hanger*

**PSJ96 Comprehensive Services for At-Risk Youth and Families; report.** Establishes a joint subcommittee to study the cost effectiveness of the Comprehensive Services for At-Risk Youth and Families program and to collaborate with the Joint Legislative and Audit Review Commission (JLARC) regarding its evaluation of the administration of the Act. The study shall be conducted in two phases. In the first phase of the study, the joint subcommittee shall review the administration of the CSA by state and local governments, including projections of caseloads, service needs and costs, quality of services provided, and make recommendations for improvement of program services and strategies for cost containment. The Commission shall, among other things, (i) evaluate the costs, quality, and reimbursement of children's residential services, (ii) examine interdepartmental regulations of these facilities, (iii) determine whether CSA children receive appropriate care, and (iv) apprise the joint subcommittee of the status of its study and findings. In the second phase of the study, the joint subcommittee and Commission shall continue their respective studies and collaboration and report their final findings and recommendations to the Governor and the 2008 Session of the General Assembly.

*Patron - Hanger*

**PSJ103 Lead poisoning prevention; report.** Continues the Joint Subcommittee to Study Lead Poisoning Prevention for two years to (i) monitor the development of the reference database of statewide health-related data to determine its usefulness in containing health care costs and improving health care outcomes, including among children who may be exposed to lead risks or have elevated blood lead levels; (ii) seek to enact the two essential lead program elements needed by the Department of Health to be competitive in the 2006 federal grant process; and (iii) continue to assist the agencies of the Commonwealth to obtain funding for activities that protect Virginia's children from lead risks.

*Patron - Lambert*

**PSJ106 Barrier crimes; report.** Directs the Joint Commission on Health Care to study the impact of barrier crimes laws on social service and health care employers, prospective employees, consumers, residents, patients, and clients. Specifically, the Joint Commission will (i) determine the effectiveness of barrier crimes laws in protecting consumers, residents, patients, and clients; (ii) examine the difficulty experienced by employers in service delivery agencies in finding qualified applicants and employees, as well as the difficulty experienced by prospective employees in finding jobs; (iii) compare Virginia's barrier crimes laws with laws related to criminal convictions and employment in other states; and (iv) gather data on employment discrimination based on an individual's criminal conviction record from state agencies, institutions, boards, bureaus, commissions, councils, or any instrumentality of the Commonwealth.

*Patron - Devolites Davis*

**PSJ120 Sex offenders in nursing homes and assisted living facilities; report.** Directs the Virginia State Crime Com-

mission to study the monitoring of sex offenders in nursing homes and assisted living facilities. The study will examine: (i) avenues to better protect residents from sex offenders; (ii) current procedures to protect residents from other residents who may commit sex offenses due to debilitating physical and mental self-control as a result of stroke and other illnesses; (iii) the number of prisoners being released on geriatric parole; (iv) the number of registered sex offenders housed in nursing homes and assisted living facilities in Virginia; (v) notification and monitoring of sex offenders in Virginia's nursing homes and assisted living facilities; and (vi) treatment options available to sex offenders housed in nursing homes and assisted living facilities in Virginia.

*Patron - Stolle*

**PSJ122 Asset transfers; report.** Requests the Department of Medical Assistance Services and the Joint Legislative Audit and Review Commission to monitor changes in federal restrictions on sheltering assets to qualify for Medicaid long-term care services. For the purpose of advising the Governor and General Assembly, the Department and Commission shall (i) evaluate the potential impact of proposed changes in federal law and their correlation to Virginia law, (ii) ascertain reports and analyses prepared in connection with the proposed federal legislation, (iii) review the practice by which persons transfer, convert, give away, or otherwise shelter assets to become Medicaid eligible, (iv) recommend options available to limit the financial impact of sheltering assets for Medicaid qualification on the Commonwealth upon the passage of any such federal legislation, and (v) apprise the General Assembly concerning any changes needed in state law regarding asset sheltering. This resolution is identical to HJR 97.

*Patron - Martin*

**PSJ125 Resolution; education and treatment of individuals with autism spectrum disorders.** Encourages the Board and Department of Education and Board and Department of Mental Health, Mental Retardation and Substance Abuse Services to take certain actions to improve the education and treatment of individuals with autism spectrum disorders. During the regulatory review and public comment periods for the proposed revisions to the Regulations Governing the Review and Approval of Education Programs in Virginia and the Virginia Licensure Regulations for School Personnel, the Board and Department of Education are urged to continue to implement initiatives designed to strengthen teacher qualifications, to include preservice and inservice professional development opportunities relating to the effective treatment of autism spectrum disorders, and to consider the treatment of autism spectrum disorders. Further, the Board and Department of Education are urged to examine appropriate educational placements considering the individualized educational plans of autistic students, the effects of mainstreaming, and the feasibility of alternative placements in public and private schools having qualified staff and adequate facilities. Finally, the Board and Department of Mental Health, Mental Retardation and Substance Abuse Services and other relevant entities are urged to continue to expand training opportunities that include approaches specifically addressing the needs of children with autism spectrum disorders.

*Patron - Martin*

**PSJ126 Prisoner reentry; report.** Continues the joint subcommittee to study the Commonwealth's program for prisoner reentry to society. In conducting its study, the joint subcommittee shall continue to identify and develop strategies to address key needs and overcome barriers for offenders, prior to and upon leaving prison, to reduce the incidence of reincarceration and increase their successful social adaptation and integration into their communities. The joint subcommittee shall

also monitor any budget provisions and changes in the law recommended over the past year to ensure maximum effectiveness. This bill also increases the membership of the joint subcommittee by adding the Attorney General, or his designee, to serve ex officio with nonvoting privileges. This resolution incorporates SJR 95.

*Patron - Puller*

**[P]SJ171 Family Life Education.** Requests the Board of Education to survey family life education programs in public schools.

*Patron - Whipple*

**[P]SJ184 Construction and operation of a controlled access highway alternative to Interstate Route 95; report.** Requests the Secretary of Transportation and the Commonwealth Transportation Commissioner to explore the feasibility and desirability of entering into an interstate compact for the construction and operation of a controlled access highway between Dover, Delaware, and Interstate Route 95 southwest of Charleston, South Carolina, with their counterparts in the states of Delaware, Maryland, North Carolina, and South Carolina.

*Patron - Wagner*

**[P]SJ185 Private inpatient psychiatric facilities; report.** Directs the Joint Legislative Audit and Review Commission to study the use and financing of licensed inpatient psychiatric facilities in the Commonwealth. The study shall (i) examine utilization trends, including sources of payment; (ii) evaluate the Medicaid rate-setting process for psychiatric services, services provided under temporary detention orders, and services provided by psychiatrists; (iii) evaluate the manner in which Community Services Boards contract with licensed psychiatric facilities; (iv) examine the adequacy of and funding for licensed psychiatric beds, including child and adolescent mental health services; and (v) determine any steps that can be taken to maintain appropriate and necessary licensed psychiatric services in Virginia.

*Patron - Norment*

**[P]SR19 Interstate Route 81 corridor; report.** Requests the Virginia Department of Transportation to address urgently needed improvements to the Interstate Route 81 corridor in Virginia, including: (i) plan for and construct additional capacity as needed to accommodate increasing traffic and address safety concerns; (ii) direct federal highway construction aid to critical safety and capacity improvements including additional lanes to assist trucks in climbing steep grades; and (iii) plan and develop, with the cooperation of the Virginia Department of Rail and Public Transportation and private rail companies, an east-west rail project and a north-south rail project that will have the effect of reducing the number of trucks traveling the I-81 corridor.

*Patron - Hanger*

## Failed

**[F]HJ31 Southeastern Virginia Training Center; Report.** Requests the Secretary of Commerce and Trade and the Secretary of Health and Human Resources to study the relocation of the Southeastern Virginia Training Center in the City of Chesapeake and the development of its existing location in a way that would be economically beneficial to the Commonwealth and the City of Chesapeake. It is a one-year study.

*Patron - Cosgrove*

**[F]HJ33 U.S. Route 460 Communications Committee; report.** Extends the mandate of the US Route 460 Communications Committee until commencement of construction of the US Route 460 project as approved by the Commonwealth Transportation Board in November 2005. This resolution was incorporated into HJR 75.

*Patron - Jones, S.C.*

**[F]HJ37 Commonwealth's uninsured population; report.** Directs the Joint Legislative Audit and Review Commission to study the Commonwealth's uninsured population. The study is to address the number of uninsured Virginians, the reasons they do not have health insurance, the duration of periods of being without insurance, their eligibility for health insurance coverage or government health care programs, the health services they utilize, and the effect that the provision of these health services has on private health insurance premiums and government spending. This resolution was incorporated into HJR 158.

*Patron - Purkey*

**[F]HJ42 Language interpreters in medical settings; report.** Directs the Joint Commission on Health Care to study the use of foreign language interpreters in medical settings, and its effects. The study shall focus on the availability of interpreters in hospitals, free clinics, community health centers, and private offices, and the use of children as interpreters for non-English speaking family members.

*Patron - Brink*

**[F]HJ47 Compensation of law-enforcement officers; report.** Requests the Department of Human Resource Management to study whether the compensation paid with state funds to law-enforcement officers is adequate to recruit and retain qualified officers.

*Patron - Wittman*

**[F]HJ50 Health courts; report.** Directs the Joint Legislative Audit and Review Commission to study the feasibility of establishing a multijurisdictional pilot health court and subsequently a system of health courts in the Commonwealth. This resolution was incorporated into HJR 183.

*Patron - Hamilton*

**[F]HJ53 Substituting a local option income tax in lieu of all other local taxes currently utilized; report.** Establishes a joint subcommittee to study whether localities should be given an option to impose a local income tax in lieu of all other currently utilized local tax sources.

*Patron - Ingram*

**[F]HJ63 Immigration issues; report.** Establishes a joint subcommittee to study immigration issues in the Commonwealth.

*Patron - Parrish*

**[F]HJ65 Faith-based volunteers in correctional facilities; report.** Requests the Secretary of Public Safety to study the use of faith-based volunteers in state correctional facilities. In conducting its study, the Secretary shall examine faith-based prison programs instituted in other states and determine how effective these programs are in preparing prisoners for reintegration and reducing recidivism rates. The study shall examine services offered by faith-based organizations in these states, including parenting and family life classes, anger-management programs, life skills classes, religious instruction, and substance abuse services. The Secretary shall develop recommen-



dations for how faith-based services might be better utilized in state correctional facilities.

*Patron - Saxman*

**FHJ66 Redistricting process.** Creates a joint subcommittee to (i) evaluate the present Virginia redistricting process, (ii) review alternative redistricting processes used in other states including, in particular, Arizona and Iowa, (iii) consider both constitutional and statutory changes in the process, and (iv) study the criteria that should be followed in developing redistricting plans. The subcommittee shall complete its work by November 30, 2007.

*Patron - Amundson*

**FHJ74 Commissioners of revenue, treasurers, and directors of finance; report.** Directs the Joint Legislative Audit and Review Commission to study the functions and operations of the commissioners of revenue, treasurers, and directors of finance. The study shall address (i) the benefits provided by the three types of local financial officers to the Commonwealth and its localities, (ii) the costs associated with these benefits and whether the benefits outweigh the costs, (iii) whether these officers are organized efficiently and effectively and provide services that are not duplicative of other services or functions provided by state or local government, (iv) whether alternative methods of state financing for these officers would be feasible and advisable, (v) whether the state tax assistance function carried out by these local officers is valuable and cost-effective, and (vi) such other related issues as the Commission deems appropriate.

*Patron - Wardrup*

**FHJ76 Tax incentives for volunteer fire department and rescue squad members; report.** Creates a joint subcommittee to study for one year what other states have done regarding income tax incentives used to recruit and retain volunteers in the local fire departments and rescue squads.

*Patron - Rust*

**FHJ77 Property tax relief; energy efficient and sustainable buildings; report.** Directs the Virginia Coal and Energy Commission to (i) review the certification procedures for meeting LEED requirements for sustainable building design and construction, (ii) identify the appropriate amount and type of tax relief that would best provide an incentive for and reward individuals and other entities that chose to meet LEED certification requirements, and (iii) identify the taxable entities that would qualify for preferential tax treatment for obtaining LEED certification in new and existing buildings.

*Patron - Ware, O.*

**FHJ78 Domestic violence; report.** Directs the Virginia State Crime Commission to study domestic violence.

*Patron - Ware, O.*

**FHJ79 Highway classification system; report.** Establishes a joint subcommittee to study the desirability, feasibility, and consequences of replacing administrative classification of highways with a functional classification system.

*Patron - McQuigg*

**FHJ99 Low voter turnout; report.** Establishes a joint subcommittee to study factors contributing to Virginia's low voter turnout and recommend steps to increase participation. The joint subcommittee is directed in particular to examine the redistricting process, frequency of elections, and the possibility of appointing rather than electing some officials.

*Patron - Purkey*

**FHJ101 Environmental impact of biosolids; report.** Requests the Departments of Conservation and Recreation and Environmental Quality to study the impact of the land application of biosolids on the quality of Virginia's waters.

*Patron - Byron*

**FHJ103 Research potential at colleges and universities; report.** Establishes a joint subcommittee to study the research potential at colleges and universities in the Commonwealth. In conducting its study, the joint subcommittee committee shall identify: (i) actions to increase the research potential at the Commonwealth's colleges and universities; (ii) comparisons between the Commonwealth and other states regarding research productivity of its higher education system and state funding of university-based research and development; (iii) policies to encourage enhanced university-industry collaborations; (iv) mechanisms for stimulating college and university research that have proved effective or ineffective in other states; (v) strategies through which the Commonwealth can make use of the research discoveries already developed by its public institutions of higher education; (vi) policies establishing priority areas for research funding and identifying qualified individuals in those prioritized funding areas; and (vii) an administrative model that can effectively oversee a program that supports academic research in the Commonwealth and that can ensure that funds allocated to research initiatives are used in accordance with the purposes for which they were appropriated. The joint subcommittee must submit an executive summary and report of its findings and recommendations to the 2007 Session of the General Assembly.

*Patron - Nutter*

**FHJ104 Medicaid reform; report.** Directs the Joint Commission on Health Care to form a subcommittee to study Medicaid reform, in anticipation of changes in federal law. The Joint Commission on Health Care must submit an executive summary and report of its progress no later than the first day of the 2007 Session.

*Patron - Morgan*

**FHJ107 Urban Best Management Practices Cost-Share and Tax Credit Program; report.** Requests the Department of Conservation and Recreation to study over the next two years whether an Urban Best Management Practices Cost-Share and Tax Credit Program, modeled after the Agricultural Best Management Practices Cost-Share and Tax Credit Program, would be beneficial and an economically efficient method for meeting the nutrient and sediment reduction goals of the Chesapeake Bay Agreement.

*Patron - Bulova*

**FHJ114 Establishment of protocols for law-enforcement officers killed in the line of duty; report.** Establishes a joint subcommittee to study and make recommendations concerning uniform protocols and practices to be followed in honoring a law-enforcement officer killed in the line of duty.

*Patron - Hurt*

**FHJ117 Promote use of alternative fuels; report.** Directs the Coal and Energy Commission to study ways to promote the use of alternative fuels in the Commonwealth. The Commission is to recommend actions to encourage citizens to increase their consumption of biodiesel and ethanol as alternatives to petroleum-based motor fuels.

*Patron - Amundson*

**FHJ118 Financing the long-term facility needs of the Virginia Community College System; report.** Establishes a joint subcommittee to study financing the long-term facility

needs of the Virginia Community College System. In conducting its study, the joint subcommittee shall consider an assessment of the current and future facility needs at Virginia's community colleges relative to the expected growth in student population geographically and at each community college, alternatives for financing the planning, bidding process, and construction of new facilities at Virginia's community colleges, and financing options, including, but not limited to: (i) general obligation bond issues 9(b) and 9(c) of the Commonwealth; (ii) lease-purchase financing; (iii) revenue bonds; (iv) establishment of a debt issuance vehicle structured for the Virginia Community College System that is similar to that for the Virginia College Building Authority; (v) expansion of funding and financing options through the Virginia College Building Authority, or a new dispensation for taxing and borrowing authority; (vi) establishment of a state start-up capital fund that would be used to leverage matching private funds; (vii) changes to the local real property tax to provide a designated increment that would be dedicated to community college facilities; (viii) public-private partnerships; and (ix) local or regional authorizing bond referenda. The joint subcommittee must submit its findings and recommendations to the 2007 Session of the General Assembly. This resolution incorporates HJR 166.

*Patron - Athey*

**FHJ122 Proximity of state-maintained rest areas to 24-hour private facilities; report.** Requests the Department of Transportation to report on the proximity of public rest areas to 24-hour private facilities.

*Patron - Cline*

**FHJ125 Homestead exemptions and alternatives for real property tax relief; report.** Establishes a joint subcommittee to review homestead exemptions and other alternatives for real property tax relief.

*Patron - Rapp*

**FHJ127 Mass transit in the Commonwealth; report.** Establishes a joint subcommittee to conduct a study of mass transit in the Commonwealth.

*Patron - Marshall, R.G.*

**FHJ128 Feasibility of providing property tax incentives to encourage constructing more efficient buildings; report.** Directs the Virginia Coal and Energy Commission to study the feasibility of enabling legislation to authorize localities to provide real property tax incentives to encourage buildings to be constructed using "green building" or "sustainable" designs consistent with Leadership in Energy and Environmental Design (LEED) standards.

*Patron - Ware, O.*

**FHJ131 Mercury in vaccines; report.** Directs the Joint Commission on Health Care to study the continued use of mercury in vaccines. The Commission shall investigate the reasons for the continued use of mercury in some vaccines, and determine the safety risks associated with such use. The Commission shall also determine whether vaccines that do not contain mercury are equally effective, in terms of both preventing disease and costs. The study shall include vaccinations given to both children and adults.

*Patron - Bell*

**FHJ132 Food insecurity in the Commonwealth; report.** Establishes a joint subcommittee to study food insecurity in the Commonwealth. In conducting its study, the joint subcommittee shall (i) determine the rate of food insecurity in the Commonwealth, demographically and geographically; (ii) evaluate the ability of public and private sector food assistance programs to assist food-insecure households; (iii) iden-

tify the social, economic, and health effects of hunger within the Commonwealth, including, but not limited to, poverty, undernutrition and malnutrition rates, related physical, psychological, and mental health conditions, morbidity and mortality rates, workplace productivity, academic performance and school attendance of students in grades pre-kindergarten through 12 and college, family stability, and crime; (iv) recommend feasible and appropriate alternatives to reduce food insecurity in the Commonwealth; and (v) consider such other related matters as the joint subcommittee may deem appropriate. The joint subcommittee must submit an executive summary of its interim findings and recommendations to the 2007 Session of the General Assembly, and its final findings and recommendations to the 2008 Session of the General Assembly.

*Patron - Englin*

**FHJ134 Chesapeake Bay Preservation Act; report.** Requests the Department of Conservation and Recreation to study the development and implementation of perennial flow determination required by the Chesapeake Bay Preservation Act regulations.

*Patron - Shannon*

**FHJ137 Notaries; report.** Requests the Secretary of the Commonwealth to study Virginia's notary statutes to determine whether amendments are appropriate to facilitate notarization of electronic documents and to report to the Governor and the General Assembly no later than the first day of the 2007 Regular Session. This resolution is identical to HJR 141.

*Patron - Moran*

**FHJ139 Redistricting commission; report.** Establishes a joint subcommittee to study the desirability of creating a Virginia Redistricting Commission. This resolution was incorporated into HJR 66.

*Patron - Moran*

**FHJ141 Notaries; report.** Requests the Secretary of the Commonwealth to study Virginia's notary statutes to determine whether amendments are appropriate to facilitate notarization of electronic documents and to report to the Governor and the General Assembly no later than the first day of the 2007 Regular Session. This resolution is identical to HJR 137.

*Patron - Moran*

**FHJ161 Institutions of Higher Education; Virginia competitiveness in attracting and retaining faculty; report.** Directs the State Council of Higher Education to (i) review, analyze, and compare current data from each public institution of higher education regarding current salary levels by academic discipline and academic rank with current national salary levels; (ii) review, analyze and compare data reflecting current levels of retirement options and benefits, health coverage plans, and other benefits for faculty in the Commonwealth with comparable national data; (iii) identify best practices for recruiting and retaining high quality faculty to inform policy makers, Board of Visitors, and university and college decision makers at public institutions of higher education in Virginia; and (iv) recommend feasible and appropriate enhancements for improving the ability of public institutions of higher education to attract and retain high quality faculty.

*Patron - Nutter*

**FHJ166 Capital and infrastructure needs at Virginia's institutions of higher education; report.** Creates a 15-member joint subcommittee to study capital and infrastructure needs at Virginia's institutions of higher education. In conducting the study, the joint subcommittee is charged to consider (i) current funding mechanisms for capital projects and improvements at the Commonwealth's institutions of

higher education, including general obligation bonds and other viable funding methods; (ii) mechanisms to assist private institutions of higher education in the Commonwealth with their capital needs; and (iii) the role of for-profit institutions of higher education in the Commonwealth in providing collegiate and graduate education to Virginia's students. This resolution was incorporated into HJR 118.

*Patron - Scott, J.M.*

**FHJ167 Social services reform; report.** Establishes a joint subcommittee to study Virginia's social services system and develop a plan for reform. The subcommittee shall (i) develop a comprehensive improvement plan for the operation and performance of Virginia's social services system and (ii) examine JLARC recommendations to improve the effectiveness of the system in helping benefit program recipients attain self-sufficiency, which will identify changes needed to improve the system, approaches and timeframes for implementing the changes, and the resources required to implement them. The joint subcommittee shall provide opportunities for the participation of the Department of Social Services, local departments of social services representing departments of different sizes and geographic locations, the Board of Social Services, local boards of social services, the Secretary of Commerce and Trade, the Virginia Workforce Council, the Commissioner of the Virginia Employment Commission, local Workforce Investment Boards, local workforce centers, and other interested parties or entities affected by the study.

*Patron - Landes*

**FHJ199 Wythe County and I-77/I-81; report.** Requests the Virginia Department of Transportation, in cooperation with Wythe County and major employers within the county, to seek to identify strategies, technologies, and actions that will most effectively, expeditiously, and cost-effectively reduce highway congestion, improve traffic flow, and improve safety on that portion of Interstate Route 77 and Interstate Route 81 where the two highways share the same alignment. This resolution is identical to SJR 2.

*Patron - Crockett-Stark*

**FHJ200 Highway connections between Progress Park and I-77/81; report.** Requests the Virginia Department of Transportation, in cooperation with Wythe County and major employers within the county, to seek to identify strategies, technologies, and actions that will most effectively, expeditiously, and cost-effectively improve highway connection between Progress Park in Wythe County and Interstate Routes 77 and Route 81. This resolution is identical to SJR 3.

*Patron - Crockett-Stark*

**FHJ209 Resolution; humane treatment of animals; report.** Requests the Department of Education to include standards on animal safety and the humane treatment of animals in future revisions of the Standards of Learning. However, in the event that the Department of Education determines that such a revision of the Standards of Learning is not feasible, the Department shall propose alternative methods of achieving the objective of including instruction on the humane treatment of companion animals to children in the public schools through the character education curriculum.

*Patron - Alexander*

**FSJ2 Wythe County and I-77/I-81; report.** Requests the Virginia Department of Transportation, in cooperation with Wythe County and major employers within the county, to seek to identify strategies, technologies, and actions that will most effectively, expeditiously, and cost-effectively reduce highway congestion, improve traffic flow, and improve safety on that portion of Interstate Route 77 and Interstate Route 81 where

the two highways share the same alignment. This resolution is identical to HJR 199.

*Patron - Reynolds*

**FSJ3 Highway connections between Progress Park and I-77/81; report.** Requests the Virginia Department of Transportation, in cooperation with Wythe County and major employers within the county, to seek to identify strategies, technologies, and actions that will most effectively, expeditiously, and cost-effectively improve highway connection between Progress Park in Wythe County and Interstate Routes 77 and Route 81. This resolution is identical to HJR 200.

*Patron - Reynolds*

**FSJ25 Undergrounding overhead utility lines; report.** Establishes a joint subcommittee to study the feasibility and costs relative to requiring the placement of certain overhead utility lines underground. This resolution was incorporated into SJR 73.

*Patron - Locke*

**FSJ39 Southeastern Virginia Training Center; report.** Requests the Secretary of Commerce and Trade and the Secretary of Health and Human Resources to study the relocation of the Southeastern Virginia Training Center in the City of Chesapeake and the development of its existing location in a way that would be economically beneficial to the Commonwealth and the City of Chesapeake.

*Patron - Blevins*

**FSJ40 Uniform Statewide Building Code; report.** Requests the Department of Housing and Community Development to study whether the Uniform Statewide Building Code may be strengthened to increase public protection by (i) modifying the sound transmission coefficient ratings for sound attenuation to higher levels, (ii) developing a tiered application of the new ratings according to noise contours, and (iii) the application of advanced methods of sound attenuation through new construction and building materials.

*Patron - Blevins*

**FSJ47 Implementation of the federal "Real ID Act of 2005"; report.** Establishes a 10-member joint subcommittee to study the impact of implementation of the federal "Real ID Act of 2005" on the Commonwealth of Virginia.

*Patron - O'Brien*

**FSJ48 Local electoral boards and registrars; report.** Creates a joint subcommittee comprised of five members of the House of Delegates and three members of the Senate to study the administration of the election laws by local electoral boards and registrars. The subcommittee will examine the functions of the local electoral officials, their compensation, protections and potential for conflict of interests, and make recommendations to assure their independence.

*Patron - O'Brien*

**FSJ50 Limiting large, heavy, or slow-moving vehicles use of highways; report.** Requires the Department of Transportation to study the feasibility of limiting large, heavy, or slow-moving vehicle use of highways during peak hours.

*Patron - O'Brien*

**FSJ71 Substituting a local option income tax in lieu of all other local taxes currently utilized; report.** Requests the Virginia Association of Counties and Virginia Municipal League to study substituting a local option income tax in lieu of all other taxes localities currently utilize. The study will examine the administrative savings both to taxpayers as well as local governments, the local income tax rate that would be

needed, the impact to local taxpayers, as well as the desirability of such an option by Virginia's counties, cities, and towns.

*Patron - Quayle*

**FSJ72 Undergrounding overhead utility lines; report.** Establishes a joint subcommittee to study the feasibility and costs relative to requiring the placement of certain overhead utility lines underground.

*Patron - Quayle*

**FSJ74 Virginia Code Commission to make recommendations for setting forth enactment clauses in the Code; report.** Requires the Virginia Code Commission to review the common uses of enactment clauses in legislation, and to make recommendations as to how annotations to the enactment clauses that affect the implementation and application of adopted legislation may be consistently included or annotated in the Code of Virginia or other comprehensive document.

*Patron - Chichester*

**FSJ80 Comprehensive energy plan for the Commonwealth; report.** Requests the Secretary of Natural Resources to study the development of a comprehensive energy plan for the Commonwealth. The plan will evaluate the Commonwealth's current and future energy supply and demand. This resolution was incorporated into SB 261.

*Patron - Whipple*

**FSJ84 Redistricting process; report.** Creates a joint subcommittee to (i) evaluate the present Virginia redistricting process and its impact on competitive elections and district criteria, (ii) review alternative redistricting processes used in other states, (iii) examine the impact of federal legislation such as the Voting Rights Act, (iv) consider both constitutional and statutory changes in the process, and (v) study the criteria that should be followed in developing redistricting plans.

*Patron - Williams*

**FSJ86 Sale or lease of Dulles Toll Road (Omer L. Hirst-Adelard L. Brault Expressway); report.** Establishes a 10-member joint subcommittee to study the desirability and feasibility of selling or leasing the Dulles Toll Road (Omer L. Hirst-Adelard L. Brault Expressway) to a private operator.

*Patron - Saslaw*

**FSJ88 Integration of Transportation Planning and Land Use Planning; report.** Establishes a joint subcommittee to study the integration of transportation and land use planning. Specifically, the Commission will consider the following issues: (i) tools the state and local governments will need to assure that the transportation infrastructure is adequate to serve increasing demand caused by a growing population; (ii) institutional arrangements that should be recommended to improve state/local coordination; (iii) incentives to encourage regional and multi-modal approaches that will be necessary to address Virginia's growing transportation problems; and (iv) ways to encourage alternative development patterns that will improve mobility through other means than motor vehicles and reduce the demands on, and the cost of maintaining, Virginia's transportation infrastructure.

*Patron - Quayle*

**FSJ91 Increasing accessibility to higher education for incarcerated persons.** Establishes a joint subcommittee to study increasing the accessibility to higher education for incarcerated persons. In conducting its study, the joint subcommittee shall (i) evaluate the existing college education program for prisoners in Virginia, including its advantages, the effect on recidivism, the benefits of such programs to prisoners, their families, and the community; (ii) identify program needs and

recommend solutions; (iii) review prisoner college education programs in other states; (iv) consider financial aid alternatives to assist inmates in accessing college, and ways to finance prisoner college education programs in the Commonwealth; (iv) recommend ways in which more inmates may be accommodated in prisoner college education programs; and (v) consider such other related matters as the joint subcommittee may deem necessary and appropriate to satisfy the objectives of this study. The joint subcommittee must submit its interim findings and recommendations to the 2006 Session of the General Assembly and its final findings and recommendations to the 2007 Session of the General Assembly.

*Patron - Newman*

**FSJ95 Effects of incarceration on children, families, communities, and the economy; report.** Establishes a joint subcommittee to study the effects of incarceration on children, families, communities, and the economy. The study shall identify and develop strategies to overcome adverse effects of incarceration on children, families, communities, and the economy and shall consider the overall benefits versus costs of incarcerating nonviolent offenders, whether the current sentencing system combined with statutory mandatory minimum sentences and prosecutorial practices provide appropriate punishment without overreliance on incarceration, and to what extent racial and ethnic disparity can be reduced in the criminal justice system. The study shall be completed in one year, and its direct costs shall not exceed \$10,300 without approval by the Joint Rules Committee. This resolution was incorporated into SJR 126.

*Patron - Hanger*

**FSJ99 Police cadet academy; report.** Creates a one-year joint subcommittee to study the creation of a police cadet academy.

*Patron - Lambert*

**FSJ102 Establishing a joint committee on revenue estimates.** Establishes a joint committee in the legislative branch to oversee preparation of revenue estimates for the General Assembly. This resolution is a recommendation of the Joint Subcommittee to Study the Balance of Powers Between the Legislative and Executive Branches pursuant to HJR 707 (2005).

*Patron - Devolites Davis*

**FSJ105 Standards of Learning assessments for history and social studies; report.** Requests the Board of Education to consider increasing the number of questions on Standards of Learning assessments from the framework for the Standards of Learning for history and social studies that relate to instruction pertaining to minority persons. The Board of Education is requested to submit an executive summary and report of its progress in meeting the request of the resolution to the 2007 Session of the General Assembly.

*Patron - Lambert*

**FSJ107 Lead poisoning prevention; memorandum of agreement.** Requests the Departments of Health, Housing and Community Development, and Labor and Industry to execute a memorandum of agreement (MOA) by February 13, 2006, relating to prevention of childhood lead poisoning that covers such matters as the agencies' responsibilities for notices, sharing of information, and various efforts to obtain compliance with requirements that are necessary for the efficient and effective implementation of the Department of Housing and Community Development's new \$3 million grant in 2006 and to enable the Department of Health to prepare a grant application that is competitive in accordance with the require-

ments of the Centers for Disease Control and Prevention and the Environmental Protection Agency.

*Patron - Lambert*

**FSJ108 Motor vehicle sales and use tax; low-emission vehicles; report.** Creates a study to examine the availability of mass-marketed low-emission vehicles and to make recommendations concerning the feasibility of implementing a revenue-neutral tax incentive that would impose a lower motor vehicle sales and use tax on low-emission vehicles than on high-emission vehicles.

*Patron - Deeds*

**FSJ123 Trailing spouse legislation for civilian Department of Defense employees; report.** Requests the Virginia Employment Commission (VEC) to study the feasibility of providing trailing spouse coverage with respect to certain civilian employees of the Department of Defense. The VEC is to determine the impact on the Unemployment Trust Fund of legislation that would provide that good cause for leaving employment exists if an employee voluntarily leaves a job to accompany his or her spouse who is a civilian employee of the Department of Defense and has executed a mobility agreement requiring the spouse to relocate at the direction of the employing agency to a new assignment from which the employee's place of employment is not reasonably accessible.

*Patron - Ticer*

**FSJ124 Fiscal autonomy for elected school boards; report.** Directs the Joint Legislative Audit and Review Commission to study implications of granting fiscal autonomy to elected school boards in the Commonwealth. In conducting its study, the Joint Legislative Audit and Review Commission shall (i) examine state constitutional and statutory issues regarding school board supervisory authority, (ii) study the respective roles of local school boards and the relevant local governing body in delivering and funding public education, (iii) examine fiscal authority models in other states, and (iv) consider such other issues as it deems appropriate. The Joint Legislative Audit and Review Commission must submit an executive summary of its findings and recommendations to the 2007 Session of the General Assembly.

*Patron - Blevins*

**FSJ166 Resolution; humane treatment of animals; report.** Requests the Department of Education to include standards on animal safety and the humane treatment of animals in future revisions of the Standards of Learning.

*Patron - Edwards*

**FSJ206 Recruitment and retention of fire department and rescue squad volunteers; report.** Requests the Department of Fire Programs and the Office of Emergency Medical Services to initiate efforts to improve the recruitment and retention of fire and rescue squad volunteers. In conducting the study, the agencies shall perform the following: (i) the Office of Emergency Medical Services shall develop management training curricula from the classes currently provided by the Office of Emergency Medical Services and the Department of Fire Programs, increase allocations from the current "\$4-for-Life" fund directed to volunteer agencies for recruitment and retention incentives, and encourage agencies to apply for Rescue Squad Assistance Fund grants for recruitment and retention incentives; and (ii) the Office of Emergency Medical Services and Department of Fire Programs shall revise their regulations to require rescue squad and fire department captains to complete management and leadership training within six months of becoming captain, as well as develop and publi-

cize descriptive information about the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund.

*Patron - Herring*

## Carried Over

**CHJ52 Consolidation of certain state agencies; report.** Establishes a joint subcommittee to study the feasibility and appropriateness of consolidating or outsourcing state agencies that issue licenses and permits and collect tax, and to issue a report to the 2007 Session of the General Assembly.

*Patron - Purkey*

**CHJ71 Investigative hearing process of the Department of Health Professions and health regulatory boards; report.** Requests the Department of Health Professions, in cooperation with the Virginia Bar Association, to study ways to increase the efficiency of the investigative and hearing process of the Department of Health Professions and the health regulatory boards. The Department must review all laws and regulations related to investigations and hearings with respect to the licenses of health care professionals and shall consider the need for amendments to relevant Virginia laws and regulations and recommend appropriate changes. A report must be submitted to the Governor and General Assembly no later than the first day of the 2007 Regular Session.

*Patron - O'Bannon*

**CHJ95 Alcoholic beverages; report.** Establishes a joint subcommittee to study the definition of and qualifications relating to licensed retailers of alcoholic beverages and the limitations and restrictions imposed on the retail sale of alcoholic beverages in the Commonwealth.

*Patron - Albo*

**CHJ102 Sale or lease of Chesapeake Bay Bridge-Tunnel; report.** Establishes a joint subcommittee to study the desirability and feasibility of selling or leasing the Chesapeake Bay Bridge-Tunnel to a private operator.

*Patron - Gear*

**CHJ120 Deputy commissioners of the Workers' Compensation Commission; report.** Directs the Joint Legislative Audit and Review Commission to study the deputy commissioners of the Workers' Compensation Commission. Issues to be addressed include the procedure by which deputy commissioners are appointed and whether appointments of deputy commissioners should be subject to General Assembly approval.

*Patron - Athey*

**CHJ129 Emergency preparedness plans for residents of special needs facilities; report.** Requests the Department of Health to study the adequacy of emergency preparedness plans for the residents of special needs facilities that serve Virginia's senior citizens. The Department of Health shall report its findings by the first day of the 2007 Session.

*Patron - O'Bannon*

**CHJ147 Establishing a joint committee on revenue estimates.** Establishes a joint committee in the legislative branch to oversee preparation of revenue estimates for the General Assembly. This resolution is a recommendation of the Joint Subcommittee to Study the Balance of Powers Between the Legislative and Executive Branches pursuant to HJR 707 (2005).

*Patron - Landes*

**CSJ46 Impact of undocumented immigrants; report.** Directs the Joint Legislative Audit and Review Commission to study the impact of undocumented immigrants who are unlawfully in the United States and residing in Virginia on the state's economy and government services and resources.

*Patron - O'Brien*

**CSJ73 Underground utility lines in redevelopment areas; report.** Requests the State Corporation Commission to study the feasibility of requiring the underground placement of utility distribution lines in redevelopment areas, including Conservation Plan Areas, Redevelopment Plan Areas, Revitalization Initiatives Plan Areas, Rehabilitation Districts, and Historic Districts. This resolution incorporates SJR 25.

*Patron - Quayle*

**CSJ93 Sheriffs; staffing standards for sheriffs' departments.** Directs the Joint Legislative Audit and Review Commission to study staffing standards for sheriffs' departments. The study will focus on: (i) trends in personnel costs for jails based on annual reports of the Compensation Board and other pertinent data, (ii) formulas based on different jail construction criteria that will enable the Compensation Board to address staffing needs for jails, and (iii) staffing standards that accurately reflect actual workloads and requirements, including mental health and substance abuse counseling.

*Patron - Stolle*

**CSJ98 Establishing a joint subcommittee to study the state employee grievance procedure; report.** Establishes a joint subcommittee to study the state employee grievance process to determine whether the policy objectives of the State Grievance Procedure are being achieved.

*Patron - Lucas*

## Charters and Authorities

### Passed

**P HB281 Charter; City of Colonial Heights.** Removes terms of appointment for the city clerk and the city attorney, and makes changes to the city's procurement practices. This bill is identical to SB 591.

*Patron - Cox*

**P HB445 Charter; Town of Iron Gate.** Changes references from "town sergeant" to "chief of police."

*Patron - Shuler*

**P HB474 Charter; Clifton Forge.** Moves the regular election date for town council from May to November. As a result, the current council members shall have their terms extended by six months. In addition, the mayor and vice-mayor shall be elected by the council in January of each odd-numbered year. Thus, the current mayor and vice-mayor shall continue in office as mayor and vice-mayor, respectively, until the first meeting of the council in January 2007. This bill contains an emergency clause.

*Patron - Shuler*

**P HB621 Charter; City of Richmond.** Amends the charter by (i) clarifying that the council may adopt the budget at either a regular or special meeting, (ii) deleting an additional requirement for introduction of ordinances at special meetings, (iii) clarifying the duties of the city attorney and explicitly granting authority to represent more than one city official,

department, or other entity that are parties to the same transaction, (iv) granting the mayor authority to employ special counsel in instances where the city attorney has a conflict of interests (v) clarifying that the mayor or his designee may attend closed meetings of the council unless the council determines that such inclusion shall be detrimental to the purpose of the council's deliberations, (vi) requiring the chief administrative officer to attend, or be represented at, all open meetings of the council, (vii) making several clarifications to the budgetary process and (viii) making numerous technical or housekeeping changes. This bill contains an emergency clause and is identical to SB 81.

*Patron - O'Bannon*

**P HB871 Charter; Town of Altavista.** Shifts the time of council elections to November; allows council salaries to be set in accordance with the provisions of general law; eliminates certain supermajority voting requirements; deletes provisions related to the town sergeant and the school board; and makes numerous technical changes. This bill contains an emergency clause.

*Patron - Byron*

**P HB998 Charter; City of Charlottesville.** Grants new powers to the city for the purpose of providing housing for low-or moderate-income persons. This bill is identical to SB 207.

*Patron - Toscano*

**P HB1121 Charter; Town of Purcellville.** Allows the town to appoint one non-resident to the board of architectural review.

*Patron - May*

**P HB1157 Town of Stuart; charter.** Provides for staggered four-year terms of office for the mayor and town council members. The regular municipal election date for the mayor and town council is moved from May to November. The mayor and council members elected at the regular election in May 2006 will serve a term of office until December 31, 2008.

*Patron - Armstrong*

**P HB1188 Charter; Town of Elkton.** Repeals the existing town charter and provides a new charter containing powers typically granted to towns. This bill is identical to SB 405

*Patron - Landes*

**P HB1439 Charter; City of Norfolk.** Allows city council to dispense with 16, rather than 12, of its weekly council meetings each year and changes the required vote from four-fifths to three-fourths for the sale of certain public property. This bill is identical to SB 280.

*Patron - Howell, A.T.*

**P SB23 Charter; City of Emporia.** Moves the regular municipal election date for the mayor and city council from May to November. The current mayor and city council members will have their terms extended by six months.

*Patron - Lucas*

**P SB81 Charter; City of Richmond.** Amends the charter by (i) clarifying that the council may adopt the budget at either a regular or special meeting, (ii) deleting an additional requirement for introduction of ordinances at special meetings, (iii) clarifying the duties of the city attorney and explicitly granting authority to represent more than one city official, department, or other entity that are parties to the same transaction, (iv) granting the mayor authority to employ special counsel in instances where the city attorney has a conflict of

interests (v) clarifying that the mayor or his designee may attend closed meetings of the council unless the council determines that such inclusion shall be detrimental to the purpose of the council's deliberations, (vi) requiring the chief administrative officer to attend, or be represented at, all open meetings of the council, (vii) making several clarifications to the budgetary process and (viii) making numerous technical or housekeeping changes. This bill contains an emergency clause and is identical to HB 621.

*Patron - Watkins*

**SB147 Charter; Clifton Forge.** Moves the regular election date for town council from May to November. As a result, the current council members shall have their terms extended by six months. In addition, the mayor and vice-mayor shall be elected by the council in January of each odd-numbered year. Thus, the current mayor and vice-mayor shall continue in office as mayor and vice-mayor, respectively, until the first meeting of the council in January 2007. This bill contains an emergency clause.

*Patron - Deeds*

**SB202 Charter; City of Charlottesville.** Grants new powers to the city for the purpose of providing housing for low or moderate income persons. This bill is identical to HB 998.

*Patron - Deeds*

**SB280 Charter; City of Norfolk.** Allows city council to dispense with 16, rather than 12, of its weekly council meetings each year and changes the required vote from four-fifths to three-fourths for the sale of certain public property. This bill is identical to HB 1439.

*Patron - Rerras*

**SB405 Charter; Town of Elkton.** Repeals the existing town charter and provides a new charter containing powers typically granted to towns. This bill is identical to HB 1188.

*Patron - Hanger*

**SB503 Town of Honaker; charter.** Provides a new charter for the town. The new charter contains provisions typically found in town charters and does not grant unusual powers. The bill contains an emergency clause.

*Patron - Puckett*

**SB591 Charter; City of Colonial Heights.** Removes terms of appointment for the city clerk and the city attorney, and makes changes to the city's procurement practices. This bill is identical to HB 281.

*Patron - Martin*

## Failed

**HB900 Redevelopment and Housing Authority.** Provides that at least 75 percent of the commissioners of a Redevelopment and Housing Authority shall be persons who are not members of the local governing body.

*Patron - Gear*

**SB464 Charter; City of Roanoke.** Grants the council authority to order an advisory referendum on any proposed question relating to the affairs of the city. A method is also provided to allow such a referendum to be initiated by a petition of registered voters.

*Patron - Edwards*

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