

Administration of the Government

Passed

HB1673 Commission on Immigration. Creates the Virginia Commission on Immigration as an advisory commission in the executive branch. The purpose of the Commission is to study, report, and make recommendations to address the costs and benefits of immigration on the Commonwealth, including the impact on education, health care, law enforcement, local demands for services and the economy, and the effect on the Commonwealth of federal immigration and funding policies. The Commission expires on August 1, 2009. This bill incorporates HJR 776.

Patron - Marshall, R.G.

HB1790 Freedom of Information Act; access by persons civilly committed under the Sexually Violent Predators Act. Provides that the Freedom of Information Act does not afford any rights to persons civilly committed pursuant to the Sexually Violent Predators Act, except in exercising their constitutionally protected rights.

Patron - Griffith

HB1791 Freedom of Information Act; responses to requests for public records. Adds an additional response to address situations when a public body receives a request for public records under FOIA but cannot find the requested records or the requested records do not exist. The bill also clarifies the other responses to requests for public records under FOIA. The bill also contains technical amendments.

Patron - Griffith

HB1942 Administrative Process Act; economic impact analysis of regulations to be provided to members of the General Assembly. Requires the Department of Planning and Budget to provide an electronic copy of its economic impact analysis to each member of the General Assembly.

Patron - Purkey

HB1943 Comptroller; reports of other obligations of the Commonwealth. Provides that to assist in the managing, planning, and budgeting of the state's financial resources, the Comptroller, in conjunction with the Secretary of Finance, shall report biannually to the Governor and the members of the General Assembly each off-balance sheet financial obligation of the Commonwealth, itemized by agency, board, institution, or authority of the Commonwealth, and such other obligations of the Commonwealth that are estimated by the Comptroller to be incurred.

Patron - Purkey

HB1997 Conveyance of property by the Commonwealth. Requires prior written notice to the General Assembly of any transaction involving military property owned by the Commonwealth. A certification of compliance with the notice requirement in a deed or other instrument conveying military property shall serve as prima facie evidence of compliance, absent knowledge to the contrary by the purchaser or transferee.

Patron - Suit

HB2030 Modeling and Simulation Advisory Council; created. Creates the Modeling and Simulation Advisory Council to advise the Governor on policy and funding pri-

orities to promote the modeling and simulation industry in the Commonwealth.

Patron - Cosgrove

HB2032 Department for the Aging; long-term care services. Expands the type of long-term care services that must be provided, including transportation, educational, and housing services and opportunities for self-care and independent living.

Patron - Hamilton

HB2033 Secretary of Health and Human Resources; duties. Provides that the Secretary of Health and Human Resources shall serve as the lead Secretary for the coordination and implementation of the long-term care policy of the Commonwealth, working with the Secretaries of Transportation, Commerce and Trade, and Education, and the Commissioner of Insurance, to facilitate interagency service development and implementation, communication, and cooperation. This bill is identical to SB 1024.

Patron - Hamilton

HB2062 Freedom of Information Act; Government Data Collection and Dissemination Practices Act; land records. Provides that the Freedom of Information Act does not apply to land records available via secure remote access. The bill provides requirements for posting land records via secure remote access to the Internet and requires, beginning July 1, 2010, that social security numbers not be contained in such documents. Judgments, however, will contain the last four digits of a social security number for identification purposes. The clerk is given the authority to reject documents that contain social security numbers and also is allowed to perform a global redaction of social security numbers from those documents filed before the 2010 deadline. The bill also allows the use of the Technology Trust Fund to pay for redaction. The bill clarifies that the clerk is to charge \$0.50 per electronic image for transmitting "papers or records" to go out of his office in the same manner that he charges \$0.50 per page for copying. The bill is identical to SB 824.

Patron - McQuigg

HB2137 Procurement of services by certain state agencies. Requires the Division of Purchases and Supply of the Department of General Services, the CIO of VITA, and the Director of SCHEV to solicit from each state agency under their respective control a list of all procurements conducted by an agency that were competed with the private sector by October 1, 2009. The bill also requires that the Commonwealth Competition Council update its commercial activities list every two years.

Patron - Cline

HB2153 Virginia Public Broadcasting Board; membership. Decreases the membership of the Virginia Public Broadcasting Board from 15 to 14 members by removing the chairman of the State Council of Higher Education. The bill is identical to SB 1278.

Patron - Tata

HB2196 Powers of the CIO. Gives the CIO of the Commonwealth the power to enter into contracts with one or more other public bodies, or public agencies or institutions or localities of the several states, of the United States or its territories, or the District of Columbia for the provision of information technology services. The CIO must have the approval of the Information Technology Investment Board for any contracts over \$1,000,000.

Patron - Nixon

HB2198 Electronic health records. Requires any electronic health records system or software purchased by a state agency to adhere to accepted standards for interoperability or to be certified by a recognized certification body. The bill also requires state agencies making grants available to other entities for electronic patient information or electronic health records to ensure that the systems or software adheres to accepted standards for interoperability, privacy and data exchange or has been certified by a nationally recognized certification body.

Patron - Nixon

HB2213 Virginia Personnel Act; exemptions; employees of the Indigent Defense Commission. Exempts employees of the Virginia Indigent Defense Commission from the provisions of the Virginia Personnel Act.

Patron - Armstrong

HB2229 Consolidation of reports. Consolidates the Tributary Strategy Implementation Report, the Watershed Planning and Permitting Report, and the Water Quality Improvement Fund Annual Report into the Impaired Waters Clean-up Plan Report.

Patron - Lewis

HB2240 Virginia War Memorial. Requires the State Treasurer to advance a loan of \$3.5 million to the Department of General Services for the state share of the construction of an educational wing for the Virginia War Memorial in the form of a short-term treasury loan, with no interest, upon certification by the Secretary of Administration that \$2 million in private funds have been raised, are available, and will be used to support construction.

Patron - Cox

HB2259 Freedom of Information Act; records of regional and local park authorities. Expands the current record exemption for state or local park and recreation departments to include local and regional park authorities. As a result, certain records of such authorities are not subject to mandatory public disclosure.

Patron - Rust

HB2304 Emergency management and preparedness; mutual aid agreements. Specifies that personnel, equipment, or supplies of the Commonwealth or a political subdivision may be used to assist another state that has declared a state of emergency upon written request of the chief executive of the other state. In addition, the bill authorizes the Governor to provide financial assistance to Virginia state agencies and political subdivisions that provide emergency aid to another state and authorizes the Metropolitan Washington Airport Authority police department to assist the National Capital Region and abutting localities and entities in the case of emergency. The bill also increases from 29 to 34 the membership of the Secure Commonwealth Panel by adding the Executive Secretary of the Supreme Court of Virginia and four members from the business or industry sector. The bill is identical to SB 1202.

Patron - Sherwood

HB2307 Virginia National Defense Industrial Authority; board of directors; membership. Increases the members of the board of directors for the Virginia National Defense Industrial Authority from 16 to 17 by adding the Adjutant General of Virginia. The bill provides that the Adjutant General shall serve a term on the board of directors coincident with his term of office.

Patron - Lingamfelter

HB2391 Virginia Public Procurement Act; Virginia Retirement System; disability determination services. Exempts the procurement of disability determination services by the Virginia Retirement System from the Virginia Public Procurement Act.

Patron - Ingram

HB2392 Virginia Public Funds Act; Virginia Retirement System. Amends the Virginia Public Funds Act to authorize the Virginia Retirement System to provide for the investment of funds as authorized by law, including the pooling of assets for investment.

Patron - Ingram

HB2468 Governor's Development Opportunity Fund. Adjusts eligibility for grants or loans from the Governor's Development Opportunity Fund for projects that are in a city or county whose annual average unemployment rate for the most recent calendar year is one and a half times or more the state average. In such cases, the minimum amount of private investment is lowered from \$10,000,000 to \$7,500,000 and the number of new jobs that must be created from 100 to 75. For localities with a population between 50,000 and 100,000 the minimums are lowered from \$5,000,000 in private investment to \$3,500,000 and from 50 new jobs to 35. For localities with less than 50,000 in population, minimums are lowered from \$2,500,000 in private investment to \$1,500,000 and from 25 new jobs to 15. In addition, the bill provides that localities that have created Regional Industrial Facilities Authorities shall be eligible at the lowest investment and job creation threshold of any locality in that Authority.

Patron - Marshall, D.W.

HB2527 Government Data Collection and Dissemination Practices Act; rights of data subjects. Requires agencies covered by the Government Data Collection and Dissemination Practices Act to respond to a data subject for inspection of his record in five working days after receiving the request or within a time period as may be mutually agreed upon by the agency and the data subject. The bill references the pertinent section of the Virginia Freedom of Information Act (FOIA) so as to treat requests made under the Government Data Collection and Dissemination Practices Act in the same manner as requests under FOIA, in terms of response time and invoking applicable exemptions, etc. The bill also clarifies that charges for document production shall be in accordance with FOIA provisions.

Patron - Iaquinto

HB2537 Administrative Process Act. Amends the Administrative Process Act by renumbering provisions relating to the promulgation of regulations by state agencies including public notice and participation and use of the Regulatory Town Hall throughout the process. In addition the bill clarifies the process for promulgating emergency regulations and provides for such regulations to be adopted, in certain instances, upon consultation with the Attorney General and approval of the Governor. Under the bill, the duration of an emergency regulation may be extended for up to six months beyond the initial one year effective period if approved by the Governor. The bill also (i) changes the venue for informal fact finding proceedings and formal hearings to the city or county where the administrative agency maintains its principal office or as the parties may otherwise agree, (ii) authorizes agencies using the fast track rulemaking process to provide for a public comment period of 30 days after the publication of the regulation in the Virginia Register and requires the Department of Planning and Budget to provide economic impact analysis within 30 days for such regulations, and (iii) authorizes an additional 30 days for

the Department of Planning and Budget to complete fiscal impact statements under certain circumstances. The bill makes technical amendments and removes an obsolete provision. This bill is identical to SB 1139.

Patron - Landes

HB2558 Freedom of Information Act; certain information in rabies vaccination certificates. Exempts the identification of breed of a vaccinated animal and any personal identifying information relating to the animal owner that is not made a part of an animal license application from the mandatory disclosure provisions of the Freedom of Information Act.

Patron - Brink

HB2624 Government Performance and Results Act; effect of the aging population on state agencies. Requires each agency to report by November 15 of each year to the Department for the Aging its progress in addressing the impact of the aging of the population, according to guidance established by the Secretary of Health and Human Resources. The bill also requires the Department for the Aging to prepare a report summarizing the progress made by the agencies and submit such report to the Governor and the General Assembly by June 30 of the following year.

Patron - Reid

HB2669 Freedom of Information Act; electronic communication meetings; Governor-declared state of emergency. Allows state public bodies to meet by electronic communication means without a quorum of the public body physically assembled at one location when (i) the Governor has declared a state of emergency in accordance with § 44-146.17, (ii) the meeting is necessary to take action to address the emergency, and (iii) the public body otherwise complies with the electronic communication meetings law.

Patron - Sherwood

HB2690 Virginia Military Advisory Council; membership. Increases from 25 to 27 the membership of the Virginia Military Advisory Council by adding the Secretary of Public Safety and one member who shall be a representative of a major military command and installation located in Virginia or an adjacent jurisdiction.

Patron - Suit

HB2758 Freedom of Information Act; posting of meeting notices and minutes. Clarifies where meeting notices and minutes of state public bodies must be posted. The bill also specifies that only notices of public hearings on regulations need be published in the Virginia Register. The bill is a recommendation of the Virginia Code Commission.

Patron - Hurt

HB2835 Attorney General; compromise and settlement of disputes. In addition to making clarifying changes, increases from \$50,000 to \$250,000 the amount arising in a dispute, claim, or controversy involving the interests of the Commonwealth that the Attorney General may compromise and settle.

Patron - Peace

HB2840 Virginia Personnel Act; personnel administration; preference for veterans for employment with the Commonwealth. Provides a veteran who applies for employment with the Commonwealth a preference during the selection process, if the veteran has received (i) an honorable discharge and served more than 180 consecutive days of full-time active duty in the armed forces of the United States or reserve components thereof, including the National Guard, or (ii) has a service-connected disability rating. The bill directs

the Department of Human Resource Management to develop and distribute guidelines on this issue. This bill is identical to SB 1033.

Patron - Hall

HB2850 Office of Intermodal Planning and Investment. Amends the name of the "Intermodal Office" to the "Office of Intermodal Planning and Investment" and provides for additional duties of the Office.

Patron - Moran

HB2906 Community Action Act; designation of community action agencies; rescission of designation. Revises the process for the designation of a community action agency and for the rescission of such a designation.

Patron - Spruill

HB2928 Population brackets. Replaces population brackets and other descriptions found in the Code of Virginia with locality names. This bill is a recommendation of the Code Commission.

Patron - Landes

HB2946 Electronics recycling; security of state confidential data and personal information. Requires the Department of General Services to develop guidelines, with the advice of the Chief Information Officer (CIO) to ensure that the transfer or other disposition of computers or information technology assets are consistent with data and information security policies developed by the Virginia Information Technologies Agency.

Patron - Plum

HB2982 Compensation of special counsel. States that special counsel is to be paid out of funds appropriated for the administration of the board, commission, division or department to be represented. Changes "defended" language to "represented" language.

Patron - Janis

HB3002 Investment of funds; affordable housing. Allows localities to consider the investment activities of qualifying institutions that enhance the accessibility of affordable housing to local employees in determining the award of any contract for time deposits or investment of their funds.

Patron - Scott, J.M.

HB3017 Youth Internet Safety Fund; established. Establishes the Youth Internet Safety Fund for the purposes of education, public awareness, and other activities to promote the safe and secure use of the Internet. The bill contains an emergency clause and provides that the Virginia Public Procurement Act does not apply to expenditures from the fund.

Patron - Callahan

HB3114 Aerospace Advisory Council; created. Creates the Aerospace Advisory Council within the executive branch to advise the Governor on policy and funding priorities to promote the aerospace and space exploration industry in the Commonwealth.

Patron - Cosgrove

HB3131 Secretary of Health and Human Resources; duties. Requires the Secretary of Health and Human Resources to coordinate the disease prevention activities of agencies in the Secretariat to ensure efficient, effective delivery of health related services and financing. The bill is identical to SB 1374.

Patron - Moran

HB3164 One-stop small business permitting program. Establishes a one-stop permitting program for small businesses. The program is to be administered by a business registration and permitting center in the Department of Business Assistance. Owners of small businesses, defined as establishments with no more than 100 full-time employees, will be able to complete a master application online to register their businesses with the state.

Patron - Moran

HB3171 Virginia Economic Development Partnership Authority. Provides that the General Assembly may appropriate grants to the Authority for use by a nonprofit, public benefit research institute that (i) conducts research and development for government agencies, commercial businesses, foundations, and other organizations and (ii) commercializes technology. The Authority is authorized to create a nonprofit, nonstock corporation to administer the payment of such grants.

Patron - Landes

SB824 Freedom of Information Act; Government Data Collection and Dissemination Practices Act; land records. Provides that the Freedom of Information Act does not apply to land records available via secure remote access but that such access is governed by certain provisions of the Government Data Collection and Dissemination Practices Act (see § 2.2-3800 et seq.). The bill provides requirements for posting land records via secure remote access to the Internet and requires, beginning July 1, 2010, that social security numbers not be contained in such documents. Judgments, however, will contain the last four digits of a social security number for identification purposes. The clerk is given the authority to reject documents that contain social security numbers and also is allowed to perform a global redaction of social security numbers from those documents filed before the 2010 deadline. The bill also allows the use of the Technology Trust Fund to pay for redaction. The bill clarifies that the clerk is to charge \$0.50 per electronic image for transmitting "papers or records" to go out of his office in the same manner that he charges \$0.50 per page for copying. This bill is identical to HB 2062.

Patron - Devolites Davis

SB845 Security of confidential state data. Requires the Chief Information Officer of the Commonwealth to develop policies, procedures, and standards relating to the security data maintained and used by state agencies. The policies, procedures, and standards must include requirements that a user be required to provide a password or other means of authentication to access a computer and to access a state-owned or operated computer network or database through the computer, and that a digital rights management system be used to control access to electronic records containing confidential information.

Patron - Devolites Davis

SB894 Office of the Attorney General; Department of Conservation and Recreation; representation in civil matters; special counsel for certain proceedings. Provides for the Attorney General to represent conservation officers of the Department in civil actions. The bill also provides for the Director of the Department of Conservation to employ special counsel to defend any conservation officer of the Department who is brought before any regulatory body, grand jury or investigated, arrested, indicted or prosecuted on any criminal charge arising out of any act committed in performing his official duties.

Patron - Deeds

SB938 Address Confidentiality Program; victims of domestic violence. Requires the Statewide Facilitator for Victims of Domestic Violence in the Office of the Attorney General to establish the "Address Confidentiality Program" to protect victims of domestic violence by authorizing the use of designated addresses for such victims. The bill limits its application to Arlington County with a report from the Office of the Attorney General on evaluation of the program by December 31, 2007.

Patron - Ticer

SB971 Department of Treasury; Division of Risk Management; supplement liability coverage for city and county sheriff's departments and regional jails. Provides that a sheriff's department of any city or county or a regional jail shall not be precluded from securing excess liability insurance coverage beyond the coverage provided by the Division.

Patron - Howell

SB987 Secure Commonwealth Panel; membership. Increases from 29 to 30 the membership of the Secure Commonwealth Panel by adding the Executive Secretary of the Supreme Court of Virginia and makes technical amendments.

Patron - Deeds

SB1001 Freedom of Information Act; electronic communication meetings. Reduces the notice requirement for electronic communication meetings from seven to three working days and clarifies that political subdivisions, other than units of local government, may conduct electronic communication meetings. The bill also allows an individual member of a public body to participate in a meeting through electronic communication means from a remote location that is not open to the public in the event of an emergency, temporary or permanent disability or other medical condition, or when a member of a regional public body's principal residence is more than 60 miles from the primary meeting location. For a member to participate in the above described manner, the bill requires that a quorum of the public body be physically assembled at the primary or central meeting location and that the public body make arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location. The bill defines "regional public body." The bill also contains technical amendments and is a recommendation of the Virginia Freedom of Information Advisory Council.

Patron - Houck

SB1002 Freedom of Information Act; exemptions for PPTA and PPEA projects. Allows memoranda, staff evaluations, or other records prepared by the responsible public entity, its staff, outside advisors, or consultants exclusively for the evaluation and negotiation of proposals filed under the PPTA (Public-Private Transportation Act of 1995) and PPEA (Private Education Facilities and Infrastructure Act of 2002) to be withheld from public disclosure, where if such records were made public prior to or after the execution an interim or a comprehensive agreement, the financial interest or bargaining position of the public entity would be adversely affected. The bill allows any independent review panel appointed to review PPTA proposals and advise the responsible public entity concerning such records to meet in a closed meeting. The bill also contains technical amendments and is a recommendation of the Virginia Freedom of Information Advisory Council.

Patron - Houck

SB1003 Freedom of Information Act; venue for enforcement actions. Clarifies that venue for the enforcement of FOIA rights and privileges against state public bodies, including state institutions, may be brought in general district

court or the circuit court of the residence of the aggrieved party or of the City of Richmond. The bill addresses a recent Supreme Court of Virginia case of *William F. Shaw v. John T. Casteen, et al*, where the Supreme Court upheld the trial court's decision that a FOIA action against the University of Virginia could not be brought where the aggrieved party lived. The bill contains technical amendments and is a recommendation of the Virginia Freedom of Information Advisory Council.

Patron - Houck

SB1004 Telecommuting; use of personal computers. Authorizes a state agency to allow eligible employees to use computer equipment not owned or leased by the Commonwealth to telecommute, if such use is technically and economically practical, and so long as such use meets information security standards as established by the Virginia Information Technologies Agency, or the employee receives an exception from such standards approved by the CIO of the Commonwealth or his designee.

Patron - Devolites Davis

SB1012 Administrative Process Act; Department of Planning and Budget; fiscal impact analysis. Requires the Department of Planning and Budget to include the costs of development of real estate for commercial or residential purposes in its fiscal impact analysis of proposed regulations. The bill also requires the Department to provide a copy of the economic impact analysis to the Joint Commission on Administrative Rules.

Patron - Saslaw

SB1024 Secretary of Health and Human Resources; powers. Clarifies that the Secretary of Health and Human Resources is responsible for coordinating the work of state agencies to implement the long-term care policy of the Commonwealth, including services that would ordinarily fall under another secretariat, such as transportation, commerce and trade, and education. This bill is identical to HB 2033.

Patron - Puller

SB1029 Powers of the Chief Information Officer (CIO); information security. Clarifies that policies, procedures, and standards developed for information security will apply to the Commonwealth's executive, legislative, and judicial branches, and independent agencies and institutions of higher education. The CIO shall work with representatives of the Chief Justice of the Supreme Court and Joint Rules Committee of the General Assembly to identify their needs and address the scope and frequency of security audits. The CIO will coordinate these audits with the Auditor of Public Accounts and the Joint Legislative Audit and Review Commission. The Chief Justice of the Supreme Court and the Joint Rules Committee of the General Assembly shall determine the most appropriate methods to review the protection of electronic information within their branches.

Patron - O'Brien

SB1033 Virginia Personnel Act; personnel administration; preference for veterans for employment with the Commonwealth. Provides a veteran who applies for employment with the Commonwealth a preference during the selection process. Under the bill, the Department of Human Resource Management shall develop and distribute guidelines as an addendum to the Hiring Policy for Executive Branch agencies to provide guidance to agencies to comply with the veterans' preference requirement. This bill is identical to HB 2840.

Patron - O'Brien

SB1078 Virginia Tourism Authority; powers and duties of the Executive Director. Provides that the powers conferred upon the Virginia Tourism Authority are exercised by the Executive Director with the advice and counsel of the board of directors of the Authority. The bill designates the board as an advisory board and provides that the Executive Director shall not be a member of the board.

Patron - Ruff

SB1089 Virginia Public Procurement Act; prequalification for certain transportation contracts. Removes the reference to the Commonwealth Transportation Board from the exemption from prequalification provisions for contracts let pursuant to § 33.1-12, which details the power vested in the Board.

Patron - Puckett

SB1111 Freedom of Information Act; closed meetings; security of public buildings. Adds a closed meeting exemption for the discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

Patron - Houck

SB1136 Council on Indians. Changes the membership of the Council on Indians to consist of the chiefs of the Virginia tribes officially recognized by the Commonwealth, two at large members appointed by the Governor from the Indian population residing in the state, and a member of the Governor's senior staff. The bill also authorizes the Council to establish an advisory committee consisting of members of recognized and nonrecognized Indian tribes. The bill contains technical amendments.

Patron - McDougle

SB1139 Administrative Process Act. Amends the Administrative Process Act by renumbering provisions relating to the promulgation of regulations by state agencies including public notice and participation and use of the Regulatory Town Hall throughout the process. In addition the bill clarifies the process for promulgating emergency regulations and provides for such regulations to be adopted, in certain instances, upon consultation with the Attorney General and approval of the Governor. Under the bill, the duration of an emergency regulation may be extended for up to six months beyond the initial one year effective period if approved by the Governor. The bill also (i) changes the venue for informal fact finding proceedings and formal hearings to the city or county where the administrative agency maintains its principal office or as the parties may otherwise agree, (ii) authorizes agencies using the fast track rulemaking process to provide for a public comment period of 30 days after the publication of the regulation in the Virginia Register and requires the Department of Planning and Budget to provide economic impact analysis within 30 days for such regulations, and (iii) authorizes an additional 30 days for the Department of Planning and Budget to complete fiscal impact statements under certain circumstances. The bill makes technical amendments and removes an obsolete provision. This bill is identical to HB 2537.

Patron - Wagner

SB1145 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 upon requests of owners of such businesses. The bill defines "service disabled veteran" and "service disabled veteran business."

Patron - Wagner

SB1199 Office of Intermodal Planning and Investment. Amends the name of the "Intermodal Office" to the "Office of Intermodal Planning and Investment" and provides for additional duties of the Office.

Patron - Houck

SB1202 Emergency management and preparedness; mutual aid agreements. Specifies that personnel, equipment, or supplies of the Commonwealth or a political subdivision may be used to assist another state that has declared a state of emergency upon written request of the chief executive of the other state. In addition, the bill authorizes the Governor to provide financial assistance to Virginia state agencies and political subdivisions that provide emergency aid to another state and authorizes the Metropolitan Washington Airport Authority police department to assist the National Capital Region and abutting localities and entities in the case of emergency. The bill also increases from 29 to 34 the membership of the Secure Commonwealth Panel by adding the Executive Secretary of the Supreme Court of Virginia and four members from the business or industry sector. This bill is identical to HB 2304.

Patron - Wampler

SB1209 Virginia Economic Development Partnership; Virginia Investment Performance Grants. Allows an eligible manufacturer or research and development service to begin receiving incentive payments under the Virginia Investment Performance Grants subfund in the third year instead of the fourth year. In addition, the bill allows such payments to be made in the second year instead of the third year for distressed areas.

Patron - Hanger

SB1278 Virginia Public Broadcasting Board; membership. Decreases the membership of the Virginia Public Broadcasting Board from 15 to 14 members by removing the chairman of the State Council of Higher Education. This bill is identical to HB 2153.

Patron - Whipple

SB1281 Virginia Economic Development Partnership; Virginia Economic Development Incentive Grants. Reduces the waiting period for payments under the Virginia Economic Development Incentive Grant subfund from four to three years. The bill also (i) raises the aggregate amount of grants payable in any fiscal year from \$3 million to \$6 million, (ii) raises the aggregate amounts outstanding at any time from \$15 million to \$30 million, and (iii) removes the limit on incentive grants that may be awarded in any single biennium.

Patron - Stosch

SB1282 Public records; protection of law-enforcement officers; penalty. Includes identification of the person's primary residence address in the statute prohibiting the publishing of a person's name or photograph as well as their identifying information. Also states that if any person violates the statute (§ 18.2-186.3), and he knew or had reason to know that the person he was identifying was a law-enforcement officer, then he is guilty of a Class 6 felony instead of a Class 1 misdemeanor.

Patron - Stosch

SB1332 State pool of funds for community policy and management teams. Expands the target population for receipt of state funds to include children requiring mental health services, provided that (i) the child is eligible for funding pursuant to subdivision A1 of § 2.2-5212; (ii) sufficient facts exist for a licensed mental health professional designated by the Family Assessment and Planning Team (FAPT) or by a juvenile court services intake officer to conclude that the child's behavior, conduct or condition presents or results in a serious threat to his well-being and physical safety, or, if he is under the age of 14, in a serious threat to the well-being and physical safety of another person; (iii) mental health services are required to prevent placement in foster care as determined and recommended by a licensed mental health professional designated by the FAPT; (iv) the FAPT indicates as a goal in the individualized family services plan that, absent the referenced mental health services, foster care is the planned arrangement for the child; (v) the mental health services are not covered by private insurance, and (iv) the child is not eligible for Medicaid upon initial evaluation of the listed criteria. This bill expands eligibility for state pool funds to include children requiring mental health services to avoid placement in foster care. This bill shall become effective only if reenacted by the 2008 Regular Session of the General Assembly.

Patron - Devolites Davis

SB1352 Virginia War Memorial. Requires the State Treasurer to advance a loan of \$3.5 million to the Department of General Services for the state share of the construction of an educational wing for the Virginia War Memorial in the form of a short-term treasury loan, with no interest, upon certification by the Secretary of Administration that \$2 million in private funds have been raised, are available, and will be used to support construction. This bill incorporates SB 1343.

Patron - Stosch

SB1369 Freedom of Information Act; Virginia Retirement System. Provides an exemption for the Virginia Retirement System (VRS) and a local retirement system for trade secrets provided by a private entity to the extent that the disclosure of such records would have an adverse impact on the financial interest of the VRS or local retirement system. The bill contains an emergency clause.

Patron - Bell

SB1374 Secretary of Health and Human Resources; duties. Requires the Secretary of Health and Human Resources to coordinate the disease prevention activities of agencies in the Secretariat to ensure efficient, effective delivery of health related services and financing. This bill is identical to HB 3131.

Patron - Miller

SB1400 State and Local Government Conflict of Interests Act. Provides that if the disqualification of a state or local government officer or employee who has a personal interest in a transaction leaves fewer than the number required by law to act, the remaining member or members shall constitute a quorum for the conduct of business and have authority to act for the agency by majority vote.

Patron - Colgan

SB1408 Commonwealth Competition Council; powers and duties. Requires the Commonwealth Competition Council to review the procurement process under the Public-Private Transportation and the Public-Private Education Facilities and Infrastructure Acts.

Patron - Hanger

Failed

HB1658 Purchase of real property by public bodies; survey of property required. Requires state and local public bodies whenever acquiring by purchase a fee simple interest in real property that exceeds \$100,000 to have a survey of the subject property completed prior to the purchase. Certain types of property are exempted.

Patron - Alexander

HB1697 Venture capital investments, investment return guarantees. Creates a program under which the Commonwealth makes investment return guarantees for certain investments made between January 1, 2007, and January 1, 2012, 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% 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

HB1705 Virginia National Defense Industrial Authority; employees. Clarifies that employees of the Virginia National Defense Industrial Authority are eligible to participate in the Virginia Retirement System, and in all other benefits available to classified state employees.

Patron - Lingamfelter

HB1781 Surplus materials; definition. Provides that band uniforms retained by public institutions of higher education shall not be considered "surplus materials."

Patron - Cosgrove

HB1809 Department of General Services; 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 a target of 100% of purchases being clean alternative fuel or hybrid vehicles by 2012, provided such vehicles are available commercially and have a total life-cycle cost that is comparable to similar conventional fuel passenger-type vehicles. The bill defines life-cycle cost and requires the Director of General Services to ensure that a life-cycle cost analysis is done before awarding a purchase contract.

Patron - Poisson

HB1845 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

HB1907 State Auditor. Creates the Office of State Auditor as of January 1, 2009, and provides for the election of the State Auditor for an eight-year term beginning with the November 2008 election. Repeals the provisions establishing the Auditor of Public Accounts effective January 1, 2009.

Patron - Albo

HB1917 Virginia Public Procurement Act; required disclosure of the location where services are to be performed under the contract. Requires prospective vendors for state service contracts to disclose the location where services will be performed under the contract, including any subcontracts, and whether any services under the contract, including any subcontracts, are anticipated to be performed outside of the United States. In addition, the bill provides that the state public body may consider the disclosure of the prospective vendor and the economic impact to the Commonwealth and its citizens in awarding the contract or evaluating the bid or offer. Under the bill, if the vendor subsequently changes the location where the services are performed to a location outside of the United States, then the vendor will be in breach of the contract unless the public body makes a written determination that circumstances required the change in location or termination of the contract would not be in the best interest of the Commonwealth. The bill also provides for the Department of General Services to submit to the Governor and General Assembly by September 30 of each year a report detailing the impact of outsourcing services on the procurement cost of the Commonwealth.

Patron - Ward

HB1928 Lighting standards for public buildings. Requests that the Division of Engineering and Building propagate standards for the lighting of public buildings, communications towers, and antennae to minimize adverse impacts to migratory birds.

Patron - Griffith

HB1939 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 Commonwealth for research in technology and biotechnology. No grant to a company from the Fund is to exceed \$500,000 per year. The Innovative Technology Authority shall administer this fund.

Patron - Purkey

HB1940 Designation of budget surplus for transportation. Requires one-half of any budget surplus remaining at the end of each fiscal year to be designated for deposit into the Transportation Trust Fund by the Comptroller after certain other reserves and designations have been made.

Patron - Purkey

HB2117 Community Investment Corporation Development Act. Provides for the creation of community

investment corporations as a for-profit, citizen-owned managed real estate planning and development corporation. Such corporations may (i) receive title to land, natural resources, or physical infrastructure donated by a not-for-profit organization or government entity, (ii) borrow money on behalf of its shareholders, who are the registered voters in a local or regional area, to purchase land, plan its use, and develop the land for productive purposes, and (iii) enable the citizen-shareholders to gain a definable ownership interest in local real estate, share in appreciated land values and profit from the lease and sale of real estate. The bill also creates the Community Investment Corporation Development Commission to assist state and local entities regarding the development and use of community investment corporations and the Community Investment Corporation Fund to support the development and maintenance of community investment corporations.

Patron - Marshall, R.G.

HB2136 Department of the Treasury; 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" to be used by the next session of the General Assembly to provide tax relief to Virginia taxpayers.

Patron - Cline

HB2138 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

HB2171 Governor; establishes the Secretary of Urban Affairs. Creates the position of Secretary of Urban Affairs as one of the Governor's Secretaries. The Secretary of Urban Affairs shall be responsible to the Governor for the Department of Housing and Community Development and the Virginia Housing Development Authority.

Patron - BaCote

HB2275 Virginia Nanotechnology Authority; established. Establishes the Virginia Nanotechnology Authority to promote development of nanotechnology in Virginia. The Authority will be responsible for administering a fund to be used to provide industry and institutions of higher education with discovery grants, collaboration grants, and prototype grants. The Authority will be governed by a board of directors and managed by a president at the direction of the Board. The president is responsible for creating a virtual Nanotechnology Users Network to facilitate research and development of nanotechnology at the Commonwealth's institutions of higher education.

Patron - Purkey

HB2293 Freedom of Information Act; electronic communication meetings; electronic communication meetings by local governing bodies. Allows a local governing

body, school board, or any subcommittee thereof to meet by electronic communication means provided (i) no purpose of the meeting is to take action on any matter before the governing body, school board, or subcommittee, or to otherwise transact any business of the governing body, school board, or subcommittee; (ii) the meeting is not called or prearranged with any purpose of transacting any business of the local governing body, school board, or subcommittee; and (iii) the local governing body, school board, or subcommittee otherwise complies with the electronic communication meetings law.

Patron - McClellan

HB2300 Regulation of firearms. Prohibits a state agency, council, commission, or other entity or a state institution of higher education from adopting any rules, regulations, or policies governing the purchase, possession, transfer, ownership, carrying, storage, or transporting of firearms, ammunition, or components or combinations thereof, unless expressly authorized by statute. The prohibition does not apply to state, local, and regional correctional facilities, nor is it to be construed to prohibit a law-enforcement officer from acting within the scope of his duties. Any rule, regulation, or policy adopted prior to July 1, 2007, except for those specifically authorized by statute, will be invalid.

Patron - Cole

HB2312 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.

Patron - Lingamfelter

HB2355 Modeling and Simulation Advisory Council; created. Creates the Modeling and Simulation Advisory Council to advise the Governor on policy and funding priorities for promoting the modeling and simulation industry in the Commonwealth.

Patron - Cosgrove

HB2485 Virginia Public Procurement Act; procurement of environmentally preferable products. Provides for the consideration of environmentally preferable products in the procurement of goods and services by state and local agencies. The bill defines environmentally preferable goods and services.

Patron - Bulova

HB2550 Nondiscrimination in public employment. Prohibits employment discrimination.

Patron - Ebbin

HB2553 Freedom of Information Act; electronic communication meetings by local governing bodies; declaration of local state of emergency. Allows a local governing body to meet by electronic communication means when a local state of emergency has been declared in accordance with § 44-146.21 provided (i) the meeting is necessary to take action to address the emergency, (ii) notice, reasonable under the circumstances, of the emergency meeting shall be given contemporaneously with the notice provided members of the local governing body conducting the meeting, (iii) the local governing body makes arrangements for public participation, and (iv) the local governing body otherwise complies with the requirements for electronic communication meetings.

Patron - Ebbin

HB2555 Department of General Services; Green Buildings Act. Requires all major facility projects of state agencies to be constructed to meet the United States Green Building Council Leadership in Energy and Environment Design (LEED) silver certification standard, unless granted an exemption by the Director of the Department of General Services. Such projects will not be required to obtain official LEED certification. Application of the requirement will be phased in over the next three years based on the square footage of the project. The provisions of the bill do not apply to construction projects of public school districts.

Patron - Ebbin

HB2582 Virginia Public Procurement Act; modification of contracts. Clarifies that public bodies can include contract provisions allowing contract modifications for differing conditions or price escalations or de-escalations.

Patron - Janis

HB2620 State pool of funds for community policy and management teams. Adds children requiring mental health services not otherwise covered by private insurance or Medicaid, where services are necessary to prevent placement in foster care to the target population for whom state pool funds shall be expended. Expands eligibility for state pool funds to include children requiring mental health services to avoid placement in foster care.

Patron - Fralin

HB2651 Health insurance for state employees. Removes the reference to Milliman & Robertson's nationally recognized guidelines from the Code.

Patron - Jones, S.C.

HB2656 Department of General Services; capital outlay projects; green buildings. Requires all departments, agencies, and institutions of the Commonwealth to ensure that the design and construction of state-owned buildings comply with the LEED Silver standard established by the United States Green Building Council unless an exemption is granted by the Division of Engineering and Buildings of the Department of General Services. The bill provides for an appeal process to the Division that shall include a requirement that a department, agency, or institution demonstrate that the project requirements would result in a cost that is at least 15% higher than the desired design cost if the project were built to the LEED Silver Standard. This bill was incorporated into HB 2555.

Patron - Marsden

HB2664 Department of Planning and Budget, reestimate of agency needs. Provides that within five business days after the preliminary close of the Commonwealth's accounts at the end of each fiscal year, each of the several state agencies and other agencies and undertakings receiving financial aid from the Commonwealth shall report to the Department of Planning and Budget, in a format prescribed for such purpose, an estimate of cost reductions that may be accomplished by the agency without diminution of the services or programs provided by the agency. Of the reductions so identified, 50% shall be retained by the agency for its use; the remaining 50% shall be returned to the general fund to be directed first (i) to the revenue stabilization fund created in accordance with Article X, § 8 of the Constitution of Virginia and thereafter (ii) to debt relief. Any moneys retained by an agency which have not been spent at the end of three quarters of the next fiscal year shall revert to the general fund.

Patron - Marsden

HB2731 Rights of public employees to contact public officials. Provides that nothing in the Virginia Personnel Act or Chapter 12 (§ 2.2-1200 et seq.) of Title 2.2 shall be construed to prohibit or otherwise restrict the right of any state employee to express opinions to state or local public officials or officers on matters of public concern, nor shall a state employee be subject to acts of retaliation because the employee has expressed such opinions. The bill also provides the same protections for local employees. The bill defines matters of public concern.

Patron - Englin

HB2821 Freedom of Information Act; records containing social security numbers. Exempts from the mandatory disclosure requirements of the Freedom of Information Act those portions of records containing an individual's social security number; except that access shall not be denied to the person who is the subject thereof. Any person who is the subject of any such record and who is 18 years of age or older may waive, in writing, these protections. If the protections are so waived, the public body shall open such records for inspection and copying.

Patron - Sickles

HB2826 Virginia Security and Immigration Compliance Act. Requires all public bodies and contractors who intend to contract with public bodies to register and participate in a federal work authorization program to verify information on all new employees. "Federal work authorization program" is defined as any of the electronic verification of work authorization programs operated by the United States Department of Homeland Security or any equivalent federal work authorization program operated by the United States Department of Homeland Security to verify information of newly hired employees pursuant to the Immigration Reform and Control Act of 1986. The bill also expands the current definition of extortion to include situations in which a person knowingly destroys, conceals, removes, confiscates, or possesses any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person and thereby extorts money, property, or pecuniary benefit or any note, bond, or other evidence of debt from him or any other person. This manner of extortion shall be punishable as a Class 5 felony. The bill requires that a law-enforcement officer report to the United States Immigration and Customs Enforcement Agency a person whom (i) he has arrested for a felony or for DUI and (ii) he has probable cause to believe is in the United States illegally. This bill also provides regulations for those who provide immigration assistance services. This includes all people who complete government agency forms, transcribe responses to government agency forms, translate information on government agency forms and translate responses to questions posed on the forms, secure supporting documents that may need to be submitted with government agency forms, translate documents from a foreign language into English, notarize signatures, make referrals to immigration attorneys, prepare photographs and fingerprinting, arrange for medical testing, and conduct English language and civics courses. This section does not apply to attorneys, law clerks, or those people certified to assist immigrants by the United States Board of Immigration Appeals. It also states that those providing services must clearly state in English and other languages that they are not attorneys and may not give legal advice or accept fees for legal advice. This section also regulates advertisements placed by providers of immigration services. It states that no person who provides immigration services who is not exempted under the section shall accept payment in exchange for providing legal advice, refuse to return documents supplied by, prepared on behalf of, or paid

for by the customer, represent or advertise titles or credentials, or make any false statements to induce patronage. Any person who violates any provisions of the section is guilty of a Class 2 misdemeanor for a first offense and a Class 1 misdemeanor for a second or subsequent offense committed within five years of a previous conviction under this section. Finally, the bill requires taxpayers who take a deduction on their federal income tax returns for wages paid to employees who are aliens and who have not provided documents indicating that they are legally eligible for employment in the United States to add such wages back for purposes of calculating Virginia taxable income, for taxable years beginning on or after January 1, 2008.

Patron - Gilbert

HB2876 Council on Indians. Changes the membership of the Council on Indians to consist of the chiefs of the Virginia tribes officially recognized by the Commonwealth. Currently the membership includes legislative members. The bill also (i) provides for the chair and vice-chair to be elected from the membership annually, (ii) authorizes each tribal chief to appoint a designee to serve as his representative at meetings and other activities of the Council. In addition, the bill provides that it shall be the policy of the Commonwealth to recognize the sovereignty of Virginia tribes officially recognized by the Commonwealth and to operate with such tribes on a sovereign-to-sovereign basis.

Patron - McEachin

HB2934 Requirement of lawful immigration status for state determination of legal domicile. Provides that a person who is not a citizen or legal resident of the United States, or who is without lawful immigration status, shall not be entitled to classification as a resident of the Commonwealth. For all state determinations where legal residence or legal domicile is required by Virginia law, an individual must be a U.S. citizen, or an alien lawfully present within the United States. This bill was incorporated into HB 2435.

Patron - Miller, J.H.

HB2948 State employee health plan. Requires the health insurance plan for state employees to provide coverage for intensity modulated radiation therapy of cancers and tumors 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

HB2967 State and Local Government Conflict of Interests Act; disclosure requirements for local government officers and employees. Provides that a local government officer or employee who recuses himself from participating in a transaction because of a past personal interest in the matter shall disclose the nature of his personal interest. Present law requires disclosure in the case of a recusal based on a present personal interest in the transaction.

Patron - Bell

HB2993 Attorney General; compromise and settlement of disputes. Raises the threshold amount for compromises and settlements of disputes that require approval by the Governor from \$50,000 to \$100,000.

Patron - Melvin

HB3065 Virginia Public Procurement Act; bid, payment, and performance bonds; alternate forms of security. Expands the forms of alternate bid, payment, and performance security that may be used to include a bond provided or executed by an individual surety provided that (i) the person

acting as the individual surety transacts business only through an insurance agency licensed by the Bureau of Insurance of the State Corporation Commission; (ii) the person acting as the individual surety provides an affidavit of individual surety in a form acceptable to the Department of General Services; and (iii) the person pledges certain assets in the amount equal to 100% of the contract value for the total penal amount of the performance and payment bonds or the penal amount of the bid as required by the bid bond.

Patron - Marshall, R.G.

HB3097 Freedom of Information Act (FOIA); personal information in constituent correspondence. Provides an exemption for the name, physical address, telephone number, e-mail address, social security number, and bank or other financial account information contained in correspondence to and from an individual and a member of a local governing body, school board or other local public body in which the individual is a resident, unless the correspondence relates to a public matter before such public body. The bill also provides, however, that no record, which is otherwise open to inspection under FOIA, shall be deemed exempt by virtue of the fact that it has been attached to or incorporated within any such correspondence.

Patron - Cole

HB3118 Freedom of Information Act; exemption for certain records of the Department of Game and Inland Fisheries. Grants a record exemption for personal information concerning individual applicants for or holders of any hunting, fishing, boating, or trapping license issued by an agent of the Department of Game and Inland Fisheries, including social security or other identification numbers appearing on a driver's license or other form of identification, credit card or bank account data, home address, phone number, and date of birth, provided the individual has requested in writing that the Department not release such information

Patron - Carrico

HB3139 Veterans Services Foundation. Eliminates the Veterans Services Foundation. The bill contains technical amendments.

Patron - Reid

HB3148 Compromised Data Disclosure Act. Creates the Compromised Data Disclosure Act, which requires state agencies to notify residents of Virginia when their personal information maintained by a state agency has been compromised through a breach of a security system or otherwise acquired by an unauthorized person. The bill requires the Virginia Information Technology Investment Board to establish policies and procedures to implement the provisions of the bill. The bill defines personal information.

Patron - Bulova

HB3161 Freedom of Information Act; exemption for complainant information. Provides that certain personal identifying information of a complainant with respect to an investigation of a violation of a local ordinance may be withheld. Currently, such information may only be withheld with respect to an investigation of an individual zoning enforcement complaint.

Patron - Marshall, D.W.

HB3175 Virginia-Africa Advisory Board. Creates the Virginia-Africa Advisory Board to advise the Governor on ways to improve economic and cultural links between the Commonwealth and African nations, with a focus on the areas of commerce and trade, art and education, and general govern-

ment. The bill sets out the membership, staffing, and duties of this new board.

Patron - Hall

SB760 Use of year-end general fund balance. Provides that 50% of any fiscal year-end general fund balance that is not otherwise reserved or designated shall be designated by the Comptroller for deposit into the Highway Maintenance and Operating Fund. The bill would provide that the Comptroller make such designation only after amounts have been reserved and set aside for the Revenue Stabilization Fund, the Virginia Water Quality Improvement Fund, and other required designations. The bill would require the Governor to recommend appropriations in the budget bill that would be consistent with the Comptroller's designations for nonrecurring, non-transportation expenditures and for deposits into the Highway Maintenance and Operating Fund.

Patron - Stosch

SB768 Department of Minority Business Enterprise; definition of small business. Requires a business to have both 250 or fewer employees and average annual gross receipts of \$10 million or less averaged over the previous three years to fit the definition of "small business." Currently a business must have either 250 or fewer employees or average annual gross receipts of \$10 million or less averaged over the previous three years to fit the definition.

Patron - Locke

SB796 Virginia food products. Exempts local school boards from the competitive bidding process when purchasing Virginia food products from a Virginia farmer.

Patron - Potts

SB819 Freedom of Information Act; records containing social security numbers and other personally identifying information. Exempts from the mandatory disclosure requirements of the Freedom of Information Act those portions of records containing personal information concerning an identifiable individual, including date of birth, social security number, driver's license number, bank account numbers, credit or debit card numbers, personal identification numbers, electronic identification codes, automated or electronic signatures, biometric data, or fingerprints; except that access shall not be denied to the person who is the subject thereof. Any person who is the subject of any such record and who is 18 years of age or older may waive, in writing, these protections. If the protections are so waived, the public body shall open such records for inspection and copying.

Patron - Cuccinelli

SB820 Nondiscrimination in public employment. Prohibits discrimination in state employment on the basis of pregnancy, childbirth or related medical conditions, marital status, sexual orientation, or status as a special disabled veteran or other veteran covered by the Vietnam Era Veterans Readjustment Act of 1974.

Patron - Devolites Davis

SB861 Virginia Public Procurement Act; required disclosure of the location where services are to be performed under the contract. Requires prospective vendors for state service contracts to disclose the location where services will be performed under the contract, including any subcontracts, and whether any services under the contract, including any subcontracts, are anticipated to be performed outside of the United States. In addition, the bill provides that the state public body may consider the disclosure of the prospective vendor and the economic impact to the Commonwealth and its citizens in awarding the contract or evaluating the bid or offer. Under

the bill, if the vendor subsequently changes the location where the services are performed to a location outside of the United States, then the vendor will be in breach of the contract unless the public body makes a written determination that circumstances required the change in location or termination of the contract would not be in the best interest of the Commonwealth. The bill also provides for the Department of General Services to submit to the Governor and General Assembly by September 30 of each year a report detailing the impact of outsourcing services on the procurement cost of the Commonwealth.

Patron - Reynolds

SB883 Freedom of Information Act; exemption for certain records of the Department of Game and Inland Fisheries. Grants a record exemption for personal information concerning individual applicants for or holders of any hunting, fishing, boating, or trapping license issued by an agent of the Department of Game and Inland Fisheries, including social security or other identification numbers appearing on a driver's license or other form of identification, credit card or bank account data, home address, phone number, and date of birth, provided the individual has requested in writing that the Department not release such information.

Patron - Deeds

SB908 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 select, install, and activate the technology protection measure. The bill provides an exception that 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. This bill was incorporated into SB 1393.

Patron - Obenshain

SB914 Virginia Public Building Authority; prison construction. Authorizes the Virginia Public Building Authority to issue bonds in an amount not to exceed \$99 million for the construction of a medium security prison in the Mt. Rogers Planning District.

Patron - Wampler

SB949 Virginia Commission on Incarceration and Reentry. Establishes the Virginia Commission on Incarceration and Reentry to study and make recommendations for dealing with the impact of incarceration and prisoner reentry on society and related policies of the Commonwealth. The provisions of this bill expire on July 1, 2010.

Patron - Quayle

SB1006 Commonwealth Innovations Incentive Fund. Establishes the Commonwealth Innovations Incentive Fund to provide funds to state agencies and public-private partnerships to foster productivity through process reengineering efforts and innovative approaches aimed at making state government more efficient. The Fund is administered by the Innovations Council, comprising the Secretaries of Administration, Finance, and Technology. The Chief Information Officer of the Commonwealth and the Directors of the Department of Human Resource Management and the Department of Planning and

Budget also serve on the Council as ex officio, nonvoting members.

Patron - Saslaw

SB1023 Department of General Services; Division of Engineering and Buildings; purchase of electricity generated from renewable energy sources. Requires that at least 15% of the total electricity purchased by state-owned buildings be electricity generated from renewable energy sources by 2020 pursuant to a phase-in schedule. The bill defines "renewable energy" as energy derived from sunlight, wind, falling water, sustainable biomass, energy from waste, wave motion, tides, and geothermal power and does not include energy derived from coal, oil, natural gas or nuclear power.

Patron - Whipple

SB1106 Freedom of Information Act (FOIA); personal information in constituent correspondence. Provides an exemption for the name, address, telephone number, and e-mail address contained in correspondence from a constituent to his elected representative on a local governing body or school board and such information contained in correspondence responding to the constituent. The bill provides, however, that no record, which is otherwise open to inspection under FOIA, shall be deemed exempt by virtue of the fact that it has been attached to or incorporated within any such correspondence.

Patron - Chichester

SB1193 Substance Abuse Services Council; review of state agency substance abuse treatment programs. Changes the analysis for agency-administered substance abuse treatment programs required for the Comprehensive Interagency State Plan to focus on the extent to which state agency programs employ evidence-based practices. The bill also provides for the analysis to include the amount of funding expended in the most current fiscal year available rather than the prior fiscal year. The bill incorporates SB 1251.

Patron - Reynolds

SB1251 Substance Abuse Services Council; review of state agency substance abuse treatment programs. Changes the analysis for agency-administered substance abuse treatment programs required for the Comprehensive Interagency State Plan to focus on the extent to which state agency programs employ evidence-based practices. The bill also provides for the analysis to include the amount of funding expended in the most current fiscal year available rather than the prior fiscal year.

Patron - Herring

SB1271 Freedom of Information Act; electronic communication meetings. Eliminates the requirement that a quorum of a state public body be physically assembled in one primary location in order for the public body to conduct a meeting through electronic communications means (i.e., teleconference). Instead of the quorum, the bill provides that at least two members of the public body be physically assembled at one location. The remainder of the members may teleconference.

Patron - Whipple

SB1273 Department of General Services; Green Buildings Act. Requires all major facility projects of state agencies to be constructed to meet United States Green Building Council Leadership in Energy and Environment Design (LEED) certification standards, unless granted an exemption by the Director of the Department of General Services. Such projects will not be required to obtain official LEED certification. Application of the requirement will be phased in over the next three years based on the square footage of the project. The

provisions of the bill do not apply to construction projects of public school districts.

Patron - Whipple

SB1310 Nondiscrimination in state employment. Prohibits discrimination in state employment on the basis of pregnancy, childbirth or related medical conditions, marital status, sexual orientation, or status as a special disabled veteran or other veteran covered by the Vietnam Era Veterans Readjustment Act of 1974. This bill was incorporated into SB 820.

Patron - Lucas

SB1322 Governor's budget; proposed appropriations. Requires the Governor to include in his proposed budget for each of the next 10 fiscal years a \$7 million appropriation for combined sewer overflow controls in the City of Lynchburg and the City of Richmond, \$3.5 million for each city. The funding sources for the proposed appropriation would be any surplus revenues and unreserved general fund balance, which are otherwise designated for deposit into the Virginia Water Quality Improvement Fund.

Patron - Newman

SB1343 Virginia War Memorial. Requires the State Treasurer to advance a loan of \$3.5 million to the Department of General Services for the state share of the construction of an educational wing for the Virginia War Memorial in the form of a short-term treasury loan, with no interest, upon certification by the Secretary of Administration that \$2 million in private funds have been raised, are available, and will be used to support construction. This bill was incorporated into SB 1352.

Patron - Lambert

SB1404 Freedom of Information Act; exemption for complainant information. Provides that certain personal identifying information of a complainant with respect to an investigation of a violation of a local ordinance may be withheld. Currently, such information may only be withheld with respect to an investigation of an individual zoning enforcement complaint.

Patron - Hanger

SB1406 Virginia Public Procurement Act; design-build construction; use by local governing body. Increases from \$1 million to \$5 million the amount that localities may procure under a fixed price design-build basis.

Patron - Hanger

Agriculture, Horticulture and Food

Passed

HB1823 Right to Farm Act. Adds cities and towns to certain provisions of the Right to Farm Act that currently only apply to counties.

Patron - Suit

HB1834 Virginia Equine Center Foundation. Abolishes the Virginia Equine Center Foundation located in Rockbridge County and diverts funds previously allocated to the Virginia Equine Center Foundation to the Virginia Horse Center Foundation.

Patron - Putney

HB1900 Cruelty to animals; penalty. Makes it a Class 6 felony if any person who has been convicted of violating the animal cruelty statute is convicted within five years of the prior offense of maliciously depriving a companion animal of necessary food, drink, shelter, or emergency veterinary treatment, and either the previous or current violation has resulted in the death of an animal.

Patron - Albo

HB2099 Dog license application. Delays until January 1, 2008, the requirement that the treasurer of a locality transmit a license application to the owner of an unlicensed, vaccinated dog.

Patron - Orrock

HB2296 Licensure of cats and dogs. Exempts releasing agencies from the obligations of dog and cat licensure.

Patron - McClellan

HB2714 Shooting enclosure. Increases the penalty for violating the provisions of the shooting enclosure laws from a Class 2 misdemeanor to a Class 1 misdemeanor. The bill empowers the State Veterinarian to seize and dispose of animals held in unlicensed shooting enclosures. The bill also makes it illegal for any person to knowingly provide livestock to an unlicensed shooting enclosure.

Patron - Barlow

HB2816 Weights and measures. Allows the Commissioner to establish a schedule for the examination of weights and measures by service agencies. Also requires service agencies to destroy out-of-service tags after corrective action and extends the deadline for reporting to the Commissioner from 48 hours to five days.

Patron - Sickles

SB797 Farm-to-school website. Requires the Commissioner of Agriculture and Consumer Services to establish a website to promote Virginia farm products to educational institutions.

Patron - Potts

SB1061 Local regulation of fertilizer. Prohibits localities from regulating the registration, packaging, labeling, sale, or distribution of fertilizers. Localities are also prohibited from regulating use, application, or storage except by ordinances consistent with certain state laws. Persons aggrieved by development conditions restricting fertilizer use will have the right to bring an action against the locality.

Patron - Watkins

SB1407 Crop incentive programs. Requires the Department of Agriculture and Consumer Services to develop a program to encourage the production of crops that can be used as a source of biomass for energy generation and transportation, and promote aquaculture of native species within the waters of the Chesapeake Bay.

Patron - Hanger

Failed

HB1849 Agri-tourism Incentives Act; penalty. Creates the Agri-tourism Incentives Act to allow qualified farm businesses to have restaurants and provide overnight accommodations on agriculturally zoned land under certain conditions. The Department of Agriculture and Consumer Services is tasked with administering this new program.

Patron - Saxman

HB1853 Mandatory sterilization. Requires dog and cat dealers to adhere to the same mandatory sterilization requirements as releasing agencies. New dog and cat owners who purchase from dealers shall follow the same requirements as those who adopt at releasing agencies. Exemptions are made for fancier breeders, breed improvers, and hobby breeders.

Patron - Wittman

HB1959 Licensure fee for dogs and cats. 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

HB1990 National Animal Identification System. Prohibits the Department of Agriculture and Consumer Services from supporting a mandatory National Animal Identification System, a USDA-sponsored program to register and track domestic animals and livestock. The Department of Agriculture and Consumer Services would not be prohibited from participating in discussions or attending meetings on the National Animal Identification System.

Patron - Wittman

HB2043 Labeling of crabmeat. Requires all crabmeat sold at retail to have a "sell by" or "best if used" date on the container. The bill authorizes the Commission of Agriculture and Consumer Services to assess a civil penalty of up to \$100, which is to be deposited into the Virginia Marine Products Fund.

Patron - Hamilton

HB2081 Animal cruelty. Makes it a Class 6 felony for any person to willfully and unnecessarily cause the death of a dog or cat. The bill also allows an owner of a dog or cat to use all reasonable and necessary force against another dog to protect his dog or cat, while on the owner's property, from imminent risk of injury or death from an attack by a dog. If the owner has taken such an action he is presumed to not have violated the animal cruelty statute.

Patron - Wittman

HB2098 Tethering of animals. Makes certain acts associated with the tethering of animals a Class 3 misdemeanor. The bill prohibits such actions as (i) tethering an animal that is less than six months old, except in an emergency, (ii) tethering an animal that has not been spayed or neutered, except in an emergency, and (iii) using a tether weighing more than the animal can reasonably bear. Local governments are authorized to adopt an animal tethering ordinance that can be more restrictive than the proposed statute.

Patron - Alexander

HB2100 License tax on dogs and cats. Provides a financial disincentive for dog and cat owners who have not spayed or neutered their pets by allowing localities to charge a license fee of up to \$20 for each cat or dog that has not been spayed or neutered. The local license fee for cats and dogs that have been spayed or neutered would be between \$1 and \$10, which is the current allowable license fee.

Patron - Orrock

HB2242 Tethering of dogs. Makes it a Class 3 misdemeanor to tether, fasten, chain, or tie a dog to a doghouse, tree, fence, or other stationary object. However, the bill provides a number of circumstances in which it is lawful to tether a dog. An animal control officer has the discretion to issue a correction warning to anyone who is violating the provisions of this bill unless the health or safety of the dog is endangered, the

animal has been wounded, or a correction warning has previously been issued.

Patron - Howell, A.T.

HB2295 Surcharge on licenses. Requires localities to add a \$3 surcharge to dog and cat licenses. The monies raised pursuant to the surcharge would be used by localities to fund low-cost spay and neuter services.

Patron - McClellan

HB2412 Use of gas chambers for animal euthanasia prohibited. Prohibits the use of gas chambers for animal euthanasia.

Patron - Athey

HB2663 Application of pesticides and fertilizers; penalty. Prohibits commercial providers of lawn care services from broadly applying pesticides and fertilizers onto impervious surfaces such as streets and driveways.

Patron - Marsden

HB2896 Commissioner of Agriculture and Consumer Services; century farm program. Provides that property recognized by the Commissioner of Agriculture as a century farm shall not be subject to eminent domain.

Patron - Phillips

HB2898 Licensing of dogs and cats. Delays the effective date of legislation from the 2006 Session that requires veterinarians to forward to the local treasurer vaccination information for dogs so that the local treasurer may, upon receipt of the vaccination information, bill the owners of unlicensed dogs for a pet license. The current effective date is July 1, 2007. Localities that issue licenses on the basis of a calendar year would be able to implement the provisions beginning in 2008.

Patron - Brink

HB3004 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, 2007.

Patron - Scott, J.M.

HB3091 Dealers of companion animals. Exempts the occasional breeder, buyer, and seller of companion animals from being treated as a dealer. The occasional breeder, buyer, or seller is any person who makes only occasional sales, trades, or transfers of companion animals for the enhancement or preservation of a breed, as a hobby, or for a showing or other competition and any person who sells all or part of a litter bred for the purpose of obtaining a pet, a hunting dog, or a service animal.

Patron - Wright

HB3147 Release of a cat or dog. Requires the person who is seeking to release a cat or dog to a releasing agency or animal control officer to demonstrate he is the animal's owner by presenting evidence that the animal has been inoculated or vaccinated against rabies.

Patron - Gear

HB3195 Companion animal dealer permits. Requires permits for dealers of companion animals in any locality that euthanizes healthy companion animals or funds animal control expenses through local real estate taxes.

Patron - Athey

SB917 Donation of food to charity organizations. Provides that the Board of Agriculture and Consumer Services,

in conjunction with the Board of Health, shall promulgate regulations permitting any person to donate food prepared in his private residence to any political subdivision or to any charity organization, which is exempt from taxation under 26 U.S.C. § 501 (c) (3), for distribution to needy persons. The bill likewise provides that the Board of Agriculture and Consumer Services, in conjunction with the Board of Health, shall promulgate regulations permitting any political subdivision and any charity organization, which is exempt from taxation under 26 U.S.C. § 501 (c) (3), that is engaged in a food distribution program for needy persons to distribute any food properly donated to it. In addition, the bill prohibits a locality from enacting or enforcing any general law, special act, state regulation, or local ordinance or regulation that imposes conditions or requirements inconsistent with or more stringent than the regulations promulgated by the Board. This bill contains an emergency clause and was incorporated into SB 806.

Patron - Howell

SB930 Humane investigators. Restores the humane investigator program to its pre-2003 status. In 2003, the law was amended to limit (i) the number of humane investigators to those currently serving and (ii) the number of programs to those currently in operation. The 2003 bill allowed those appointed prior to July 1, 2003, to be reappointed for three-year terms. This bill removes the limitations placed on the program by the 2003 law.

Patron - Ticer

SB951 Adoption of stray animals. Allows a person living in any political subdivision of the Commonwealth to adopt a stray animal. Currently, persons residing in the locality for which the pound is operated or in an adjacent locality can adopt an animal from a pound; however, any resident regardless of where he lives can adopt an animal if it is sterilized.

Patron - Quayle

SB1125 Donation of food to charity organizations. Provides that the Board of Agriculture and Consumer Services, in conjunction with the Board of Health, shall promulgate regulations permitting any person to donate food prepared in his private residence to any political subdivision or to any charity organization, which is exempt from taxation under 26 U.S.C. § 501 (c) (3), for distribution to needy persons. The bill likewise provides that the Board of Agriculture and Consumer Services, in conjunction with the Board of Health, shall promulgate regulations permitting any political subdivision and any charity organization, which is exempt from taxation under 26 U.S.C. § 501 (c) (3), that is engaged in a food distribution program for needy persons to distribute any food properly donated to it. In addition, the bill prohibits a locality from enacting or enforcing any general law, special act, state regulation, or local ordinance or regulation that imposes conditions or requirements inconsistent with or more stringent than the regulations promulgated by the Board. This bill contains several emergency clauses. This bill was incorporated into SB 806.

Patron - Cuccinelli

SB1190 Fighting of cocks and other animals. Makes it a Class 6 felony for any person to engage in the fighting of cocks or other animals except dogs. Under the dogfighting statute, it is currently a Class 6 felony to engage in dogfighting. The bill also makes it a Class 6 felony to possess, train, transport, or sell any animal for the purpose of fighting. The penalty for attending a cock or other animal fight is increased from a Class 3 misdemeanor to a Class 1 misdemeanor.

Patron - Reynolds

SB1345 Reporting of suspected dogfighting. Requires public employees, employees of or volunteers at pounds and shelters, and veterinarians to report to animal control or law-enforcement officers injuries to a dog when the injury is consistent with fighting of dogs. If such persons fail to make such a report they are subject to a Class 3 misdemeanor.
Patron - Lambert

Alcoholic Beverage Control Act

Passed

HB1784 Alcoholic beverage control; delivery of wine and beer; permits. Allows a brewery, winery, or farm winery located within or outside the Commonwealth that is authorized to engage in the retail sale of wine or beer, after obtaining a delivery permit from the ABC Board, to deliver wine and beer to consumers. Such privilege was removed as a result of recent federal litigation challenging the constitutionality of Virginia's ABC law. The bill contains technical amendments, including relocating the existing provisions concerning direct shipment of wine and beer (§ 4.1-112.1) to the administration of licenses portion of ABC law. This bill is identical to SB 1289.

Patron - Cosgrove

HB1815 Alcoholic beverage control; meal-assembly kitchen license. Adds a new license for meal-assembly kitchens, defined as any commercial establishment that offers to its customers, for off-premises consumption, ingredients for the preparation of meals and entrees in professional kitchen facilities located at the establishment. Under the terms of the license, a licensee is authorized to serve wine or beer on the premises of the licensee to any such bona fide customer attending either a private gathering or a special event; however, the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any such customer, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. The privileges of this license shall be limited to the premises of the meal-assembly kitchen regularly occupied and utilized as such. The bill provides for state and local license taxes.

Patron - Suit

HB1889 Alcoholic beverage control; refusal to grant and revocation or suspension of licenses. Updates the various business ownership types of applicants for an ABC license, as well as those who already are licensees of the ABC Board, in the context of conducting background checks for granting a license or revoking or suspending a license.

Patron - Albo

HB1910 Alcoholic beverage control; tastings conducted by manufacturers or wholesalers. Clarifies that the \$100 limitation on the purchase of alcoholic beverages by a manufacturer from a retail licensee for a tasting conducted by the manufacturer or wholesaler does not include taxes or gratuities. The bill caps the amount of the gratuity to 20% of the cost of the alcoholic beverages, including the tax. This bill is identical to SB 1098.

Patron - Albo

HB1980 Alcoholic beverage control; mixed beverage limited caterer's license. Creates a new mixed beverage limited caterer's license, which may be granted only to a person regularly engaged in the business of providing food and

beverages to others for service at private gatherings or at special events, not to exceed 12 gatherings or events per year. The bill authorizes the licensee to sell and serve alcoholic beverages for on-premises consumption, and the licensee must meet the required food sale ratio. The bill sets forth the state and local license taxes for this new license. The bill contains technical amendments.

Patron - Lohr

HB1984 Alcoholic beverage control; definition of public place. Amends the definition of public place for the purpose of the alcoholic beverage control laws to include a sidewalk adjoining any highway, street, or lane.

Patron - Lohr

HB2145 Alcoholic beverage control; mixed beverage licenses. Authorizes the Alcoholic Beverage Control Board to grant a mixed beverage license to any establishment located on property consisting of at least 10,000 acres and operated as a resort located in any county with a population between 19,200 and 19,500 (Primland Resort in Patrick County).

Patron - Albo

HB2450 Alcoholic beverage control; creates new wholesale wine license. Creates a new restricted wholesale wine license that authorizes the licensee to provide wholesale wine distribution services to winery and farm winery licensees, provided that no more than 3,000 cases of wine produced by a winery or farm winery licensee shall be distributed by the corporation in any one year. The bill requires the Commissioner of the Department of Agriculture and Consumer Services to form a nonprofit nonstock corporation that will hold this new license to promote, develop, and sustain markets for licensed Virginia wineries and farm wineries. The bill also allows certain licensees to deliver or ship beer or wine from one or more premises identified in the license. 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. This bill contains an emergency clause and is identical to SB 1413.

Patron - Saxman

HB2491 Alcoholic beverage control; interior advertising; civil penalty. The measure authorizes manufacturers, their authorized vendors, or beer and wine distributors to provide licensed alcoholic beverage retailers with certain alcoholic beverage point of sale advertising materials that may be displayed in the interior of licensed retail establishments. Other point of sale advertising materials having wholesale value of \$250 per item or less may be purchased and displayed by a retail license provided the advertising material is not obtained from a manufacturer, its authorized vendor, or any wholesale wine or beer licensee. The measure specifies the conditions under which advertising may be used and provides a civil penalty in the event of a violation.

Patron - Albo

HB2637 Alcoholic beverage control; mixed beverage licenses. Creates a new limited mixed beverage restaurant license that authorizes the licensee to sell and serve no more than six varieties of liqueurs, which liqueurs shall be combined with coffee or other nonalcoholic beverages for consumption in dining areas of the restaurant. Such license may be granted only to persons who operate a restaurant and in no event shall the sale of such liqueur-based drinks exceed 10% of the total annual gross sales. The bill defines liqueur and sets the state and local license taxes for this new license. The bill contains technical amendments.

Patron - Gear

HB2638 Alcoholic beverage control; mixed beverage licenses; designated areas. Clarifies that outdoor dining areas for a mixed beverage restaurant license include such areas that have more than one means of ingress and egress to an adjacent public thoroughfare.

Patron - Gear

HB3120 Alcoholic beverage control; farm wineries. Provides that no county, city, or town shall adopt an ordinance or resolution that prohibits or regulates the storage, warehousing, or wholesaling of wine by a licensed farm winery, so long as it is done in accordance with state and federal law and ABC regulations.

Patron - Albo

SB807 Alcoholic beverage control; operation of government stores by agents of the Alcoholic Beverage Control Board. Provides that the ABC Board may 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 if such licensee is a duly organized nonprofit association holding title to real property, together with improvements thereon, that are significant in American history, under a charter from the Commonwealth to preserve such property, and which association accepts no federal, state, or local funds. Such agents must sell the spirits in accordance with ABC law, Board regulations, and the terms of the agency agreement between the Board and the distiller.

Patron - Puller

SB984 Alcoholic beverage control; internet wine retailer license. Creates the internet wine retailer license and specifies the privileges of this license and the applicable state license tax. The bill defines an internet wine retailer as a person who owns or operates an establishment with adequate inventory, shelving, and storage facilities, where in consideration of payment, internet or telephone orders are taken and wine is shipped directly to consumers and which establishment is not a retail store open to the public.

Patron - Edwards

SB1098 Alcoholic beverage control; tastings conducted by manufacturers or wholesalers. Clarifies that the \$100 limitation on the purchase of alcoholic beverages by a manufacturer from a retail licensee for a tasting conducted by the manufacturer or wholesaler does not include taxes or gratuities. The bill caps the amount of the gratuity to 20% of the cost of the alcoholic beverages, including the tax. The bill is identical to HB 1910.

Patron - Williams

SB1149 Alcoholic beverage control; government stores; sale of mixers. Authorizes the Alcoholic Beverage Control Board to sell products used in connection with distilled spirits, including any garnish or garnishment applied to the rim of a glass of distilled spirits, as may be approved by the ABC Board from time to time at government stores. The bill contains technical amendments.

Patron - Wagner

SB1289 Alcoholic beverage control; delivery of wine and beer; permits. Allows a brewery, winery, or farm winery located within or outside the Commonwealth that is authorized to engage in the retail sale of wine or beer, after obtaining a delivery permit from the ABC Board, to deliver wine and beer to consumers. Such privilege was removed as a result of recent federal litigation challenging the constitutionality of Virginia's ABC law. The bill contains technical amend-

ments, including relocating the existing provisions concerning direct shipment of wine and beer (§ 4.1-112.1) to the administration of licenses portion of ABC law. This bill is identical to HB 1784.

Patron - Watkins

SB1371 Alcoholic beverage control; operation of government stores; preference for small farm wineries. Provides that with respect to the sale of wine produced by farm wineries in government stores, the Alcoholic Beverage Control Board may give preference to farm wineries that produce 2,500 cases or less of wine per year.

Patron - Bell

SB1413 Alcoholic beverage control; wholesale wine license. Creates a new restricted wholesale wine license that authorizes the licensee to provide wholesale wine distribution services to winery and farm winery licensees, provided that no more than 3,000 cases of wine produced by a winery or farm winery licensee shall be distributed by the corporation in any one year. The bill requires the Commissioner of the Department of Agriculture and Consumer Services to form a nonprofit nonstock corporation that will hold this new license to promote, develop, and sustain markets for licensed Virginia wineries and farm wineries. The bill also allows certain licensees to deliver or ship beer or wine from one or more premises identified in the license. 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. This bill contains an emergency clause, incorporates SB 1164, and is identical to HB 2450.

Patron - Hanger

Failed

HB1829 Alcoholic beverage control; small wine producer distribution license. Creates a new small producer distribution license that authorizes the licensee to sell and deliver 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. 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 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 and distributes no more than 10,000 cases of wine during any calendar year. 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. This bill was incorporated into HB 2450.

Patron - Putney

HB1887 Alcoholic beverage control; unlawful purchase or possession of alcoholic beverages; deferred proceedings. Provides that in the event of a violation for underage consumption, purchase or possession of alcoholic beverages where the court defers further proceedings and

places the accused on probation subject to conditions, one of the conditions must be suspension of the accused's driver's license. A restricted license may be issued.

Patron - Albo

HB2116 Alcoholic beverage control; meal-assembly kitchen license. Adds a new license for meal-assembly kitchens, defined as any commercial establishment that offers to its customers, for off-premises consumption, ingredients for the preparation of meals and entrees in professional kitchen facilities located at the establishment. Under the terms of the license, a licensee is authorized to permit the consumption of lawfully acquired wine or beer on the premises of the licensee by any bona fide customer of the licensee and to serve wine or beer on the premises of the licensee to any such bona fide customer; however, the licensee shall not give more than two five-ounce glasses of wine or one 12-ounce glass of beer to any such customer, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. The privileges of this license shall be limited to the premises of the meal-assembly kitchen regularly occupied and utilized as such. The bill provides for state and local license taxes.

Patron - Hugo

HB2860 Penalty for providing alcohol to an underage person. Provides that any person found guilty of providing alcohol to an underage person shall have his license to operate a motor vehicle suspended for a mandatory minimum period of six months. Currently, there is no mandatory suspension, and the suspension period is capped at one year. The one year cap is removed in the bill.

Patron - Moran

HB3154 Alcoholic beverage control; operation of government stores. Requires the Alcoholic Beverage Control Board to establish a system of preferences in its purchases of farm winery wines so that all such purchases are made from farm wineries that are certified by the Virginia Wine Board to have an average annual production for the two years preceding such purchase of 2,500 cases or less.

Patron - Armstrong

HB3158 Alcoholic beverage control; issuance of mixed beverage license. Authorizes the Alcoholic Beverage Control Board to grant a mixed beverage license to an establishment in any county with a population of between 33,000 and 33,200 (Smyth County), which property is part of a commercial development project encompassing approximately 78.5 acres located approximately 1,200 feet from Exit 47 on Interstate 81.

Patron - Nutter

SB762 Alcoholic beverage control; meal-assembly kitchen license. Adds a new license for meal-assembly kitchens, defined as any commercial establishment that offers to its customers, for off-premises consumption, ingredients for the preparation of meals and entrees in professional kitchen facilities located at the establishment. Under the terms of the license, a licensee is authorized to permit the consumption of lawfully acquired wine or beer on the premises of the licensee by any bona fide customer of the licensee and to serve wine or beer on the premises of the licensee to any such bona fide customer; however, the licensee shall not give more than two five-ounce glasses of wine or one 12-ounce glass of beer to any such customer, nor shall it sell or otherwise charge a fee to any such customer for the wine or beer served or consumed. The privileges of this license shall be limited to the premises of the meal-assembly kitchen regularly occupied and utilized as such. The bill provides for state and local license taxes.

Patron - Cuccinelli

SB910 Alcoholic beverage control; definition of public place. Includes in the definition of public place any sidewalk adjoining highways, streets, or lanes.

Patron - Obenshain

SB1062 Alcoholic beverage control; nonresident winery distributor license. Creates a new nonresident winery distributor license that authorizes the licensee to sell and deliver the wine produced by the licensee, in accordance with ABC 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 provides that, for purposes of § 4.1-234 and Chapter 6 (§ 58.1-600 et seq.) of Title 58.1, each delivery 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 "nonresident winery distributor" as any winery located outside the Commonwealth and licensed as such in the state where the winery is located and whose total wine distribution to all Virginia licensees does not exceed 3,000 cases in any calendar year. The bill also grants these same privileges to certain winery and farm winery licensees. The bill also requires the ABC Board to quarterly audit and inspect all licensees with the privilege of self-distribution to ensure they meet the requirements for the license. 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 - Watkins

SB1164 Alcoholic beverage control; small wine producer distributor license. Creates a new small producer distributor license that authorizes the licensee to sell and deliver 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. 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 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 produces no more than 2,500 cases of wine during any calendar year. The bill also grants these same privileges to certain winery and farm winery licensees under the same production restrictions. 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. This bill was incorporated into SB 1413.

Patron - Bell

SB1253 Alcoholic beverage control; equine sporting event licenses. Clarifies that for equine sporting event licenses, the licensee may own or operate the premises where the equine event is held. The bill contains an emergency clause.

Patron - Herring

Aviation

Passed

HB2616 Private-use airports. Provides that private-use airports required to be licensed by virtue of being within five miles of a licensed public-use airport shall not be required to provide proof of financial responsibility.

Patron - May

HB2617 Proof of financial responsibility with respect to aircraft. Allows proof of financial responsibility with respect to aircraft through delivery to the Department of Aviation of an irrevocable letter of credit in the amount of \$250,000.

Patron - May

Banking and Finance

Passed

HB1657 Banks; financial activities. Prohibits a bank from establishing or maintaining a branch in Virginia on the premises or property of an affiliate if the affiliate engages in commercial activities, which are defined as activities in which a bank holding company, a financial holding company, a national bank, or a national bank financial subsidiary may not engage under federal law. The measure repeals provisions regarding the commercial activities of industrial loan associations and industrial loan companies. The measure will be effective upon passage.

Patron - Kilgore

SB745 CRESPA; settlement agents; convicted felons. Prohibits any person who has been convicted of a felony, unless he has had his civil liberties restored, been pardoned, or granted a writ of actual innocence, from acting as a settlement agent under the Consumer Real Estate Settlement Protection Act. Persons convicted of a felony involving fraud, deceit or misrepresentation are also prohibited from working for settlement agents in a capacity involving the receipt or disbursement of funds from real estate settlements.

Patron - Williams

Failed

HB1621 Payday Loan Act. Requires the State Corporation Commission, on or before July 1, 2008, 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. Lenders are prohibited from making a payday loan unless they have obtained information from the database, or other permitted verification source, that the borrower does not have three or more outstanding payday loans and has not terminated a payday loan within 48 hours. The measure also (i) prohibits a payday lender from making a payday loan to a borrower if the borrower has three or more other payday loans outstanding or within 48 hours following the borrower's termination of a payday loan; (ii) prohibits a lender from instituting collection proceedings against a borrower until 60 days after the date of default; (iii) prohibits a lender from engaging in any unfair, misleading, deceptive, or fraudulent acts or practices in the making or collecting of a payday loan; (iv) requires a lender, when collecting or attempt-

ing 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; (v) authorizes the Commission to impose a penalty on a person who violates any regulation promulgated by the Commission pursuant to the Payday Loan Act or other law or regulation applicable to the conduct of the lender's business; and (vi) provides that any provision of a written loan agreement that violates the Payday Loan Act is unenforceable against the borrower. This bill was incorporated into HB 2563.

Patron - Oder

HB1684 Payday Loan Act. Repeals the Payday Loan Act effective July 1, 2009.

Patron - McClellan

HB1799 Payday lending charges. Establishes a maximum annual interest rate for payday loans of 36%. Currently, payday lenders may charge a fee of 15% of the loan proceeds advanced, and as a result the annual percentage rate of interest charged depends on the term of the loan. This bill was incorporated into HB 2563.

Patron - Cosgrove

HB1813 Payday Loan Act. Requires the State Corporation Commission, on or before July 1, 2008, 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. Lenders are prohibited from making a payday loan unless they have obtained information from the database, or other permitted verification source, that the borrower does not have two or more outstanding payday loans from one or more lenders. The maximum fee that may be charged in a payday loan is reduced from 15% to 7.5% of the amount advanced. This bill was incorporated into HB 2563.

Patron - Dance

HB1955 Payday Loan Act. Requires the State Corporation Commission, on or before July 1, 2008, 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. Lenders are prohibited from making a payday loan unless they have obtained information from the database, or other permitted verification source, that the borrower does not have any outstanding payday loans and has not terminated a payday loan within 48 hours. The maximum fee that may be charged in a payday loan is reduced from 15% to 10% of the amount advanced. The measure also (i) prohibits a payday lender from making a payday loan to a borrower if the borrower has a payday loan outstanding or has terminated a payday loan within the preceding 48 hours; (ii) prohibits a lender from instituting collection proceedings against a borrower until 60 days after the date of default; (iii) prohibits a lender from engaging in any unfair, misleading, deceptive, or fraudulent acts or practices in the making or collecting of a payday loan; (iv) 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; (v) authorizes the Commission to impose a penalty on a person who violates any regulation promulgated by the Commission pursuant to the Payday Loan Act or other law or regulation applicable to the conduct of the lender's business; (vi) provides that any provision of a written loan agreement that violates the Payday Loan Act is unenforceable against the borrower; and (vii) prohibits making payday loans to members of the military or their spouses. This bill was incorporated into HB 2563.

Patron - Morgan

HB1956 Motor vehicle title loans. Caps at 36% per year the rate of interest that may be charged on loans secured by a motor vehicle title.

Patron - Morgan

HB2000 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. The measure will become effective October 1, 2007.

Patron - Kilgore

HB2002 Bank account balances of deceased persons. Increases the amount in a deceased person's bank account that the bank may distribute to the person's spouse or distributee, after 60 days following the person's death, if there has been no qualification on the person's estate, from \$15,000 to the amount established as the value of personal probate estates for which certain actions are authorized under the Virginia Small Estate Act, which amount is currently \$50,000.

Patron - Kilgore

HB2112 Access to safe-deposit boxes. Requires a safe-deposit company or bank to permit the spouse or next of kin of a deceased lessee of a safe-deposit box, or a court clerk or other interested person, to have access to the decedent's safe deposit box for the limited purpose of looking for a will or other testamentary instrument. Currently, the safe-deposit company or bank may, but is not required, to allow such persons access to the lessee's safe-deposit box.

Patron - Carrico

HB2159 Payday Loan Act. Repeals the Payday Loan Act effective July 1, 2008.

Patron - O'Bannon

HB2243 Payday Loan Act. Repeals the Payday Loan Act.

Patron - Howell, A.T.

HB2563 Payday Loan Act. Requires the State Corporation Commission, by July 1, 2008, to certify and contract with one or more third parties to develop, implement, and maintain an Internet-accessible database, and requires payday lenders to query the database prior to making any loan to determine whether an applicant is eligible for the loan. Fifty cents may be charged to defray the costs of using the database. A payday lender is prohibited from making a payday loan to a person who has terminated a payday loan on the loan application date, or if the loan would cause the borrower to have more than three payday loans outstanding at the same time. Payday lenders are prohibited from knowingly making loans to a member of the military service or to the spouse of such person. If a borrower obtains three or more consecutive payday loans, the borrower may enter into an extended payment plan, which allows the borrower to repay the loan in at least two equal installments over 60 days. The installments may be secured by three checks written by the borrower. Other provisions (i) prohibit a lender from engaging in any unfair, misleading, deceptive, or fraudulent acts or practices in the making or collecting of a payday loan; (ii) require 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 certain restrictions and prohibitions contained in the Fair Debt Collection Practices Act; (iii) provide that any provision of a written loan agreement that violates the Payday Loan Act is unenforceable against the borrower; (iv) state that the provisions of the Payday Loan Act apply to Internet lenders; and (vi) allow licensees to secure payday loans with the borrower's electronic debit authorization. This bill incorporates HB 1621, HB 1799, HB 1813, and HB 1955.

Patron - Ware, R.L.

HB2819 Payday loans; notice of alternative lenders. Requires licensed payday lenders to place a signboard at each licensed payday lending location on which not-for-profit charitable organizations that are willing to make unsecured loans of up to \$500 may post a notice advising persons about their alternative to payday loans. In addition, licensed payday lenders are required to allow financial institutions to place brochures or pamphlets regarding alternative loan programs within payday lending locations.

Patron - Sickles

HB3104 Loans to members of the armed services. Prohibits creditors from making consumer loans to active duty members of the armed services or their dependents at an interest rate that exceeds an annual percentage rate of 36%. The measure prohibits certain other practices with respect to consumer loans to covered service members and their dependents, including making a loan without reasonable grounds for believing that the service member has the ability to repay the loan, securing the loan with a personal check held for future deposit or electronic access to a bank account, and securing a nonpurchase money loan with a lien on the title to a motor vehicle.

Patron - Nutter

SB989 Mortgage loan servicing; penalties. Prohibits servicers of mortgage loans from taking certain actions pertaining to the servicing of such loans, including failing to apply payments to the loan and taking actions for the primary purpose of creating a default under the terms of a mortgage loan. The Bureau of Financial Institutions of the State Corporation Commission is given authority to investigate and enforce the provisions under the Mortgage Lender and Broker Act; although mortgage servicers are not required to obtain licenses under that Act.

Patron - Deeds

SB1014 Payday Loan Act. Requires the State Corporation Commission, by July 1, 2008, to certify and contract with one or more third parties to develop, implement, and maintain an Internet-accessible database, and requires payday lenders to query the database prior to making any loan to determine whether an applicant is eligible for the loan. Fifty cents may be charged to defray the costs of using the database. A payday lender is prohibited from making a payday loan to a person who has terminated a payday loan on the loan application date, or if the loan would cause the borrower to have more than three payday loans outstanding at the same time. Payday lenders are prohibited from knowingly making loans to a member of the military service or to the spouse of such person. If a borrower obtains three or more consecutive payday loans, the borrower may enter into an extended payment plan, which allows the borrower to repay the loan in at least two equal installments over 60 days. However, if a borrower has entered into two or more extended payment plans within the preceding 12 months, then the borrower may enter into an extended payment plan with the lender, regardless of whether it is his third consecutive loan. The installments may be secured by three

checks written by the borrower. A payday loan may not be made to a borrower in an extended payment plan. Lenders are required to post a signboard where certain nonprofit lenders may post information about alternatives to payday loans. Other provisions (i) prohibit a lender from engaging in any unfair, misleading, deceptive, or fraudulent acts or practices in the making or collecting of a payday loan; (ii) require 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 certain restrictions and prohibitions contained in the Fair Debt Collection Practices Act; (iii) provide that any provision of a written loan agreement that violates the Payday Loan Act is unenforceable against the borrower; (iv) state that the provisions of the Payday Loan Act apply to Internet lenders; and (v) allow licensees to secure payday loans with the borrower's electronic debit authorization.

Patron - Saslaw

FSB1109 Banks; financial activities. Prohibits a bank from establishing or maintaining a branch in Virginia on the premises or property of an affiliate if the affiliate engages in commercial activities, which are defined as activities in which a bank holding company, a financial holding company, a national bank, or a national bank financial subsidiary may not engage under federal law. The measure repeals provisions regarding the commercial activities of industrial loan associations and industrial loan companies. The measure will be effective upon passage.

Patron - Wampler

FSB1320 Payday Loan Act. Repeals the Payday Loan Act.

Patron - Locke

FSB1326 Payday Loan Act. Repeals the Payday Loan Act effective January 1, 2009.

Patron - Stosch

Civil Remedies and Procedure

Passed

HB1723 "Year 2000" references. Repeals civil liability and damage provisions that were enacted in 1999 in anticipation of "Year 2000" conversion problems.

Patron - Peace

HB1735 Nonsuits; notice required. Provides that in addition to the first nonsuit that may be taken as a matter of right, the court may allow additional nonsuits in a cause of action upon reasonable notice to counsel of record for all defendants and upon a reasonable attempt to notify any unrepresented party. Currently, there is no requirement that such notice be provided if a court chooses to allow additional nonsuits. The bill also provides that, when suffering a nonsuit, the party shall inform the court if the cause of action has been previously nonsuited. A court order allowing an additional nonsuit shall indicate the number and dates of any previous nonsuits as well as the court in which any previous nonsuit was taken. As introduced, this was a recommendation of the Boyd-Graves Conference. This bill is identical to SB 911.

Patron - Fralin

HB1787 Civil immunity; recycling duties. Provides civil immunity for public officials and private volunteers from a lawsuit by probationers who are assigned recycling duties at

landfills, garbage transfer sites, and other public waste disposal systems.

Patron - Kilgore

HB1797 Effect of covenant not to sue. Applies § 8.01-35.1 (effect of release or covenant not to sue) to all injuries to persons or property or wrongful death and removes the limiting tort language.

Patron - Griffith

HB1840 Lead-based paint report; tenant. Requires a landlord or property owner to notify the tenant in writing that the full lead-based report is available upon request.

Patron - Kilgore

HB1899 Legal notices or publications; newspapers. Provides that a newspaper that does not have a second-class mailing permit does not need to have a bona fide list of paying subscribers before the circuit court for the jurisdiction in which the newspaper is located can grant the authority for the newspaper to publish ordinances, resolutions, notices, or advertisements required by law to be published in a newspaper. Currently, such newspapers are required to have a bona fide list of paying subscribers before such authority can be granted. This bill is identical to SB 970.

Patron - Albo

HB1922 Change of venue by court; who may bring motion. Allows any party to move the court for a change of venue and any party to oppose such motion. Also states that the standard of good cause shown for such motion shall include an attempt to comply with the laws of another state or the United States.

Patron - Griffith

HB2415 Certification of expert witnesses; service of process; medical malpractice. Clarifies that when the plaintiff requests service of process or requests the defendant to accept service of process, he is certifying that he has obtained an expert opinion that the defendant deviated from the applicable standard of care. The certifying expert's identity or qualifications shall not be discoverable.

Patron - Athey

HB2419 Civil remedies; subpoena served upon judicial officer. Provides that any subpoena that is served less than five calendar days before appearance is required has no legal force or effect, unless it was issued by a judge, when it is served upon any judicial officer, including judges, court clerks, magistrates, or other persons having the power to issue warrants, who is generally incompetent to testify.

Patron - Kilgore

HB2425 Right to remove case to circuit court eliminated. Eliminates the right to remove an action from the general district court to the circuit court. An appeal bond is required to be posted within 30 days of judgment except for an appeal of an unlawful detainer.

Patron - Griffith

HB2521 Discontinuance for failure to serve process. Provides that a court may order that an action be discontinued if process has not been served within one year. The clerk of the court shall give notice to the plaintiff 30 days before ordering the discontinuance to provide him an opportunity to show that service was timely effected or that due diligence was exercised to have service timely effected. If such a showing is made, the case will remain on the court's docket. This bill shall not apply to asbestos litigation.

Patron - Iaquinto

HB2528 Garnishment; child support payments. Provides that child support payments received by a parent for the support of a child in his custody are not subject to garnishment. This bill does not affect the ability to garnish the income of a child support obligor. A depository wherein child support payments have been deposited has no obligation to determine what portion of the deposits are subject to garnishment.

Patron - Iaquinto

HB2647 Civil remedies; persons under disability; incarcerated persons. Provides that a person for whom a committee is appointed is not deprived of the capacity to make a will and, unless and until a committee is appointed, shall continue to have the same capacity, rights, powers, and authority over his estate, affairs, and property that he had prior to such conviction and sentencing.

Patron - Jones, S.C.

HB2659 Writ to recover property; posting on door. Allows the sheriff, in cases of unlawful entry and detainer and of ejection, to post a copy of a writ of judgment to recover specific property on a party's door to effectuate service of process.

Patron - Marsden

HB3090 Privileged communications; physician peer review and physician accreditation entities. Clarifies that privilege attaches to the proceedings, minutes, records, and reports of a quality assurance, quality of care, or peer review committee of a national or state physician peer review entity or physician accreditation entity.

Patron - Albo

HB3127 Civil remedies; when personal jurisdiction over person may be exercised. Grants personal jurisdiction over a nonresident in all cases in which a local tax, fine, penalty, interest, or similar charge is owed by the nonresident. Currently, the "long-arm" statute establishes jurisdiction over a nonresident who has incurred a tangible personal property tax liability.

Patron - Kilgore

HB3184 Spaceflight Liability and Immunity Act; corporate tax exemptions for spaceflight entities. Grants immunity to spaceflight entities providing spaceflight activities to any participant in a suborbital flight. Spaceflight entities are required to distribute warning statements to all participants notifying them of their immunity from civil suit. The Act does not provide immunity from gross negligence, situations where the spaceflight entity has actual knowledge of a dangerous condition, or intentional injuries to the participant. The bill also provides that the provisions of the Act shall expire on July 1, 2012.

Patron - Kilgore

SB911 Nonsuits; notice required. Provides that in addition to the first nonsuit that may be taken as a matter of right, the court may allow additional nonsuits in a cause of action upon reasonable notice to counsel of record for all defendants and upon a reasonable attempt to notify any unrepresented party. Currently, there is no requirement that such notice be provided if a court chooses to allow additional nonsuits. The bill also provides that, when suffering a nonsuit, the party shall inform the court if the cause of action has been previously nonsuited. A court order allowing an additional nonsuit shall indicate the number and dates of any previous nonsuits as well as the court in which any previous nonsuit was taken. As

introduced, this was a recommendation of the Boyd-Graves Conference. This bill is identical to HB 1735.

Patron - Obenshain

SB912 Contradiction of witness; extrajudicial recordings. Excepts recordings made at the time of the wrongful act or negligence from those extrajudicial statements that cannot be used to contradict a witness.

Patron - Obenshain

SB913 Notice of claim; government entity. Changes the structure of the notice of claim against the Commonwealth or a transportation district and states that when notice is challenged under the statute, the claimant must prove receipt of notice and not just that notice was mailed. Also extends the notice of claim for tort claims to counties, cities and towns.

Patron - Obenshain

SB970 Legal notices or publications; newspapers. Provides that a newspaper that does not have a second-class mailing permit does not need to have a bona fide list of paying subscribers before the circuit court for the jurisdiction in which the newspaper is located can grant the authority for the newspaper to publish ordinances, resolutions, notices, or advertisements required by law to be published in a newspaper. Currently, such newspapers are required to have a bona fide list of paying subscribers before such authority can be granted. This bill is identical to HB 1899.

Patron - Howell

SB1183 Civil actions brought by private persons benefiting Commonwealth; medical payments by Commonwealth; false claims; statute of limitations. Removes motion for judgment language and replaces it with complaint language in actions under Article 19.1 (§ 8.01-216.1 et seq.) of Chapter 3 of Title 8.01. The bill also increases the minimum (to \$5,500) and maximum (to \$11,000) amount of a civil penalty for making a false claim to or attempting to defraud the Commonwealth. The bill also states that a violator of § 8.01-216.3 shall be liable for reasonable attorney fees and costs associated with maintaining a civil action under § 8.01-216.3. Such fees and costs are to be paid to the Attorney General's Office. The bill also includes civil actions brought by the Attorney General based on a false claim made to the Commonwealth (§ 8.01-216.4) under § 8.01-216.9, the statute promulgating the procedure for maintaining such action and the statute of limitations that would apply to such action. The bill also provides that civil fraud actions brought by the Commonwealth to recover medical payments or benefits provided directly or indirectly by the Commonwealth must be brought within six years of the date on which the violation was committed, or within three years after the fraud was discovered or reasonably should have been discovered. An action cannot be brought more than 10 years after the fraud occurred regardless of when it was discovered.

Patron - Williams

SB1250 Immunity of citizens at public hearings. Provides that any citizen appearing at a public hearing before the governing body of any locality or other political subdivision, or the boards, commissions, agencies and authorities thereof, and other governing bodies of any local governmental entity shall be immune from a civil liability for a violation of § 18.2-499 (willful and malicious injury to another's reputation, trade, business, or profession), or a claim of tortious interference with an existing contract or a business or contractual expectancy, arising from a citizen's statements concerning matters properly before the governing body. This bill incorporates SB 858.

Patron - Herring

Failed

HB1663 Constitutional rights; invocation in domestic relations cases. Provides that the invocation of a constitutional right in a civil action brought under Title 20 may be used against the party invoking this right. The effect will be to revive the application of the "sword and shield" doctrine in civil actions brought under Title 20. Currently, parties in divorce cases are able to invoke their right against self-incrimination, typically in response to allegations of adultery, without an adverse inference being drawn against them.

Patron - Marshall, R.G.

HB1788 Medical records; itemized list of charges; no fee. Provides that a party can request and the facility shall produce, if available, an itemized list of charges and such facility shall not charge a copying fee. Also allows for a record to be produced as PDF file and a maximum \$10 search and handling fee.

Patron - Kilgore

HB1789 Landlord and managing agent immunity for mold claims. Provides immunity for landlords and managing agents if they are in compliance with the Virginia Residential Landlord and Tenant Act. Managing agents can be held liable for affirmative acts of negligence. Any party who pleads a defense pursuant to this immunity shall be entitled to a hearing on the merits after limited discovery and before adjudication of the underlying claim.

Patron - Kilgore

HB1902 Nonsuits; requirements of nonsuiting party. Requires the nonsuiting party to notify the court if the action has been previously nonsuited and include in the order the date of the previous nonsuit and jurisdiction it was taken in. This bill was incorporated into HB 1735.

Patron - Albo

HB2063 Admissibility of expressions of sympathy; civil actions. Provides that expressions of sympathy made by a defendant or an agent of a defendant to the plaintiff, a relative of the plaintiff, or his representative are inadmissible in any civil action as evidence of an admission of liability or of an admission against interest. Current law provides that such expressions are inadmissible only in wrongful death and medical malpractice cases.

Patron - Cox

HB2244 Unlawful detainer actions; tenant's intent to cause injury. Provides for a shorter period of time (15 days) for an initial hearing on an unlawful detainer action filed to terminate a tenancy pursuant to the Virginia Residential Landlord Tenant Act, where the plaintiff files a sworn affidavit stating (i) that the tenant has prior knowledge that he unlawfully detaining the plaintiff's property, and (ii) that the tenant is maliciously and willfully continuing the unlawful detainer intending to injure the plaintiff.

Patron - Howell, A.T.

HB2403 Expert witness certifications. Clarifies that a plaintiff in medical malpractice actions and wrongful death actions brought against a health care provider must provide an expert witness certification against each defendant in an action involving multiple defendants. The bill also provides that a defendant may request an in-camera review of the basis of the plaintiff's certification and that the court may dismiss the action with prejudice or impose sanctions against the plaintiff

if the court finds that the certification is not consistent with the requirements for such certifications.

Patron - Athey

HB2416 Exceptions to immunity of physicians; nurse practitioner or physician assistant orders test. Adds to the exceptions to physician immunity for laboratory tests the physician did not order tests that were ordered by a nurse practitioner or physician assistant with whom he or another physician in his office had established a relationship with in writing. Such physician must have been provided the results of the test and failed to provide the same to the nurse practitioner or physician assistant for the exception to apply.

Patron - Athey

HB2430 Garnishment summons; claims of exemption. Provides that the garnishee is not required to determine whether any funds held on behalf of a judgment debtor are subject to a claim of exemption. The responsibility to claim any exemption rests with the judgment debtor pursuant to § 8.01-512.4.

Patron - Albo

HB2435 Lawful immigration status in order to obtain domicile in the Commonwealth. Prevents an alien not lawfully in the United States from obtaining legal domicile in the Commonwealth.

Patron - Albo

HB2478 Wrongful Incarceration Fund; fees. Creates the Wrongful Incarceration Fund, a special nonreverting fund consisting of such moneys appropriated by the General Assembly and fees assessed against each attorney and full-time judge in the Commonwealth. Moneys in the Fund shall be available for compensation for wrongful incarceration. The annual fee shall be set by the General Assembly.

Patron - Crockett-Stark

HB2495 Notice of prior nonsuits. Provides that a party who seeks to take a nonsuit in any cause of action or claim shall inform the court concerning whether the action has been previously nonsuited and further requires that any court order granting a subsequent nonsuit must include language reflecting the date of any previous nonsuits and the courts in which they were taken. This bill also provides that a court can only allow nonsuits, in addition to the one nonsuit allowed as a matter of right in subsection B of § 8.01-380, upon giving reasonable notice to counsel of record for all defendants and upon making reasonable attempts to contact any unrepresented parties. This bill was incorporated into HB 1735.

Patron - Albo

HB2529 Use of depositions before the juvenile and domestic relations district courts. Allows any party to use a deposition of any witness if that witness is dead, greater than 100 miles from the hearing place, unable to attend due to illness, otherwise unavailable, or a judge or other person in official office. The bill mirrors the language of Virginia Supreme Court Rule 4:7.

Patron - Iaquinto

HB2589 Closely held corporations; pro se representation. Allows a closely held corporation to be represented by an officer or an employee pro se before the general district courts if the amount in controversy is \$4,500 or less. Defines closely held corporation as a corporation, the stock of which is held by no more than 10 people and has not been and is not planned to be publicly offered.

Patron - Janis

HB2685 **Accrual of right of action; product liability cases.** States that in any action based on product liability, the accrual date is either the date of the injury or the date the company or manufacturer publicizes the defect, whichever is last to occur.

Patron - Frederick

HB2958 **Tolling of limitations; civil matter arising from criminal prosecution.** Provides that the statute of limitations will not run during a criminal prosecution if the cause of action arises from events related to the criminal prosecution. Also prohibits the prosecuted party from bringing the action during the criminal proceeding.

Patron - Bell

HB2977 **Distribution of damages awarded in wrongful death action.** States that an award in a wrongful death action shall be distributed to the decedent's estate and dispersed as if it were any other asset. Currently, § 8.01-53 sets out classes of beneficiaries and allows the fact finder or court to establish eligibility.

Patron - Bell

HB3126 **Civil remedies; service on Commissioner of the Department of Motor Vehicles as agent for nonresident motor vehicle operator.** Provides specific authority for the service of process upon the DMV Commissioner when a nonresident operating a motor vehicle in the Commonwealth has violated a provision of Title 46.2 or a parallel local ordinance. Currently, this authority exists only if the nonresident is involved in an accident.

Patron - Kilgore

HB3186 **Access to firearms; civil liability.** Establishes a cause of action against a person who leaves an unsecured firearm where it is accessible by persons who suffer from mental illness or mental retardation or who are prohibited by law from possessing a firearm and if such a person then uses the firearm to threaten, injure, or kill another party. Liability only attaches if it is shown that the liable party knew or reasonably should have known about the condition of the persons having access to the firearm.

Patron - Sickles

HB3194 **Civil immunity; persons speaking at certain public hearings.** Provides that any person appearing at a public hearing called by the governing body of a locality or political subdivision, or an agency, authority, board, commission, or other governmental entity shall not be liable for any civil damages for a claim for violation of § 18.2-499 (conspiracy to injure another in trade, business, or profession), for a claim for tortious interference with a business or contractual expectancy, or for statements made in bad faith or with malicious intent resulting from the exercise of his right to speak on matters before a governing body.

Patron - Ware, R.L.

HB3204 **Opinion testimony by experts; hearsay exception.** Opinion testimony by experts.

Patron - Armstrong

HB3209 **Fees for copies of records; no charge for copy of bills.** States that no patient, patient's attorney, patient's executor or administrator, or an authorized insurer shall be charged a fee for copies of health care provider bills.

Patron - Griffith

SB858 **Strategic lawsuits against public participation; summary dismissal.** Provides that in cases where the

right to petition under the Virginia or United States Constitution is invoked as a defense, counterclaim, or cross-claim, a lawsuit brought maliciously and with the intent to harass the party invoking the right to petition may be subject to dismissal. Courts are also given the authority to impose sanctions on the parties bringing such lawsuits. This bill was incorporated into SB 1250.

Patron - Reynolds

SB1009 **Civil actions; docketing for trial.** Provides that civil actions, except requests for default judgments and determination of damages in such cases and domestic relations cases brought under Chapter 11 of Title 16.1 or under Title 20, cannot be set for trial for at least six months after service of process is made on all defendants unless the parties to the action agree otherwise or good cause is shown that the trial should proceed at an earlier date.

Patron - Saslaw

SB1070 **Garnishment summons; claims of exemption.** Provides that the garnishee is not required to determine whether any funds held on behalf of a judgment debtor are subject to a claim of exemption. The responsibility to claim any exemption rests with the judgment debtor pursuant to § 8.01-512.4.

Patron - McDougale

SB1126 **Property damage or personal injury; parental liability.** Establishes that parents have a duty to exercise reasonable care so as to control their child and, if this duty is not fulfilled, parents may be held liable to the full extent of property damage or personal injury caused through the actions of the child. Current law caps parental liability at \$2,500 for damage to public or private property.

Patron - Norment

SB1198 **Commonwealth's lien for payment of medical services; reduction.** Provides that in the event that the Commonwealth's lien against any recovery from a third party obtained by an injured person whose medical costs were paid in whole or in part by the Commonwealth is compromised under § 2.2-514, this lien shall be reduced by an amount proportionate to the costs, expenses, and attorney fees incurred by the injured person.

Patron - Edwards

Commonwealth Public Safety

Passed

HB1923 **Sex offender registry; not guilty by reason of insanity.** Provides that defendants found not guilty by reason of insanity or in the custody of the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services, or on conditional release because of a finding of not guilty by reason of insanity on or after July 1, 2007, for an offense requiring registration in the Sex Offender and Crimes Against Minors Registry must register.

Patron - Griffith

HB2356 **Office of the State Fire Marshal.** Transfers the enforcement of the Statewide Fire Prevention Code from the Department of Housing and Community Development to the Department of Fire Programs under the Fire Services Board. The bill also provides for the State Fire Marshal to be employed by the Executive Director of the Department of Fire

Programs rather than by the Director of Housing and Community Development. The bill is identical to SB 1132.

Patron - Cosgrove

HB3117 Criminal Justice Services Board; Committee on Training. Adds the active-duty law-enforcement officer representing police and fraternal organizations on the Criminal Justice Services Board to the Board's Committee on Training. This increases the membership on the Committee on Training from 13 to 14 members.

Patron - Miller, P.J.

HB3208 Department of Criminal Justice Services; bail bondsmen. Adds a definition of agent as a person licensed as a bail bondsman who has been given a power of attorney to act on behalf of a licensed property bail bondsman. The bill also provides that a property bail bondsman shall not enter into any bond if the aggregate of the penalty of such bond and all other bonds, on which he has not been released from liability, is in excess of four times the true market value of the equity in his real estate, cash, or certificates of deposit issued by a federally insured institution, or any combination thereof.

Patron - Ware, O.

SB896 Law Enforcement Procedural Guarantee Act. Adds law-enforcement officers employed by the Department of Conservation and Recreation to the list of those officers covered by the Law Enforcement Procedural Guarantee Act.

Patron - Deeds

SB1065 Sex Offender Registry; penalties. Clarifies that a person convicted of attempt or conspiracy to commit a registerable offense must register. The bill makes a first offense (currently a second offense) of production, publication, sale, possession with intent to distribute, and financing of sexually explicit visual material involving children a sexually violent offense. Federal convictions for sex trafficking are added as sexually violent offenses. Persons required to register will have to provide palm prints and vehicle registration information for any vehicle they own. Failure to reregister in person within three days following any change in vehicle registration information will be a Class 6 felony. Persons who do not have a continuing duty to register for life must petition the court in order to be relieved of the duty to register. In addition to the current requirement that a petition may not be filed for 10 years after initial registration or a conviction for failure to register, the bill adds that a person may not file a petition for 10 years after conviction of any felony, and that a petition may not be filed until all court-ordered treatment, counseling, and restitution is completed. The court must obtain a copy of the petitioner's complete criminal history and registration history and the Commonwealth must be made a party to the action.

Patron - McDougle

SB1090 Virginia State Firefighters' Association; establishment. Clarifies that the Virginia State Firemen's Association, which was created as a body corporate and politic in 1896, is currently known as the Virginia State Firefighter's Association and that the organization in its current form should continue as a body corporate and politic. The bill also sets forth the purpose of the Association and its powers.

Patron - Puckett

SB1132 Office of the State Fire Marshal. Transfers the enforcement of the Statewide Fire Prevention Code from the Department of Housing and Community Development to the Department of Fire Programs under the Fire Services Board. The bill also provides for the State Fire Marshall to be employed by the Director of the Department of Fire Programs

rather than the Director of the Department of Housing and Community Development. Under the bill, the promulgation of the Statewide Fire Prevention Code remains with the Board for Housing and Community Development. The bill has a delayed effective date of July 1, 2008. This bill is identical to HB 2356.

Patron - Deeds

SB1298 Criminal history; reporting. Provides that a criminal justice agency is not required to collect, maintain or update criminal history record information, as defined in § 9.1-101, when such information is already available and readily accessible from another criminal justice agency, except where the criminal justice agency already has a statutory duty to collect, maintain or update such information.

Patron - Newman

Failed

HB1644 Line of Duty Act; definition of deceased person; fire company personnel of the Virginia National Guard and the Virginia Air National Guard. Includes under the coverage of the Line of Duty Act individuals employed as fire company personnel for the Virginia Air National Guard or the Virginia National Guard's Fort Pickett Reserve.

Patron - Wright

HB2006 Line of Duty Act; definition of disabled person. Provides that local employees identified in the definition of deceased person are included in the definition of disabled person when such employees were disabled on or after January 1, 1966.

Patron - Callahan

HB2008 Line of Duty Act; Line of Duty Disability Fund. 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.

Patron - Callahan

HB2107 Sex offender registry. Requires that persons convicted of the following crimes must register: carnal knowledge of an inmate, infected sexual battery, peeping or spying into dwelling or enclosure, fornication, lewd and lascivious cohabitation, being a prostitute, keeping a bawdy place, aiding prostitution or illicit sexual intercourse, using vehicles to promote prostitution or illegal sexual intercourse, taking or detaining a person for prostitution, receiving money for procuring a person for prostitution, receiving money from earnings of a prostitute, adultery, placing or leaving wife for prostitution, loitering or residing near a school or day care center after having been convicted of certain crimes, working or volunteering at a school or day care after having been convicted of certain crimes, person 18 or older engaging in consensual intercourse with a child 15 or older, employing or permitting a minor to assist in obscenity offense, conviction of an obscenity or pornography offense, indecent exposure, public masturbation, third misdemeanor sexually related conviction, and third felony sexual assault conviction.

Patron - Carrico

HB2109 Law-Enforcement Officers Procedural Guarantee Act; scope. Includes law-enforcement officers employed by the sheriff's office of a city or county in the scope of the Law-Enforcement Officers Procedural Guarantee Act.

Patron - Carrico

HB2185 Sex Offenses and Crimes Against Minors Act. Requires registrant to submit along with other information any e-mail address that he may use. This bill was incorporated into HB 2749.

Patron - Miller, P.J.

HB2186 Line of Duty Act. Amends the definition of "deceased person" to include an individual who suffers a heart attack or stroke during nonroutine, stressful, or strenuous law-enforcement situations, fire suppression, rescue, or other such activities and who suffers the heart attack or stroke while engaged in the activity or not later than 24 hours after the activity. The bill also allows for the \$100,000 payment to the beneficiary of the deceased to be annually adjusted to reflect changes in the Consumer Price Index.

Patron - Miller, P.J.

HB2200 State funds for local law enforcement; allocated for transportation. Repeals the current structure and formula for distributing certain state funds for local law enforcement in localities that have a police department, and appropriates the associated funds for transportation projects in all localities on a pro rata basis, based on population.

Patron - Wardrup

HB2457 Office of the State Fire Marshal. Transfers the enforcement of the Statewide Fire Prevention Code from the Department of Housing and Community Development to the Department of Fire Programs under the Fire Services Board. The bill also establishes the Office of the State Fire Marshal and provides for the State Fire Marshal to be appointed by the Secretary of Public Safety rather than by the Director of Housing and Community Development. This bill was incorporated into HB 2356.

Patron - Cline

HB2477 Police chaplains; certification. Requires the Department of Criminal Justice Services to develop a voluntary training and certification program for police chaplains. Such program shall include, but not be limited to, training regarding stress management, death notification, substance abuse, ethics, and crisis response. The bill also requires each state and local law-enforcement agency to develop protocols and policies regarding police chaplains in the agency, using model policies to be published by the Department of Criminal Justice Services.

Patron - Crockett-Stark

HB2514 Line of Duty Act; benefits for certain private citizens. Creates a death benefit for the surviving spouse or dependents of a private citizen who was killed while coming to the aid of a law-enforcement officer that includes a \$100,000 payment and a waiver of tuition at a state supported institution of higher education. An investigation as to the events surrounding the citizen's death must be initiated by the state or local law-enforcement agency involved in the event, and completed by the Department of State Police. The benefits are similar to those provided to the families of law-enforcement officers killed in the line of duty.

Patron - Nutter

HB2516 Overtime compensation for law-enforcement employees. Makes all law-enforcement employees eligible for overtime compensation. Currently, the overtime provisions only apply to employers of 100 or more law-enforcement employees.

Patron - Carrico

HB2571 Sex offender registry; penalties. Provides that any failure to register is a Class 6 felony; under current law failure to register for an offense other than a sexually violent offense or murder is a Class 1 misdemeanor and a second or subsequent conviction is a Class 6 felony. The bill requires the revocation of probation or parole if a person is convicted of failure to register and is on probation or parole for a sex offense or for failure to register. The bill specifies that similar offenses in other countries and states require registration, whether they are under existing or former laws.

Patron - Shannon

HB2755 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.

Patron - Hurt

HB2817 Line of Duty Act; Line of Duty Disability Fund. 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.

Patron - Sickles

HB2823 Line of Duty Act; definition of disabled person. Amends the definition of "disabled person" by adding local employees.

Patron - Sickles

HB2970 Reregistration of sex offenders. Intends to clarify that the reregistration periods for those on the sex offender registry are inflexible.

Patron - Bell

HB2985 Auxiliary police forces. Provides that members of auxiliary police forces that have met the training requirements established by the Department of Criminal Justice Services shall be deemed to be "law-enforcement officers" when called into service.

Patron - Ingram

HB3003 Department of Criminal Justice Services. Increases the membership of the Private Security Services Advisory Board from 13 to 14 by adding a licensed bail enforcement agent. The bill also (i) adds a definition for "DCJS Authorized Service Partner" and "school director," (ii) requires certification of compliance agents, detector canine handler examiners, and school directors for private security services training schools, (iii) clarifies the exemption from licensure for attorneys, certified public accountants, professional engineers, and architects or their employees if they are performing private security services regulated by the Department, and (iv) adds to the unlawful conduct provision procuring or assisting another to procure a registration, certification, or license through theft, fraud, or other illegal means. In addition the bill removes the option for a private security services business or training school to provide a cash or surety bond to the Department prior to operation. Such entities will have to provide evidence of a policy of liability insurance. The bill also removes obsolete transitional provisions and makes several technical amendments.

Patron - Scott, J.M.

HB3069 Overtime compensation for state law-enforcement employees. Extends the current overtime compensation provisions for law-enforcement employees to state law-enforcement employees.

Patron - Carrico

HB3210 Police canines. Requires the Department of Criminal Justice Services to establish minimum training and certification requirements for canines used by law-enforcement agencies in the Commonwealth. Beginning January 1, 2008, all such canines used in the Commonwealth would be required to be certified pursuant to the Department's standards.

Patron - Carrico

SB776 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

SB855 Department of Criminal Justice Services; residency requirement for bail bondsmen. Provides that in order to be licensed as a bail bondsmen, a person shall be a resident of the Commonwealth. The bill also repeals the provision that allows nonresident transfers and applicants for a bail bondsman license to receive such a license upon the satisfaction of all licensing requirements for residents of the Commonwealth.

Patron - Reynolds

SB885 Line of Duty Act. Amends the definition of "deceased person" to include an individual who suffers a heart attack or stroke during nonroutine, stressful, or strenuous law-enforcement situations, fire suppression, rescue, or other such activities and who suffers the heart attack or stroke while engaged in the activity or not later than 24 hours after the activity. The bill also allows for the \$100,000 payment to the beneficiary of the deceased to be annually adjusted to reflect changes in the Consumer Price Index.

Patron - Deeds

SB1010 Line of Duty Act; definition of disabled person. Amends the definition of "disabled person" by adding local employees.

Patron - Saslaw

SB1157 Line of Duty Act; definition of disabled person. Amends the definition of "disabled person" by adding local employees.

Patron - Quayle

SB1158 Line of Duty Disability Fund. Establishes the Line of Duty Disability Fund to help pay the costs of disability benefits provided under the Line of Duty Act. Under the bill the Fund will consist of funds as may be appropriated by the General Assembly and moneys deposited from an additional \$50 cost imposed for certain traffic incidents. Portions of the bill referring to the deposit of moneys from the additional fees imposed for certain traffic incidents will become effective only if legislation is enacted establishing for the deposit of such moneys into the Fund.

Patron - Quayle

SB1159 Line of Duty Act; Line of Duty Disability Fund. 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 ben-

efits coverage provided to employees and their families under the Line of Duty Act. This bill incorporates SB 1220.

Patron - Quayle

SB1217 Forensic laboratory services; private police departments. Requires the Department of Forensic Science to provide forensic laboratory services upon request of any private police department employing special conservators of the peace. Private police departments currently have to go through a public law-enforcement agency to submit evidence to the lab.

Patron - Hanger

SB1220 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. This bill was incorporated into SB 1159.

Patron - Saslaw

SB1249 Assessment for conviction of certain crimes; detoxification center programs. Allows any county or city that has established a detoxification center program to assess a \$100 fee following conviction of certain crimes (e.g., selling alcohol to underage persons; underage possession of alcohol; purchasing alcohol for underage person; maiming as a result of drunk driving; DUI involuntary manslaughter; DUI; public intoxication) to support the local detoxification program.

Patron - Herring

SB1308 Courthouse security; training. Provides that sheriffs may designate deputies that will provide only partial courthouse security, primarily guarding the entrances and working metal detectors. The bill also provides that the Department of Criminal Justice Services will establish an abbreviated two-week training course for such deputies. Currently, deputies used in this limited role must attend the same training as those who are fulfilling all the duties of courthouse and courtroom security officers, which lasts between six and eight weeks.

Patron - Newman

SB1359 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, 2008. The crisis intervention team pilot programs shall assist law-enforcement officers in responding to crisis situations involving persons with mental illness, substance abuse, or both. By November 1, 2007, 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

SB1372 Criminal justice training academy fees. Allows Roanoke County to charge certain fees to be used to support its participation in a local or independent criminal justice training academy. The fees are similar to those charged by

the state on misdemeanors and traffic infractions for deposit into a state fund to provide financial support to regional criminal justice training academies.

Patron - Bell

Conservation

Passed

HB1689 Regulation of municipal solid waste. Repeals two provisions of the solid waste laws enacted in 1999 that were subsequently found to be unconstitutional by the federal court. The bill repeals the authority of the Solid Waste Management Board to develop regulations governing the commercial transport of nonhazardous municipal solid waste by truck. This section was declared unconstitutional because it imposed certain requirements on large trucks carrying solid waste that violated the commerce clause. The federal court found that the statute placed "disproportionate burdens" on trucks carrying waste from outside of Virginia. The second provision found to be unconstitutional under the commerce clause was the 2,000 tons per day cap placed on landfills for accepting municipal solid waste. This is a recommendation of the Virginia Code Commission.

Patron - Landes

HB1710 Virginia Public Building Authority; water treatment. Authorizes the Virginia Public Building Authority to issue bonds in an amount not to exceed \$250 million for grants to be used solely for the purpose of funding the installation of nutrient removal technologies at specified publicly owned treatment works and non-significant discharges to implement the Commonwealth's Chesapeake Bay Tributary Strategies. This bill is identical to SB 771.

Patron - Callahan

HB2012 Wild Spanish Mustangs Fund. Establishes a fund to protect the last known herd of Spanish mustangs, which roams on the barrier islands of Virginia and North Carolina. The fund will be administered by the Department of Conservation and Recreation, with input from the manager of False Cape State Park and community leaders from the Virginia Beach area, and will pay for such needs as erecting fences to prevent the horses from entering populated areas in Virginia and possibly being killed on Virginia roads and transporting the horses safely back to the Currituck National Wildlife Refuge.

Patron - Suit

HB2143 State park regulations. Reduces the penalty for violating Virginia state park regulations from a Class 1 misdemeanor to a Class 3 misdemeanor.

Patron - Kilgore

HB2339 State forests permits. Authorizes the Department of Game and Inland Fisheries, under a cooperative agreement with the Department of Forestry, to sell permits for hunting and trapping in state forests. The bill also removes obsolete sections that give the clerks of courts the authority to sell such permits.

Patron - Abbitt

HB2396 Scenic River. Designates additional portions of Goose Creek in Fauquier and Loudoun Counties as segments of the Goose Creek State Scenic River.

Patron - Athey

HB2568 Violation of erosion and sediment control ordinances. Allows localities to adopt an ordinance that assesses a civil penalty between \$100 and \$1,000 for violation of erosion and sediment control laws. The bill also increases the cap on civil penalties from \$3,000 to \$10,000. This bill is identical to SB 821.

Patron - Shannon

HB2825 Virginia Land Conservation Fund disbursements. Establishes a threshold that determines how the unrestricted funds in the Virginia Land Conservation Fund will be expended. If, by September, the new deposits in the Fund are less than \$10 million, 25% of the money in the Fund is allocated to the Open-Space Land Preservation Trust (OSLPTF) Fund and 75% is disbursed in the form of grants equally among the following four uses: natural area protection, open spaces and parks (including land for hunting, fishing or wildlife watching), farmlands and forest preservation, and historic area preservation. If the Fund contains \$10 million or more, the OSLPTF receives 25% of the money in the Fund and the remaining funds are awarded equally in the form of grants among five uses: natural area protection, open spaces and parks (including land for hunting, fishing or wildlife watching), farmland preservation, forestland conservation, and historic area preservation. Any OSLPTF funds not disbursed or committed to a project by the end of the fiscal year reverts to the Virginia Land Conservation Fund to be redistributed among the authorized uses. This bill is identical to SB 942.

Patron - Ware, R.L.

HB3113 Department of Environmental Quality. Consolidates the State Air Pollution Control Board, the State Water Control Board, and the Waste Management Board into one eleven-member citizen board--the Virginia Board of Environmental Quality--with the authority to adopt regulations, including general permit regulations. All other responsibilities of the existing boards, including the authority to issue licenses and permits, shall be transferred to the Department of Environmental Quality. The Department will hold public meetings for the presentation of staff recommendations on major permitting decisions. A citizen appeals board is established and granted the authority to hear appeals on decisions of the Director of the Department of Environmental Quality and to recommend reconsideration by the Director. The bill includes a "re-enactment clause" that requires the General Assembly of 2008 to reaffirm the legislation and delays the effective date until July 1, 2008. This bill is identical to SB 1403.

Patron - Landes

HB3133 Landfill postclosure document. Requires the Department of Environmental Quality to develop a postclosure guidance document for those landfills that stopped taking solid waste prior to October 9, 1993. The document is to be developed by May 1, 2007, and has to include comments made by the public. This bill contains an emergency clause.

Patron - Morgan

HB3135 Revenue from state forests. Designates one-eighth of the proceeds generated by the state forests in the Counties of Appomattox, Buckingham, and Cumberland to be disbursed to those counties, and one-eighth to be expended by the Department of Forestry, in consultation with these counties, to enhance recreational opportunities in the state forests located in the three counties.

Patron - Abbitt

HB3151 Department of Conservation and Recreation, Lessor. Authorizes lease of certain land within First

Landing State Park to the City of Virginia Beach, Lessee. This bill is identical to SB 1418.

Patron - Iaquinto

[F]HB3192 Disbursement of funds appropriated for caring for Revolutionary War cemeteries and graves. Provides that the number of grave sites located at New Providence Presbyterian Church that are eligible for funding under § 10.1-2211.1 of the Code be increased to 16.

Patron - Cline

[F]SB771 Virginia Public Building Authority; water treatment. Authorizes the Virginia Public Building Authority to issue bonds in an amount not to exceed \$250 million for grants to be used solely for the purpose of funding the installation of nutrient removal technologies at specified publicly owned treatment works and non-significant discharges to implement the Commonwealth's Chesapeake Bay Tributary Strategies. This bill is identical to HB 1710.

Patron - Chichester

[F]SB821 Violation of erosion and sediment control ordinances. Allows localities to adopt an ordinance that assesses a civil penalty between \$100 and \$1,000 for violation of erosion and sediment control laws. The bill also increases the cap on civil penalties from \$3,000 to \$10,000. This bill is identical to HB 2568.

Patron - Devolites Davis

[F]SB925 Methods to determine opacity. Authorizes the Executive Director of the Department of Environmental Quality or his representative to use various methods to determine whether opacity requirements or opacity limits for air quality are being met.

Patron - Ticer

[F]SB942 Virginia Land Conservation Fund disbursements. Establishes a threshold that determines how the unrestricted funds in the Virginia Land Conservation Fund will be expended. If, by September, the new deposits in the Fund are less than \$10 million, 25% of the moneys in the Fund is allocated to the Open-Space Land Preservation Trust Fund (OSLPTF) and 75% is disbursed in the form of grants equally among the following four uses: natural area protection, open spaces and parks (including land for hunting, fishing or wildlife watching), farmlands and forest preservation, and historic area preservation. If the Fund contains \$10 million or more, the OSLPTF receives 25% of the moneys in the Fund and the remaining funds are awarded equally in the form of grants among five uses: natural area protection, open spaces and parks (including land for hunting, fishing or wildlife watching), farmland preservation, forestland conservation, and historic area preservation. Any OSLPTF funds not disbursed or committed to a project by the end of the fiscal year revert to the Virginia Land Conservation Fund to be redistributed among the authorized uses. This bill is identical to HB 2825.

Patron - Ticer

[F]SB963 Conveyance of George Washington's Grist Mill State Park. Specifies that the George Washington's Grist Mill State Park property that the Department of Conservation and Recreation is authorized, pursuant to legislation enacted in 1996 and amended in 1997, to convey to the Mount Vernon Ladies' Association of the Union, Inc., includes parcels that were conveyed to the Department of Conservation and Recreation in 2001.

Patron - Puller

[F]SB1115 Sale of trees and timber. Places the proceeds from the sale of the timber and trees taken from (i) state

park lands into the State Park Conservation Resources Fund and (ii) natural area preserves into the Natural Area Preservation Fund. The bill also requires competitive bids when the appraised value of the trees is more than \$50,000. Currently, the threshold for competitive bidding is \$10,000.

Patron - Quayle

[F]SB1301 Water Quality Improvement Fund; CSO funding for the City of Lynchburg and the City of Richmond. Creates a formula for funding elimination of the combined sewer overflow (CSO) in the City of Lynchburg and the City of Richmond.

Patron - Newman

[F]SB1403 Department of Environmental Quality. Consolidates the State Air Pollution Control Board, the State Water Control Board, and the Waste Management Board into one eleven-member citizen board--the Virginia Board of Environmental Quality--with the authority to adopt regulations, including general permit regulations. All other responsibilities of the existing boards, including the authority to issue licenses and permits, shall be transferred to the Department of Environmental Quality. The Department will hold public meetings for the presentation of staff recommendations on major permitting decisions. A citizen appeals board is established and granted the authority to hear appeals on decisions of the Director of the Department of Environmental Quality and to recommend reconsideration by the Director. The bill includes a "re-enactment clause" that requires the General Assembly of 2008 to reaffirm the legislation and delays the effective date until July 1, 2008. This bill is identical to HB 3113.

Patron - Puckett

[F]SB1418 Department of Conservation and Recreation, Lessor. Authorizes lease of certain land within First Landing State Park to the City of Virginia Beach, Lessee. This bill is identical to HB 3151.

Patron - Wagner

Failed

[F]HB1786 Improper disposal of solid waste. Authorizes nonprofit organizations, whose primary mission is to protect Virginia's natural resources, to receive the proceeds from a civil action they brought for the improper disposal of solid waste.

Patron - Kilgore

[F]HB1945 Solid waste disposal fee. Requires that landfill operators pay a tipping fee for each ton of solid waste received at the landfill. The fee increases commensurate with the volume of trash disposed of at the landfill. Moneys will be deposited into the general fund.

Patron - Purkey

[F]HB2206 State environmental review process. Provides that, for coverage under general permits issued pursuant to Title 10.1, 28.2, 29.1, or 62.1, the state agency, board, or commission that issues these permits must, within 10 working days of receipt of an application from the Department of Transportation for a road or highway construction project, review the application for completeness and either accept the application or request additional specific information from the Department of Transportation. Coverage under the general permit must be approved, approved with conditions, or denied within 30 working days of receipt of a complete application. The bill also corrects an error in existing law.

Patron - Wardrup

HB2343 State park. Renames Smith Mountain Lake State Park the A. Victor Thomas-Smith Mountain Lake State Park.

Patron - Abbitt

HB2384 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. The Department of Environmental Quality will create an electronic registry containing all environmental covenants.

Patron - May

HB2679 Chesapeake Bay Preservation Act; imposition and collection of certain fees. Provides that any locality that has designated Chesapeake Bay Preservation areas and that includes within its comprehensive plan a calculation of the capital costs of public facilities necessary to serve residential uses may impose and collect impact fees to cover the costs of issuing permits for residential uses in amounts consistent with the methodologies used in its comprehensive plan to defray the capital costs of public facilities related to the residential development. A locality imposing impact fees pursuant to the provisions of this bill shall allow credit against the impact fees for cash proffers collected for the purposes of defraying the capital costs of public facilities related to the residential development. In addition, a locality imposing impact fees pursuant to the provisions of this bill may require that such impact fees be paid prior to and as a condition of the issuance of any necessary building permits for residential uses.

Patron - Frederick

HB2680 Impact fees for public facilities related to residential development. Provides that any locality that has designated Chesapeake Bay Preservation areas and that includes within its comprehensive plan a calculation of the capital costs of public facilities necessary to serve residential uses may impose and collect impact fees to cover the costs of issuing permits for residential uses in amounts consistent with the methodologies used in its comprehensive plan to defray the capital costs of public facilities related to the residential development. A locality imposing impact fees pursuant to the provisions of this bill shall allow credit against the impact fees for cash proffers collected for the purposes of defraying the capital costs of public facilities related to the residential development. In addition, a locality imposing impact fees pursuant to the provisions of this bill may require that such impact fees be paid prior to and as a condition of the issuance of any necessary building permits for residential uses.

Patron - Frederick

HB2878 Methods to determine opacity. Authorizes the Executive Director of the Department of Environmental Quality to use various methods to determine whether opacity requirements for air quality are being met.

Patron - Englin

HB3081 Notification of increased power generation; civil penalty. Requires power generation facilities that have been ordered by the U.S. Department of Energy to increase their power generation to notify those persons who have requested such notification if the increased operation is predicted to potentially cause exceedances of air quality standards. If such notification is not provided, the owner of the

facility can be assessed a civil penalty of up to \$1,000, with each day of violation being a separate offense.

Patron - Englin

HB3102 Water Quality Improvement Fund; CSO funding for the City of Lynchburg and the City of Richmond. Provides that the first \$7 million in each fiscal year appropriated to the Water Quality Improvement Fund from surplus revenues and any unreserved general fund balance would be deposited into a special fund to be used to help eliminate combined sewer overflow (CSO) in the City of Lynchburg and the City of Richmond, with \$3.5 million allocated to each city. The total amount used for CSO in the City of Lynchburg from the Water Quality Improvement Fund would equal \$70 million, \$7 million in each fiscal year for the next 10 fiscal years beginning July 1, 2007. This bill is identical to SB 1301.

Patron - Valentine

HB3178 Funding for upgrades of wastewater treatment plants. Provides for a direct appropriation to the Water Quality Improvement Fund (WQIF) of no more than \$500 million for grants to upgrade wastewater treatment plants and provides three methods for the payment of that sum: (i) current funding in the WQIF; (ii) future deposits to the WQIF; and, (iii) the use of Virginia Public Building Authority bonds. The bill provides for the payment of these grants to 89 publicly-owned wastewater treatment plants according to the methodology specified in the Water Quality Improvement Act, with a minimum grant amount of 35% of the costs for the design and installation of nutrient removal technology. Should any grant be prorated, the bill prioritizes the use of any year-end revenue surplus or unappropriated general fund balances deposited to the WQIF be used to offset any proration.

Patron - Callahan

Contracts

Passed

HB2864 Duties and liabilities of a holder of a power of attorney. States that a holder of any power of attorney has a fiduciary relationship with the subject of the power of attorney and may be held liable for any breach of that fiduciary duty. The bill also expands the financial accounting requirement for a holder of the power of attorney from two years prior to the request to five years. The bill also provides that if the holder of the power of attorney is removed from his position by the court due to abuse, neglect, or exploitation of the principal, the holder of the power of attorney shall bear the costs and fees associated with the performance of his duties.

Patron - Moran

SB1235 Attorneys-in-fact; death of principal. Clarifies that challenges may be made to actions of an attorney-in-fact and that discovery may be obtained after the death of the principal by a person who was interested in the welfare of the principal, including the personal representative of the estate of the deceased principal. This bill is a recommendation of the Boyd Graves Conference.

Patron - Obenshain

Corporations

Passed

HB2023 Securities Act; exemptions. Clarifies that offers of a security for which registration statements under Virginia's Securities Act and the federal Securities Act of 1933 have been filed are exempt from the Securities Act only for periods that the registration statements are not effective.

Patron - Purkey

HB2024 Securities Act; employment of agents. Authorizes the State Corporation Commission to prescribe exceptions, by rule or regulation, to the current prohibition on the employment of an agent by more than one broker-dealer or issuer.

Patron - Purkey

HB2103 Professional corporations and professional limited liability companies. Authorizes the board of directors of a professional corporation to delegate managerial duties and tasks related to the corporation's operations to its agents, officers, and employees and, pursuant to an agreement, to other persons. An analogous amendment allows members or managers of a professional limited liability company to do likewise.

Patron - Ware, R.L.

HB2292 Limited liability companies; parties to actions, professional entities and recordation tax. Clarifies that a member of a limited liability company is not barred from being a party in an action against a limited liability company when the member has an interest in the action independent of being a member of the limited liability company. The measure also provides that (i) the terms of a limited liability company's articles of organization or operating agreement cannot alter the definition of "membership interest" as a member's share of the profits and the losses of the limited liability company and the right to receive distributions of the limited liability company's assets and (ii) the term "professional corporation" shall not be deemed to include a professional limited liability company when it is used in any section of the Virginia Professional Limited Liability Company Act or in Chapter 7 of Title 13.1, which pertains to professional corporations. Finally, the measure provides that the state recordation tax levied on every deed admitted to record and on every contract or memorandum thereof relating to real or personal property admitted to record shall not apply to any deed conveying real estate or lease of real estate to the surviving or new limited partnership or business trust upon a merger to which two or more business entities are parties. This bill is identical to SB 794.

Patron - McClellan

HB2603 State Corporation Commission; annual registration and filing fees. Clarifies that articles of domestication shall not be filed for a foreign stock or nonstock corporation, limited liability company, or business trust until all fees, including the annual registration fee, are paid. The measure also allows business entity documents to be filed without payment of the annual registration fee on or before, rather than prior to, the due date of the annual registration fee; moves the due date for the payment of an annual registration fee for a business trust or limited partnership from September 1 to October 1; and makes other technical amendments.

Patron - Plum

HB2786 Retail Franchising Act. Authorizes the State Corporation Commission to require, as a condition of franchise registration, that the franchise fees and other funds paid by a franchisee to the franchisor be escrowed or deferred until the franchisor's preopening obligations are fulfilled, if the liabilities of the franchisor or any controlling person exceed the franchisor's assets. The Commission is required to prescribe procedures regarding exemptions. The measure also clarifies that it is not unlawful for a person to grant an unregistered franchise if the franchise is exempted from registration by the Commission by rule or order.

Patron - Joannou

SB794 Limited liability companies; parties to actions, professional entities and recordation tax. Clarifies that a member of a limited liability company is not barred from being a party in an action against a limited liability company when the member has an interest in the action independent of being a member of the limited liability company. The measure also provides that (i) the terms of a limited liability company's articles of organization or operating agreement cannot alter the definition of "membership interest" as a member's share of the profits and the losses of the limited liability company and the right to receive distributions of the limited liability company's assets and (ii) the term "professional corporation" shall not be deemed to include a professional limited liability company when it is used in any section of the Virginia Professional Limited Liability Company Act or in Chapter 7 of Title 13.1, which pertains to professional corporations. Finally, the measure provides that the state recordation tax levied on every deed admitted to record and on every contract or memorandum thereof relating to real or personal property admitted to record shall not apply to any deed conveying real estate or lease of real estate to the surviving or new limited partnership or business trust upon a merger to which two or more business entities are parties. This bill is identical to HB 2292.

Patron - Stosch

SB866 State Corporation Commission; property title records. Makes uniform the provisions in the various business entity statutes that relate to the recordation of certificates in circuit court deed books to maintain the continuity of title records. The measure also makes \$6 the standard fee for the State Corporation Commission's issuance of certificates of fact in the various business entity acts and makes technical amendments intended to clarify and conform business entity statutes.

Patron - Watkins

SB1285 Virginia Stock Corporation Act. Authorizes circuit courts to appoint a custodian or receiver for a public corporation in proceedings where the directors are deadlocked or are acting fraudulently and causing irreparable injury to the corporation. The measure establishes requirements regarding approval of interested transactions involving the acquisition or conversion of shares or assets of the corporation by a person who is the beneficial owner of 20% or more of the voting power or otherwise an interested person. Other provisions (i) modify the requirements for taking corporate actions without meetings, with the consent of shareholders; (ii) authorize corporations to engage in "householding," where one copy of notices, reports, and statements are provided for all of shareholders who share a common address, with the consent of each shareholder at the address; (iii) address giving notice of appraisal rights that may be available when certain corporate actions are proposed; and (iv) establish limitations on the ability of shareholders to contest certain fundamental transactions after shareholders have approved the corporate action.

Patron - Stosch

SB1286 Virginia Nonstock Corporation Act. Updates the Virginia Nonstock Corporation Act to make several provisions consistent with changes to the Virginia Stock Corporation Act that were enacted in 2005, based upon recent amendments to the Model Business Corporation Act. Specific areas of substantive change include setting forth procedures for the approval of a business opportunity; defining "disinterested director"; permitting several corporate actions to be taken electronically; updating provisions regarding member voting and elections; staggering the terms of directors; indemnifying directors and officers; streamlining the process for combining corporations with other types of business entities; asserting claims against dissolved corporations; and confirming that provisions in corporate documents filed with the State Corporation Commission may be made dependent on statistical or market indices or other objectively ascertainable facts.

Patron - Stosch

Failed

HB2961 Stock and nonstock corporations. Clarifies several provisions authorizing notice and voting by electronic transmission under the Virginia Stock Corporation Act and Virginia Nonstock Corporation Act. Under current law, "electronic transmission" means any form of communication, not directly involving the physical transmission of paper, that creates a record that may be retained, retrieved, and reviewed by a recipient thereof, and that may be directly reproduced in paper form by such a recipient through an automated process. The definition is amended to specifically address transmissions by electronic mail.

Patron - Bell

SB1258 Limited liability companies. Provides that an action of a limited liability company that is authorized by consent of less than all members, and which occurs without a meeting, prior notice or a vote, will not become effective until 10 days after written notice reasonably describing the action is given to all members who did not sign the consent.

Patron - Herring

SB1349 Securities Act; reporting short sales. Requires a registered broker-dealer that is selling or purchasing for a customer or its own account to notify the State Corporation Commission of the failure to settle, by delivery of securities of like kind and quality, a trade in a threshold security of an issuer domiciled in the Commonwealth or with its principal office located in the Commonwealth. The notice is required to be filed within 24 hours following the failure to settle. A broker-dealer who fails to file the notice during the period July 1, 2007, until July 1, 2008, is liable to the company for \$1,000 for each business day the broker-dealer fails to provide the required notice and if the notice is not filed for six or more business days, is liable for the greater of (i) \$1,000 for each business day or (ii) the sum of the sales price for each securities share in the subject trade that has not been delivered in settlement; however, if the failure occurs on or after July 1, 2008, liability increases from \$1,000 to \$10,000 per day. Threshold securities are equity securities that have an aggregate fail-to-deliver position for five consecutive settlement days at a registered clearing agency, total 10,000 shares or more, and are equal to at least 0.5% of the issuer's total shares outstanding. The measure applies to securities transactions occurring on or after July 1, 2007.

Patron - Potts

Counties, Cities and Towns

Passed

HB1767 Arts and cultural districts. Adds the Town of Blacksburg 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 - Shuler

HB1778 Traffic signal enforcement programs; civil penalty. Grants localities the authority to operate traffic signal enforcement systems. Localities may install photo-monitoring systems at no more than one intersection for every 10,000 residents at one time. Provisions within the bill limit the use and retention of images recorded and provide other parameters and limitations for localities.

Patron - Cosgrove

HB1860 Making of fires. Authorizes counties to regulate or prohibit the making of fires in public places and, during emergency, on private property. Existing language related to cities and towns is moved to this section without change.

Patron - Wittman

HB1862 Severance benefits to local officials. Requires that any severance benefits provided to any departing official appointed by a local school board shall be publicly announced by that school board prior to such departure.

Patron - Wittman

HB1919 Undergrounding electric transmission lines. Adds Stafford County to the list of jurisdictions in which the governing body is authorized to enter into an agreement with an electric utility that provides for an additional charge to be included in the utility bills of customers located in a special rate district. The proceeds from the charge will be used to cover the utility's additional costs of constructing proposed high-voltage transmission lines underground rather than overhead. The measure does not apply to lines in operation as of March 1, 2005. This bill contains an emergency clause.

Patron - Cole

HB1968 Subdivision of a lot for conveyance to a family member. Amends the statute that authorizes localities to provide an additional method for subdivision of a lot for conveyance to a family member. Under current law, the property owner must agree 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 bill provides that a locality may reduce or provide exceptions to such period of years when changed circumstances so require.

Patron - Lewis

HB1974 Economic revitalization zone. Allows any city, by ordinance, to establish one or more economic revitalization zones for the purpose of providing incentives to private entities to purchase real property and interests in real property to assemble parcels suitable for economic development. Each city establishing an economic revitalization zone may grant tax incentives and provide regulatory flexibility. Properties that are acquired through the use of eminent domain shall not be eligi-

ble for the incentives and regulatory flexibility provided by the ordinance.

Patron - Fralin

HB1979 Annexation. Extends from 2010 to 2020 the temporary restriction on city annexation authority, the granting of city charters, and county immunity proceedings.

Patron - Lohr

HB2010 Affordable dwelling units. Provides that localities that adopt a program of bonus density in exchange for affordable housing will be allowed certain incentives and that the program may also apply to certain elevator structures above four stories except for localities in Planning District Eight. Also, such program may include establishment of a local housing fund to help the locality achieve its affordable housing goals. This bill incorporates HB 2451 and HB 2910.

Patron - Suit

HB2050 County executive form of government; boards of supervisors; powers, elections, terms, and vacancies. Amends a provision applicable to Prince William County and the filling of a vacancy in the board. When a vacancy occurs just prior to a general election so that the special election to fill the vacancy cannot be held at that general election, the bill provides that the court shall order a special election to fill that vacancy not fewer than 45 and not more than 60 days after that general election.

Patron - McQuigg

HB2230 Tourism Financing Development Authority. Allows localities to create a Tourism Financing Development Authority. The authority shall have the power to 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

HB2261 Zoning violations; overcrowding. Provides for enhanced fines for any conviction resulting from a violation of provisions related to overcrowding of residential dwellings. These violations shall not be punishable by a jail term.

Patron - Rust

HB2263 Hospital or health center commissions; membership. Provides that members of a hospital or health center commission may be residents of the political subdivisions they represent. Under current law, members of a hospital or health center commission must be residents of the political subdivisions they represent.

Patron - Rust

HB2265 Validation of certain plats. Changes the date from 1953 to 1975 for purposes of validating subdivision plats that failed to comply with the technical requirements for recordation existing at the time such plat was recorded.

Patron - Rust

HB2267 Arts and cultural districts. Adds the City of Alexandria to those localities authorized to establish an arts and cultural district for the purpose of increasing awareness and support for the arts and culture in the locality. The locality may provide incentives for the support and creation of arts and cultural venues in the district, including tax incentives and certain regulatory flexibility. This bill is identical to SB 933.

Patron - Ebbin

HB2298 Donations by localities. Provides that localities may make gifts and donations of personal property and may deliver such gifts and donations to another governmental entity in or outside of the Commonwealth. This bill is identical to SB 868.

Patron - McClellan

HB2335 Economic development authority of Page County. Allows the county to increase the size of the authority's board of directors from seven to nine.

Patron - Gilbert

HB2380 Cash proffers; road improvements. Provides that the governing body of a locality may, notwithstanding the provisions of the Virginia Public Procurement Act, negotiate and award a contract without competition to an entity that is constructing road improvements pursuant to a special exception condition in order to expand the scope of the road improvements by utilizing cash proffers of others or other available locally generated funds. This bill contains an emergency clause.

Patron - May

HB2446 Housing assistance. Allows counties with the county executive form of government (Albemarle and Prince William) to provide for the use of funds, other than state funds, to provide grants, loans, and other assistance for county and school board employees, as well as employees of local constitutional officers, to purchase or rent residences, for use as the employee's principal residence, within the county. This bill is identical to SB 1387.

Patron - Frederick

HB2493 Farm wineries. Provides that local restriction upon licensed farm wineries' activities and events to market and sell their products shall be reasonable and shall take into account the economic impact on the farm winery of such restriction and whether such activities and events are usual and customary for farm wineries throughout the Commonwealth. The bill further provides that no local ordinance regulating noise, other than outdoor amplified music, arising from activities and events at farm wineries shall be more restrictive than that in the general noise ordinance. This bill is identical to SB 1205.

Patron - Albo

HB2500 Conditional zoning. Allows "high-growth" localities to use the "Northern Virginia" form of conditional zoning. This will give high-growth localities greater flexibility including the ability to accept proffers, the need for which is not generated solely by the rezoning.

Patron - Orrock

HB2502 Donations made by a locality. Expands the definition of "donations" to include the lawful provision of in-kind resources for any event sponsored by the donee.

Patron - Lewis

HB2503 Transfer of development rights. Provides that any county and an adjacent city may enter voluntarily into an agreement to permit the county to designate eligible receiving areas in the city if the governing body of the city has also amended its zoning ordinance to designate the same areas as eligible to receive density being transferred from sending areas in the county. The bill also expands the definition of "sending property." This bill is identical to SB 869.

Patron - Toscano

HB2544 Authority to review subdivision plats. Requires a local planning commission or other agent of a locality to forward a plat to the appropriate state agency or agencies for review within 10 business days if approval of a feature or features of the plat by a state agency or an authorized public authority is necessary. The bill mandates that any state agency or public authority reviewing a plat (i) complete its review within 45 days of receipt of first submission and within 45 days of receipt if the plat has previously been disapproved and (ii) allow use of public rights-of-way for placement of utilities by permit when practical.
Patron - Lingamfelter

HB2547 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

HB2676 Local budgets. Modifies the existing requirements for advertising and holding a public hearing when a locality amends its budget. Such requirements will apply to any amendment that exceeds one percent of the total expenditures shown in the current budget. Currently, the requirements apply if the amendment exceeds one percent or \$500,000, whichever is less.
Patron - Ware, O.

HB2710 Powers of service districts. Grants the power to construct, repair, and maintain dams.
Patron - Barlow

HB2729 FEMA floodplain map; notification of changes. Provides that any locality notified by the United States Federal Emergency Management Agency (FEMA) that a change in the FEMA floodplain map concerns or relates to real property within the locality shall provide to each owner of any such property (i) written notification of such change and (ii) contact information for the National Flood Insurance Program.
Patron - Englin

HB2735 Participation in certain programs. Provides that any locality may participate in programs offered by the National Association of Counties.
Patron - Englin

HB2764 Local employees; right to receive certain benefit information in writing. Requires localities to provide information about relevant benefit options and programs in writing to any local employee who develops a life-threatening health condition. The employer shall provide appropriate forms to the employee so that the employee can communicate any election of benefit options to the employer in writing on the forms.
Patron - Hurt

HB2791 Permit for onsite sewage disposal system installation in Augusta County. Provides that Augusta County may require any person desiring to install an onsite sewage disposal system to secure a permit to do so. The county may prescribe a reasonable fee, not to exceed \$150, for processing an application for such a permit. This bill is identical to SB 1215.
Patron - Lohr

HB2799 Purchase of electric power and energy. Provides that Virginia Tech and any municipal corporation that owned and operated an electric utility system on January 1,

2006, may contract with any other party to buy power and energy required for its present or future requirements, including the capacity and output of one or more specified projects located in the continental United States of America.
Patron - Marshall, D.W.

HB2834 Grants for home ownership. Raises from \$5,000 to \$25,000 the amount that localities may provide for home ownership grants for certain local government employees. Any such grants shall be subject to certain sales price and income limitations. This bill incorporates HB 2841 and HB 3121.
Patron - Waddell

HB2859 Attorneys for the Commonwealth. Provides that the Compensation Board shall prepare a list of localities eligible to have a full-time attorney for the Commonwealth and shall prioritize the list according to the same workload measures used by the Compensation Board in staffing standards established for assistant attorney for the Commonwealth positions in Commonwealth's Attorneys' offices statewide.
Patron - Moran

HB2882 Southwest Virginia Health Facilities Authority. Establishes a health facilities authority for Southwest Virginia. The Authority may acquire, construct, equip, establish, improve, maintain, and/or operate hospitals or health centers and may condemn property and issue bonds and other obligations for such purpose. However, the bonds and other obligations of the Authority shall not be a debt of any locality or of the Commonwealth.
Patron - Phillips

HB2894 Industrial development authorities. Allows the Town of St. Paul industrial development authority to return to a seven-member board of directors.
Patron - Phillips

HB3011 Bonding requirements; facilities dedicated for public use. Provides that a governing body of a locality shall not require a developer to furnish a bond for the estimated cost of construction of facilities to be dedicated for public use until construction plans are submitted for the section in which such facilities are to be located.
Patron - Hull

HB3031 Approval of transmission lines; affect on the legal status of comprehensive plans and local zoning ordinances. Requires that certain utilities receive notice of comprehensive plan amendments affecting electrical transmission lines. Also, provisions related to electrical transmission line corridors are added to the comprehensive plan enabling statute and to State Corporation Commission provisions.
Patron - Marshall, R.G.

HB3039 Lien for water and sewer charges. Adds the Town of Blacksburg to those localities that may provide that charges imposed for water or sewers shall be a lien on the real estate served by such waterline or sewer. Where residential rental real estate is involved, no lien shall attach (i) unless the user of the water or sewer services is also the owner of the real estate or (ii) unless the owner of the real estate negotiated or executed the agreement by which such water or sewer services were provided to the property. This bill is identical to SB 1050.
Patron - Nutter

HB3079 Regional industrial facility authorities; Appalachian Region Interstate Compact. Expands the definition of "region" for purposes of creating regional authorities

to include any locality within a jurisdiction participating in the Appalachian Region Interstate Compact, which is created by the bill and will become effective if at least one other state enacts the compact. A commission is created with representation from member states to promote economic and workforce development in cooperation with local governments. Six Virginia members are appointed as follows: two by the Senate Committee on Rules and four by the Speaker of the House of Delegates. This bill is identical to SB 1340.

Patron - Bowling

HB3119 Russell County Water and Sewer Authority. Provides that each member of the Russell County Water and Sewer Authority shall be a customer of a service provided by the Authority.

Patron - Phillips

HB3129 Powers of service districts. Adds the dredging of creeks and rivers to maintain existing uses to the powers of service districts.

Patron - Wittman

HB3141 Local governing body tie breakers. Eliminates the use of an unelected person to break tie votes of a county governing body. The option of an elected tie breaker remains.

Patron - Reid

HB3180 Fort Monroe Federal Development Authority board of directors. Creates the Virginia Fort Monroe Reuse Authority to make recommendations to the Governor and the General Assembly on the appropriate use of Fort Monroe. The bill provides for the membership of the Virginia Fort Monroe Reuse Authority and sets its quorum. The bill contains an emergency clause and is identical to SB 1392.

Patron - Gear

SB838 Disclosures in land use proceedings. Requires each individual member of the governing body, the planning commission, and the board of zoning appeals in any proceeding before each such body involving an application for the amendment of a comprehensive plan requested by the owner or contract purchaser of land for which the amendment is requested to make a full public disclosure of certain business or financial relationships that such member has or has had within the 12-month period prior to such hearing. The foregoing measure only applies to counties with the urban county executive form of government. In addition, current law provides that a zoning ordinance may provide that petitions brought by property owners, contract purchasers or the agents thereof, shall be sworn to under oath before a notary public or other official before whom oaths may be taken, stating whether or not any member of the local planning commission or governing body has any interest in such property. This bill eliminates contract purchasers, agents of contract purchasers, and agents of property owners from the category of persons to which the foregoing measure applies.

Patron - Devolites Davis

SB868 Donations by localities. Provides that localities may make gifts and donations of personal property and may deliver such gifts and donations to another governmental entity in or outside of the Commonwealth. This bill is identical to HB 2298.

Patron - Watkins

SB869 Transfer of development rights. Provides that any county and an adjacent city may enter voluntarily into an agreement to permit the county to designate eligible receiving areas in the city if the governing body of the city has also

amended its zoning ordinance to designate the same areas as eligible to receive density being transferred from sending areas in the county. The bill also expands the definition of "sending property." This bill is identical to HB 2503.

Patron - Watkins

SB933 Arts and cultural districts. Adds the City of Alexandria 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. This bill is identical to HB 2267.

Patron - Ticer

SB955 Affordable housing dwelling unit ordinances. Provides that localities that adopt a program of bonus density in exchange for affordable housing will be allowed certain incentives and that the program may also apply to certain elevator structures above four stories except for localities in Planning District Eight. Also, such program may include establishment of a local housing fund to help the locality achieve its affordable housing goals. This bill is identical to HB 2010 and incorporates SB 1131.

Patron - Quayle

SB959 Insurance for retired employees of localities. Removes an exception for certain localities regarding the provision of group accident and health insurance to retired officers and employees.

Patron - Quayle

SB1050 Liens for water and sewer charges. Adds the Town of Blacksburg to those localities that may provide that charges imposed for water or sewers shall be a lien on the real estate served by such waterline or sewer. Where residential rental real estate is involved, no lien shall attach (i) unless the user of the water or sewer services is also the owner of the real estate or (ii) unless the owner of the real estate negotiated or executed the agreement by which such water or sewer services were provided to the property. This bill is identical to HB 3039.

Patron - Edwards

SB1067 Appointment of volunteer assistant attorneys for the Commonwealth. Adds the City of Richmond to those localities with the authority to appoint volunteer assistant attorneys for the Commonwealth.

Patron - McDougle

SB1074 Clustering of single-family dwellings. Exempts any locality that is located within planning districts 12, 13 or 14, except any such locality within such planning districts that had a population growth rate of 20% or more from the next-to-latest to latest decennial census, from requirements to set aside a certain percentage of undeveloped property for possible cluster development.

Patron - Ruff

SB1110 Service districts; roads. Gives service districts additional powers with regard to road construction and maintenance, regardless of whether such roads are under the jurisdiction of VDOT.

Patron - Houck

SB1121 Powers and duties of police. Expands the authority of police in civil matters by granting authority to deliver, serve, execute, and enforce certain orders of isolation and quarantine and emergency custody orders. The bill also provides that parties responding to a reciprocal agreement for

mutual aid between localities shall be liable to third parties only to the extent permitted under and in accordance with the laws of the state of the party rendering aid.

Patron - Cuccinelli

SB1205 Zoning; licensed farm wineries; local regulation of certain activities. Provides that local restriction upon licensed farm wineries' activities and events to market and sell their products shall be reasonable and shall take into account the economic impact on the farm winery of such restriction and whether such activities and events are usual and customary for farm wineries throughout the Commonwealth. The bill further provides that no local ordinance regulating noise, other than outdoor amplified music, arising from activities and events at farm wineries shall be more restrictive than that in the general noise ordinance. This bill is identical to HB 2493.

Patron - Hanger

SB1215 Permit for onsite sewage disposal system installation in certain counties. Provides that Augusta County may require any person desiring to install an onsite sewage disposal system to secure a permit to do so. The county may prescribe a reasonable fee, not to exceed \$150, for processing an application for such a permit. This bill is identical to HB 2791.

Patron - Hanger

SB1292 Grants for home ownership. Deletes the requirement that a separate ordinance be passed for each home ownership grant.

Patron - Norment

SB1306 Purchase of electric power and energy. Provides that Virginia Tech and any municipal corporation that owned and operated an electric utility system on January 1, 2006, may contract with any other party to buy power and energy required for its present or future requirements, including the capacity and output of one or more specified projects located in the continental United States of America.

Patron - Newman

SB1340 Regional industrial facility authorities; Appalachian Region Interstate Compact. Expands the definition of "region" for purposes of creating regional authorities to include any locality within a jurisdiction participating in the Appalachian Region Interstate Compact, which is created by the bill and will become effective if at least one other state enacts the compact. A commission is created with representation from member states to promote economic and workforce development in cooperation with local governments. Six Virginia members are appointed as follows: two by the Senate Committee on Rules and four by the Speaker of the House of Delegates. This bill is identical to HB 3079.

Patron - Puckett

SB1351 Public utility facilities; comprehensive plans. Amends provisions pertaining to comprehensive plans by localities and underground natural gas or underground electric distribution facilities of a public facility. Under current law, unless a feature is already shown on the adopted master plan or part thereof or is deemed so under other provisions of general law, no public utility facility or public service corporation facility shall be constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the commission as being substantially in accord with the adopted comprehensive plan or part thereof. This bill exempts an underground natural gas or underground electric

distribution facility of a public utility from the foregoing measure.

Patron - Wagner

SB1387 Housing assistance. Allows counties with the county executive form of government (Albemarle and Prince William) to provide for the use of funds, other than state funds, to provide grants, loans, and other assistance for county and school board employees, as well as employees of local constitutional officers, to purchase or rent residences, for use as the employee's principal residence, within the county. This bill is identical to HB 2446.

Patron - Puller

SB1392 Fort Monroe Federal Development Authority board of directors. Authorizes the Governor to convey the property comprising Fort Monroe to the Fort Monroe Federal Area Development Authority created by the City of Hampton. The bill also provides for the membership of the Fort Monroe Federal Development Authority, sets its quorum, and prescribes its powers and duties. This bill contains an emergency clause and is identical to HB 3180.

Patron - Williams

SB1412 Authority of a zoning administrator. Whenever the zoning administrator of a locality within Planning District 8 has reasonable cause to believe that any person has engaged in or is engaging in any violation of a zoning ordinance that limits occupancy in a residential dwelling unit, which is subject to a civil penalty that may be imposed in accordance with the provisions of § 15.2-2209, and the zoning administrator, after a good faith effort to obtain the data or information necessary to determine whether a violation has occurred, has been unable to obtain such information, he may request that the attorney for the locality petition the judge of the general district court for his jurisdiction for a subpoena duces tecum against any such person refusing to produce such data or information.

Patron - Cuccinelli

Failed

HB1647 Undergrounding electric transmission lines. Adds Stafford County to the list of jurisdictions where the governing body is authorized to enter into an agreement with an electric utility that provides for an additional charge to be included in the utility bills of customers located in a special rate district. The proceeds from the charge will be used to cover the utility's additional costs of constructing, operating and maintaining proposed high-voltage transmission lines underground, rather than overhead.

Patron - Cole

HB1669 Residential development impact fees. Allows localities to adopt provisions in subdivision ordinances for the assessment of impact fees when existing public safety facilities are inadequate to support a proposed residential development. Such fees shall be a pro rata share of the costs of reasonable and necessary capital improvements attributable to the proposed development. Prior to any such assessment, the locality shall have in place a capital facilities plan that provides a reasonable basis for determining the extent or level of inadequacy of such facilities in the area of the proposed development. Localities may only assess impact fees under this subdivision against persons constructing five or more residential structures per calendar year in such locality.

Patron - Marshall, R.G.

HB1670 Residential development impact fees.

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

Patron - Marshall, R.G.

HB1671 Development impact fees. Allows localities to adopt provisions in subdivision ordinances for the assessment of impact fees when existing parks, playgrounds, and recreational facilities are inadequate to support a proposed development. Such fees shall be a pro rata share of the costs of reasonable and necessary capital improvements attributable to the proposed development. Prior to any such assessment, the locality shall have in place a capital facilities plan that provides a reasonable basis for determining the extent or level of inadequacy of such facilities in the area of the proposed development.

Patron - Marshall, R.G.

HB1683 Traffic light signal violation-enforcement program; local ordinances. Allows local governing bodies to adopt ordinances providing for a traffic light signal violation-enforcement program. Penalties for violations are capped at \$50. This bill was incorporated into HB 1778.

Patron - McQuigg

HB1724 Statewide transportation impact fees.

Imposes a fee for the issuance of a certificate of occupancy for every building or structure that is neither exempt from taxation by law nor actually valued at more than \$100,000 at the time such final certificate of occupancy is issued. The fee is due within 90 days of the issuance of such certificate of occupancy. The amount of the fee is equal to five percent of the actual value of such building or structure, exclusive of the first \$100,000 of such actual value. The amount of the fee may, however, increase to five percent of the sales price of such building or structure, exclusive of the first \$100,000 of such sales price, if no fee has been collected on such building or structure and such building or structure is sold within 90 days of the issuance of a certificate of occupancy; in this event, the amount of the fee is due and payable on the date of the settlement of the sale. Under all circumstances, the fee is capped at \$20,000 per building or structure. An amount equal to two-thirds of the fee is deposited into the Transportation Trust Fund and must be spent in the construction district in which the fee was collected. The Governor may waive the collection of the amount to be deposited into the Transportation Trust Fund if he determines that the economic benefits of the building or structure outweigh any negative impact such building or structure may have on transportation. Moreover, an amount equal to the remaining one-third of the fee is deposited into a special interest-bearing account of the locality in which the fee was collected, and such amount must be spent on transportation projects within that locality. A locality may waive the collection of the amount to be deposited into its special interest-bearing account if its governing body determines that the economic benefits of the building or structure outweigh any negative impact such building or structure may have on transportation.

Patron - Cole

HB1745 Residential development impact fee assessments; adequate public facilities.

Allows localities to adopt ordinances for the assessment of impact fees and acceptance of cash proffers 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 and cash proffers may be accepted 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, and the cash proffers may be accepted, in relation to the adequacy of education, transportation, or public water or sewer needs. Such fees and proffers 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 or acceptance of cash proffers, 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 or cash proffers paid by a developer to the capital project that served as the basis for such assessment or acceptance within six years of collection, then the developer may seek a writ of mandamus to compel the locality to do so. Any impact fee ordinance and any cash proffer ordinance shall expire after six years, and may then be adopted for consecutive six-year periods.

Patron - Marshall, R.G.

HB1762 Traffic Signal Enforcement Programs; civil penalty.

Grants localities the authority to operate traffic signal enforcement systems. Localities may install photo-monitoring systems at no more than 25 intersections at one time. Provisions within the bill set the maximum fine, limit the use and retention of images recorded, and provide other parameters and limitations for localities. This bill was incorporated into HB 1778.

Patron - Purkey

HB1811 Vacant building registration. Increases the vacant building annual registration fee from \$25 to \$100.

Patron - Dance

HB1820 Condemnation by authorities. Provides that any exercise of the power of eminent domain initiated by an authority after July 1, 2007, must first be approved by the governing body of the locality in which the power is to be exercised.

Patron - Suit

HB1856 Number of deputies. Provides that in any county that maintains, operates, or owns a local correctional facility, the Compensation Board shall fix a number of additional full-time deputies at not less than one deputy for each 750 population confined in the local correctional facility.

Patron - Wittman

HB1858 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

HB1865 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

HB1991 Road impact fees. Adds Caroline, King George, Lancaster, Northumberland, Richmond, and Westmoreland Counties to those localities authorized to impose road impact fees.

Patron - Wittman

HB2007 Reimbursement of expenses related to certain traffic incidents. Provides that the Commonwealth shall impose as a taxable cost upon any person convicted of violating certain traffic provisions a levy of \$50 to be credited to the Office of the Comptroller, Line of Duty Disability Benefits Fund.

Patron - Callahan

HB2067 Virginia Indoor Clean Air Act; penalty. Provides that it shall be unlawful for any person to smoke in any establishment built and operated after July 1, 2008 as a restaurant, unless such establishment is constructed in such a manner that areas where smoking may be permitted are structurally separated from the portion of the restaurant in which smoking is prohibited and such areas contain structurally separated ventilation systems. Additionally, the bill provides that no wait staff or busboys in such restaurants shall be required by the proprietors or person who manages or otherwise controls any such restaurant to work in smoking areas mandated by this section without consent of such employees. The bill prohibits smoking in any building owned or leased by the Commonwealth or agency thereof or any locality. The bill contains technical amendments.

Patron - Cosgrove

HB2118 Impact fees for public facilities related to residential development. Provides that any locality that includes within its comprehensive plan a calculation of the capital costs of public facilities necessary to serve residential uses may impose and collect impact fees to cover the costs of issuing permits for residential uses in amounts consistent with the methodologies used in its comprehensive plan to defray the capital costs of public facilities related to the residential development. A locality imposing impact fees pursuant to the provisions of this bill shall allow credit against the impact fees for cash proffers collected for the purposes of defraying the capital costs of public facilities related to the residential development. In addition, a locality imposing impact fees pursuant to the provisions of this bill may require that such impact fees be paid prior to and as a condition of the issuance of any necessary building permits for residential uses.

Patron - Marshall, R.G.

HB2119 Underground electric transmission lines. Authorizes a locality in or adjacent to the Eighth Planning District to enter into an agreement with an electric utility that has proposed an overhead transmission line of 450 kV or more whereby the utility will construct the line underground and the

additional cost of underground installation will be paid by the locality. The locality is authorized to create a special rate district and assess its customers in the special rate district a tax to recover its payments to the electric utility. The measure also authorizes the locality to create a stock corporation and provides that the electric utility will distribute to the corporation shares of its capital stock with a value equal to the additional cost of the underground installation that was paid by the locality.

Patron - Marshall, R.G.

HB2173 Control of firearms; libraries. Provides that localities may adopt an ordinance that prohibits firearms, ammunition, or components or combinations thereof in libraries owned or operated by the locality.

Patron - BaCote

HB2174 Local grievance procedure. Provides immunity from civil liability for local officials who participate in the grievance process, except in instances of bad faith or malicious intent.

Patron - BaCote

HB2193 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 two percent or more toward the costs of construction or improvement of the urban system highway or street construction projects within the county.

Patron - Hull

HB2215 Urban county executive form of government; wage requirements for certain employees. Allows Fairfax County (described by form of government) to require vendors and contractors, who are awarded a county contract to perform work within the county, to pay to persons who are employed to perform such a contract and who will work within the county a wage higher than the federal minimum wage.

Patron - Amundson

HB2252 Prohibition of discrimination based on sexual orientation. Provides that the City of Richmond may enact an ordinance prohibiting discrimination in housing, employment, public accommodations, credit, and education on the basis of sexual orientation, provided that the scope of the protections provided by such ordinance are not inconsistent with nor more stringent than those of any state law prohibiting discrimination on the basis of race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, age, marital status, or disability. "Sexual orientation" means having or being perceived as having an orientation toward heterosexuality, bisexuality, or homosexuality. "Sexual orientation" does not include sexual deviant disorders ("paraphilias") as defined in the Diagnostic and Statistical Manual of Mental Disorders (DSM-IV).

Patron - Waddell

HB2305 Preservation of historic areas and sites. Adds historic areas and sites to the existing provisions related to preservation of historic buildings and structures.

Patron - McQuigg

HB2325 Clustering. Defines several key terms in the existing clustering statute that requires most localities to designate a portion of unimproved land as eligible for clustering of single-family dwellings. Also, "unimproved land" shall apply to residentially zoned land only, rather than residential and agricultural land.

Patron - Gilbert

HB2326 Clustering of single-family dwellings. Makes the clustering provisions that are slated to become effective July 1, 2007, optional, rather than mandatory.
Patron - Gilbert

HB2327 Clustering of single-family dwellings. Exempts certain agricultural counties from provisions that require most localities to designate certain areas for potential clustering of single-family dwellings.
Patron - Gilbert

HB2358 Investigation of the Southeastern Public Service Authority. Requires the General Assembly to appoint a special commission to investigate the operations and finances of the Southeastern Public Service Authority and make findings regarding the performance and financial stability of the Authority.
Patron - Cosgrove

HB2359 Withdrawal from the Southeastern Public Service Authority. Provides that if a member locality withdraws from the authority, the locality shall not be obligated to continue depositing waste with, or paying waste disposal or management fees, rates or charges to, the authority for the same or comparable services.
Patron - Cosgrove

HB2360 Southeastern Public Service Authority; out-of-area waste. Requires the General Assembly to appoint a special commission to investigate the acceptance of out-of-area waste by the authority and make findings regarding whether it is in the best interest of the public.
Patron - Cosgrove

HB2449 Local noise abatement structure ordinances. Requires the governing body of every county, city, and town, no later than January 1, 2008, to adopt an ordinance requiring developers to construct, as part of any development abutting any highway or planned highway, in conjunction with such development, any and all noise walls or other noise mitigation structures that may be required to protect properties within the development from highway noise levels that exceed or will exceed standards established by the Virginia Department of Transportation or the federal government. If a noise impact study is required, such study may be conducted by the county, city, or town, by the Department, or by a reputable business with demonstrated expertise in acoustic engineering pursuant to a contract with the county, city, or town, the Department, or the developer whose development may be subject to noise impacts.
Patron - Frederick

HB2451 Affordable dwelling unit ordinances. Makes numerous changes to the affordable housing law including authorizing establishment of housing trust funds and allowing acceptance of cash in lieu of affordable units. This bill was incorporated into HB 2010.
Patron - Toscano

HB2463 Regional transportation authorities. Provides a mechanism for the establishment of regional transportation authorities embracing three or more contiguous localities.
Patron - Oder

HB2484 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. This bill was incorporated into HB 1778.
Patron - Bulova

HB2486 Conservation of trees during the development process for air quality improvement in certain localities. Provides that certain localities may, by ordinance, require conservation of trees during the development process. The bill also provides that the tree conservation ordinance may require that the site plan for any subdivision or development provide for the preservation and replacement of trees on the development site such that the minimum tree canopy or tree cover percentage 10 years after development is projected to be as follows: (i) 10% tree canopy for a site zoned business, commercial, or industrial; (ii) 10% tree canopy for a residential site zoned 20 or more units per acre; (iii) 15% tree canopy for a residential site zoned more than 10 but less than 20 units per acre; (iv) 20% tree canopy for a residential site zoned more than five but not more than 10 units per acre; and (v) 30% tree canopy for a residential site zoned one to five units per acre. Finally, the bill mandates that any tree conservation ordinance provide for reasonable exceptions to or deviations from the canopy requirements.
Patron - Bulova

HB2489 Time limit for construction of single-family dwellings. Allows localities to adopt an ordinance establishing a reasonable time limit for the construction of a single-family detached dwelling unit, or any exterior addition or modification to a single-family detached dwelling unit, located on a lot equal to or smaller than one acre in size or that is located 200 feet or less from the next closest single-family detached dwelling unit.
Patron - Bulova

HB2490 Regional strategic plan. Removes the exemption for Planning District 8 with regard to preparation of a regional strategic plan.
Patron - Bulova

HB2598 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 - Plum

HB2667 Jurisdiction of localities to zone; signs. Provides that for the purpose of zoning, the governing body of a locality shall have jurisdiction over any advertising structure or any sign located on real property held, operated, or possessed by an educational institution described as being "at" such locality if such advertisement structure or any part of the advertising or informative contents of such sign is visible from real property that is not held, operated, or possessed by such educational institution. Nothing contained herein shall impair, limit, modify, or supersede any expressed term of any management agreement entered into on or before January 1, 2007.
Patron - Bulova

HB2777 Comprehensive plan to include urban development areas. Provides that every county that has adopted zoning shall, and any city or town may, amend its comprehensive plan to incorporate one or more proposed urban development areas, if such locality meets the criteria for high growth. For purposes of this section, an urban development area is an area designated by a locality that is most suited for development due to proximity to transportation facilities, the availability of public water and sewer, and its proximity to a city, town or other developed area. The comprehensive plan

shall designate one or more urban development areas sufficient to meet projected residential growth in the locality for the ensuing 20-year period. Any comprehensive plan amended pursuant to this section shall also be amended to incorporate the opportunity for development that includes features that promote an improved quality of life. No county, city or town that has amended its comprehensive plan in accordance with this section shall limit or prohibit development pursuant to existing zoning or any application for rezoning based solely on the fact that the property is located outside the urban development area. Counties shall have until July 1, 2011, to amend their comprehensive plans in accordance with these provisions.

Patron - Athey

HB2796 Impact fees for public facilities related to residential development. Provides that any locality that includes within its comprehensive plan a calculation of the capital costs of public facilities necessary to serve residential uses may impose and collect impact fees to cover the costs of issuing permits for residential uses in amounts consistent with the methodologies used in its comprehensive plan to defray the capital costs of public facilities related to the residential development. A locality imposing impact fees pursuant to the provisions of this bill shall allow credit against the impact fees for cash proffers collected for the purposes of defraying the capital costs of public facilities related to the residential development. In addition, a locality imposing impact fees pursuant to the provisions of this bill may require that such impact fees be paid prior to and as a condition of the issuance of any necessary building permits for residential uses.

Patron - Marshall, R.G.

HB2814 Denying or modifying an application for rezoning when transportation network is inadequate. Allows a locality to provide in its zoning ordinance for the denial or modification of an application for rezoning when the existing and future transportation network is inadequate to handle the anticipated transportation impact of the proposed development. In determining whether the transportation network is inadequate, the locality shall provide in its zoning ordinance for the consideration of the following: (i) the locality's comprehensive plan, the Department of Transportation's secondary road and other transportation plans, or such other available information regarding the transportation network that will serve the proposed development; (ii) whether the proposed development reduces the level of service in the existing and future transportation network, as determined by the locality in consultation with appropriate transportation agencies; and (iii) whether the design and phasing of the proposed development, the funded capital improvements program, or other combination of public and private resources will address the anticipated transportation impact of the proposed development.

Patron - Sickles

HB2822 Reimbursement of expenses related to certain traffic incidents. Provides that the Commonwealth shall impose as a taxable cost upon any person convicted of violating certain traffic provisions a levy of \$25 to be credited to the Office of the Comptroller, Line of Duty Disability Benefits Fund.

Patron - Sickles

HB2841 Grants for home ownership. Increases the maximum amount authorized for individual home-ownership grants from \$5,000 per local government employee to \$15,000 per local government employee. The bill also increases the maximum amount authorized for lifetime, cumulative home-ownership grants from \$5,000 per local government employee

to \$15,000 per local government employee. This bill was incorporated into HB 2834.

Patron - Hall

HB2868 Number of deputies. Requires the number of full-time deputies appointed by the sheriff of a county without a police force to be fixed by the Compensation Board at not less than 10 deputies. The bill further requires the number of full-time deputies appointed by the sheriff of a locality with a police force to be fixed by the Compensation Board at not less than two.

Patron - McEachin

HB2910 Affordable housing dwelling unit ordinances. Provides that a local governing body may establish a housing fund, the purpose of which will be to assist nonprofit organizations to develop or preserve affordable housing for low- and moderate-income persons and families. This bill was incorporated into HB 2010.

Patron - Spruill

HB2926 Immigration; powers of law-enforcement officers. Expands the powers of state and local law-enforcement officials to include immigration powers conferred upon the law-enforcement agency by agreement with the U.S. Department of Homeland Security. The bill also allows the Department of Corrections to receive any person into a state facility committed under the authority of the United States. This bill incorporates HB 2933.

Patron - Rust

HB2927 Certain affordable dwelling unit ordinances. Deletes an exclusion for elevator structures four stories or above, thereby making such structures eligible for inclusion in such ordinances. This bill was incorporated into HB 2010.

Patron - Jones, D.C.

HB2931 Cooperation with federal officials regarding immigration status. Provides that no local government shall enact any ordinance or policy that limits or prohibits a law-enforcement officer, local official, or local government employee from communicating or cooperating with federal officials with regard to the immigration status of any person within the Commonwealth. Also, various other provisions are put into place to ensure cooperation regarding determination of the immigration status of an individual.

Patron - Miller, J.H.

HB2939 County executive form of government; housing assistance. Provides that Albemarle County and Prince William County (described by form of government) may by ordinance provide for the use of funds, other than state funds, to provide grants, loans, and other assistance for county employees to purchase or rent residences, for use as the employee's principal residence, within the county. This bill was incorporated into HB 2446.

Patron - Miller, J.H.

HB2986 Development agreements; Planning District 8. Requires every locality located in Planning District 8 to include in its zoning ordinance provisions for the governing body to enter into binding development agreements with any persons owning legal or equitable interests in real property in the locality. Such agreements shall be authorized by ordinance, shall be for a term not to exceed 15 years, and may be renewed by mutual agreement of the parties for successive terms of not more than 10 years each. Development agreements may provide, among other things, for specific land uses and the density or intensity of such uses. No locality shall either request or

accept a cash payment as part of a development agreement whose amount is scheduled to increase annually, from the time of agreement until tender of payment, by a percentage greater than the annual rate of inflation.

Patron - Ingram

HB3033 Transfer of development rights. Permits the severance and transfer of development rights from a sending property without requiring those rights to be immediately affixed to a specific receiving property. In addition, the bill authorizes the purchase and/or sale of development rights by the locality in order to establish a clearinghouse for the conveyance of development rights.

Patron - Bell

HB3060 Publication of certain local government land-use decisions. Provides that whenever the governing body of any county, city, or town 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 shall 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 county, city, or town.

Patron - Frederick

HB3109 Shooting in certain areas. Makes it a Class 1 misdemeanor to discharge a firearm towards a subdivision within the range of the firearm, or to discharge a firearm towards any person or structure, when no barrier exists that would prevent the projectile from striking a person or structure. With these changes, a locality would no longer be able to prohibit hunting generally within a half-mile radius of a subdivision, but would still be able to prohibit hunting within a subdivision.

Patron - Janis

HB3121 Grants for home ownership. Raises from \$5,000 to \$25,000 the amount that localities may provide for home-ownership grants to employees of the locality to purchase their primary residences in the locality. This bill was incorporated into HB 2834.

Patron - O'Bannon

HB3196 Comprehensive plan to include urban development areas. Provides that every county that has adopted zoning may, and that any city or town may, amend its comprehensive plan to incorporate one or more proposed urban development areas, if such locality meets the criteria for high growth. An urban development area is an area designated by a locality that is most suited for development due to proximity to transportation facilities, the availability of a public or community water and sewer system, or proximity to a city, town, or other developed area. The comprehensive plan shall designate one or more urban development areas sufficient to meet projected residential growth in the locality for the ensuing 20-year period. Any comprehensive plan amended pursuant to this section shall also be amended to incorporate the opportunity for development that includes features that promote new urbanism and traditional neighborhood development. No county, city, or town that has amended its comprehensive plan in accordance with these provisions shall limit or prohibit development pursuant to existing zoning or any application for rezoning based solely on the fact that the property is located outside the urban

development area. Any locality that has not revised its comprehensive plan to establish an urban development area on or before July 1, 2008 shall not receive 50% of its annual secondary road allocation from the Virginia Department of Transportation.

Patron - Athey

HB3197 Urban transportation service districts. Provides for the creation of urban transportation service districts and provides a mechanism whereby counties that resume responsibility for maintaining all or portions of the state secondary highway system within their boundaries before July 1, 2010, will receive an amount equal to the urban allocation per lane mile for the area within the district for purposes of road maintenance. In addition, such locality shall receive an amount equal to the difference between the urban allocation and what VDOT would be spending within the service district if not for the creation of such district. Furthermore, localities that have established urban transportation service districts may provide for the denial or modification of an application for rezoning when the existing and future transportation network that will serve the proposed development is inadequate to handle the anticipated transportation impact of the proposed development. Such localities shall also be granted expanded impact fee authority.

Patron - Athey

HB3198 Local subdivision roads. Provides that no street or road or any portion thereof in any county shall be taken into the state secondary highway system for maintenance purposes unless it is classified by the Department as a local collector road. Other roads that, prior to July 1, 2007, would have been taken into the state secondary highway system shall be classified by the Department as local subdivision roads and shall not be taken into the state secondary highway system. A local subdivision road shall be any road, according to the Department, that primarily serves residents living within a subdivision. This bill was incorporated into HB 2227.

Patron - Athey

SB767 Control of firearms; libraries. Provides that localities may adopt an ordinance that prohibits firearms, ammunition, or components or combinations thereof, in libraries that are owned or operated by the locality.

Patron - Locke

SB782 Northern Virginia Transportation Authority; automated toll collections. Allows the Northern Virginia Transportation Authority to impose and collect tolls for use of newly constructed facilities and facilities that are reconstructed so as to increase their traffic capacity and allows the issuance of bonds supported by revenues generated by toll collections. The bill further requires that, on or before July 1, 2008, every agency of the Commonwealth having control of any toll facility in Northern Virginia must take all necessary actions to ensure that every toll facility under its control is capable of fully automated electronic operation.

Patron - Cuccinelli

SB817 Zoning; road capacity. Allows a locality to deny or modify a request for rezoning when the existing and future transportation network that will serve the proposed development is inadequate to handle the anticipated transportation impact of the proposed development.

Patron - Cuccinelli

SB832 Compensation Board; membership. Changes the membership of the Compensation Board to five members appointed by the Governor with one each from a list of nominees provided by (i) the Virginia Sheriffs' Association,

(ii) the Virginia Clerks' Association, (iii) the Virginia Association of Commonwealth's Attorneys, (iv) the Treasurers' Association of Virginia, and (v) the Commissioners of Revenue Association of Virginia. The chairman and vice-chairman are elected by the members. Currently the Board consists of the Auditor of Public Accounts and the Tax Commissioner, who serve ex officio, and a member appointed by the Governor to serve as chairman.

Patron - Devolites Davis

FSB837 Local limitations as to number of tattoo parlors. Provides that the City of Fairfax may by ordinance reasonably limit the number of tattoo parlors that may be operated at any one time within the locality.

Patron - Devolites Davis

FSB852 Regulation of water and sewage systems. Provides that a locality's power to regulate sewage collection, treatment or disposal service and water service shall not require such locality to take over private water or sewer service or systems.

Patron - Lambert

FSB871 Traffic Signal Enforcement Programs; civil penalty. Grants localities the authority to operate traffic signal enforcement systems. Localities may install photo-monitoring systems at no more than 25 intersections at one time. Provisions within the bill set the maximum fine, limit the use and retention of images recorded, and provide other parameters and limitations for localities. This bill was incorporated into SB 829.

Patron - Watkins

FSB939 Conservation of trees during the land development process for air quality improvement in certain localities. Provides that certain localities may, by ordinance, require conservation of trees during the development process. The bill also provides that the tree conservation ordinance may require that the site plan for any subdivision or development provide for the preservation and replacement of trees on the development site such that the minimum tree canopy or tree cover percentage 10 years after development is projected to be as follows: (i) 10% tree canopy for a site zoned business, commercial, or industrial; (ii) 10% tree canopy for a residential site zoned 20 or more units per acre; (iii) 15% tree canopy for a residential site zoned more than 10 but less than 20 units per acre; (iv) 20% tree canopy for a residential site zoned more than five but not more than 10 units per acre; and (v) 30% tree canopy for a residential site zoned one to five units per acre. Finally, the bill mandates that any tree conservation ordinance provide for reasonable exceptions to or deviations from the canopy requirements.

Patron - Ticer

FSB988 Scenic protection and tourist enhancement districts. Allows Albemarle County to establish one or more overlay zones to regulate the visual impacts of buildings and structures. Any such overlay zone may be established upon any area in the county where it is determined that the visual impacts of buildings and structures within the area may have a significant adverse impact upon the county's scenic resources or on tourism.

Patron - Deeds

FSB1037 Eminent domain; economic development. Provides that in any instance in which a substantial purpose of a condemnation is economic development, a locality shall demonstrate that the condemnation is related to the rede-

velopment of an area that is at least two-thirds blighted. This bill was incorporated into SB 781.

Patron - O'Brien

FSB1045 Immigration; powers of law-enforcement officers. Expands the powers of state and local law-enforcement officials to include immigration powers conferred upon the law-enforcement agency by agreement with the U.S. Department of Homeland Security. The bill also allows the Department of Corrections to receive any person into a state or local facility committed under the authority of the United States.

Patron - O'Brien

FSB1064 Affordable dwelling unit ordinances. Adds Northampton County to the list of localities that may, by amendment to a zoning ordinance, provide for an affordable housing dwelling unit program. This bill was incorporated into SB 955.

Patron - Rerras

FSB1085 Cable television services. Provides that a municipality currently authorized to provide cable television services may offer such services within the geographic boundaries of Planning Districts 2 and 3. The bill further provides that any locality in either Planning District 2 or 3 may contract with, or issue a franchise to, any public or private provider of cable television services to provide the citizens of such locality with such cable television services.

Patron - Puckett

FSB1131 Local housing fund; voluntary coordinated housing preservation and development districts. Provides that the governing body of the City of Charlottesville may establish by resolution a housing fund, the purpose of which will be to assist for-profit or nonprofit housing developers or organizations to develop or preserve affordable housing for low and moderate income persons. The fund may be used to assist the developer or organization with such items as acquisition of land and buildings, lighting, sanitary and storm sewers, landscaping, walkways, construction of parking facilities, water-sewer hookup fees, and site improvements, including sidewalks, curbs, and gutters but not street improvements. Developers assisted in this manner shall provide a minimum of 20% of the units for low and moderate income persons, as defined by the city, for a minimum of 10 years. In addition, the governing body may declare by resolution that a portion of the city is eligible for use of the housing fund by designation of a voluntary coordinated housing preservation and development district. This bill was incorporated into SB 955.

Patron - Deeds

FSB1160 Line of Duty Death and Health Benefits Trust Fund; revenue source. Imposes a \$1 per month fee on monitored alarm systems, to be collected by alarm company operators. The funds will be deposited into the Line of Duty Death and Health Benefits Trust Fund.

Patron - Quayle

FSB1188 Southeastern Public Service Authority. Provides that if a member locality withdraws from the authority, the locality shall not be obligated to continue depositing waste with, or paying waste disposal or management fees, rates or charges to, the authority for the same or comparable services. Also, the bill requires the General Assembly to appoint special commissions (i) to investigate the acceptance of out-of-area waste by the authority and make findings regarding whether it is in the best interest of the public and (ii) to investigate the operations and finances of the authority and make findings regarding the performance and financial stability of

the authority. Also, numerous changes are made to the Virginia Water and Waste Authorities Act related to dissolution of an authority, out-of-state waste, and rates and charges.

Patron - Blevins

FSB1242 Benefits coverage; employees and retired employees of localities. Provides that any locality that self-funds a health insurance program for its 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

FSB1252 Subdivision ordinance; cash escrow. Allows a procedure for the alternative use of cash escrows previously furnished to the governing body by the owner or developer in conjunction with the approval of a subdivision plat or site plan where such escrows were to be used for the construction of identified public improvements by someone other than the owner or developer.

Patron - Herring

FSB1254 Denying or modifying an application for rezoning when transportation network is inadequate. Allows a locality to provide in its zoning ordinance for the denial or modification of an application for rezoning when the existing and future transportation network is inadequate to handle the anticipated transportation impact of the proposed development. In determining whether the transportation network is inadequate, the locality shall provide in its zoning ordinance for the consideration of the following: (i) the locality's comprehensive plan, the Department of Transportation's secondary road and other transportation plans, or such other available information regarding the transportation network that will serve the proposed development; (ii) whether the proposed development reduces the level of service in the existing and future transportation network, as determined by the locality in consultation with appropriate transportation agencies; and (iii) whether the design and phasing of the proposed development, the funded capital improvements program, or other combination of public and private resources will address the anticipated transportation impact of the proposed development. This bill was incorporated into SB 817.

Patron - Herring

FSB1256 Storage of hazardous materials. Permits localities to prohibit the initiation of new storage of hazardous materials in floodplains five stream miles upstream of an intake for a public water supply. However, the provisions of this bill shall not apply to (i) operations of the Virginia Department of Transportation or its contractors concerning the construction, reconstruction, or maintenance of highways, or (ii) all Department of Defense facilities and operations.

Patron - Herring

FSB1267 Advertisement of plans; descriptive summary. Provides that a party's actual notice of, or active participation in, the proceedings for which certain advertisement is required, shall waive the right of that party to challenge the validity of the plan or ordinance, or amendment thereof, due to the insufficiency of, or an error in, the advertisement. Also, no person mailed written notice pursuant to certain zoning ordinance amendments may challenge the validity of the plan or ordinance, or amendment thereof, due to the insufficiency of, or an error in, the advertisement.

Patron - Herring

FSB1268 Impact fees. Grants general impact fee authority to "high-growth" localities. Any locality that includes within its comprehensive plan a calculation of the capital costs

of public facilities necessary to serve residential uses may impose and collect impact fees to cover the costs of issuing permits for residential uses in amounts sufficient to defray all or part of the capital costs of public facilities related to residential development. Impact fees imposed and collected shall only be used for public facilities that are impacted by a particular development project; however, the fees may be used in the general area of the project.

Patron - Herring

FSB1272 Transportation districts; compensation of commission members. Allows members of commissions of transportation districts to receive the same per diem as members of the General Assembly.

Patron - Whipple

FSB1323 Jurisdiction of localities to zone; signs. Provides that for the purpose of zoning, the governing body of a locality shall have jurisdiction over any advertising structure or any sign located on real property held, operated, or possessed by an educational institution described as being "at" such locality if such advertisement structure or any part of the advertising or informative contents of such sign is visible from real property that is not held, operated, or possessed by such educational institution. Nothing contained in the bill shall impair, limit, modify, or supersede any expressed term of any management agreement entered into on or before January 1, 2007.

Patron - Cuccinelli

FSB1329 Design and construction of public facilities. Allows localities to provide for adoption of guidelines for the design and construction of public facilities, public infrastructure, and other structures within areas of proposed development or rezoning.

Patron - Williams

FSB1356 Impact fees for public facilities related to residential development. Provides that any locality that includes within its comprehensive plan a calculation of the capital costs of public facilities necessary to serve residential uses may impose and collect impact fees to cover the costs of issuing permits for residential uses in amounts consistent with the methodologies used in its comprehensive plan to defray the capital costs of public facilities related to the residential development. A locality imposing impact fees pursuant to the provisions of this bill shall allow credit against the impact fees for cash proffers collected for the purpose of defraying the capital costs of public facilities related to the residential development. In addition, a locality imposing impact fees pursuant to the provisions of this bill may require that such impact fees be paid prior to and as a condition of the issuance of any necessary building permits for residential uses. This bill was incorporated into SB 1268.

Patron - O'Brien

FSB1368 State and local transportation planning. Excludes certain cities with full-time transportation planners from provisions that would require the submission of land use applications to VDOT for review.

Patron - Williams

FSB1373 Withdrawal of the Roanoke County Sheriff's Office from training academy. Authorizes the Roanoke County Sheriff's Office to withdraw from the Cardinal Criminal Justice Academy. Current statutory provisions only allow a county to withdraw upon two-thirds vote of the board of directors of an academy. This bill would allow the county to withdraw absent such a vote.

Patron - Bell

SB1376 Comprehensive plan amendments. Allows a governing body desiring a comprehensive plan amendment to direct the local planning commission to prepare an amendment and submit it to public hearing within a period prescribed by the local governing body. Under current law, if the governing body desires an amendment it may direct the local planning commission to prepare an amendment and submit it to public hearing within 60 days after formal written request by the governing body. The bill also provides that the local governing body may approve, amend and approve, or disapprove the proposed comprehensive plan amendment within 90 days after conducting its public hearing.

Patron - Herring

SB1390 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, public corporations and public service companies. The bill states that the definition of public uses does not include the taking of land for the primary purpose of conferring a financial gain on a private person or increasing tax revenues. This bill was incorporated into SB 1296.

Patron - Saslaw

SB1398 Local regulation of all-terrain vehicles and similar vehicles near dwellings. Allows localities by ordinance to provide that any person who operates a dirt bike, all-terrain vehicle, or other similar vehicle, whether licensed or not, within 500 feet of any dwelling shall be guilty of a Class 4 misdemeanor. The parent or other person in loco parentis of a person under the age of 18 years who violates such provision shall be guilty of a Class 4 misdemeanor. Enhanced penalties shall apply for subsequent convictions.

Patron - Watkins

Courts not of Record

Passed

HB1738 Issuance of emergency protective orders with assault warrants. The bill creates the presumption of further family abuse when there already exists, or there is issued, a warrant for domestic assault. Such presumption may be rebutted by the alleged abused person.

Patron - Fralin

HB1982 Violation of provisions of protective orders; penalty. Provides that the punishment for any person convicted of a second violation of a protective order, when the offense is committed within five years of a conviction for a prior offense and when either the instant or prior offense was based on an act or threat of violence, shall include a mandatory minimum term of confinement of 60 days. The bill also provides that any person convicted of a third offense, when the third such offense is committed within 20 years of the first conviction and when either the instant or any of the prior offenses was based on an act or threat or violence, is guilty of a Class 6 felony, and punishment shall include a mandatory minimum term of confinement of six months. The bill also provides that there is a rebuttable presumption that bail should be denied to any person convicted of a second or subsequent violation of a protective order.

Patron - Lohr

HB2053 Sentencing of juvenile convicted of capital murder. Provides that, upon a finding of guilty of any felony charge, the court shall fix the sentence of a juvenile defendant without the intervention of a jury. Currently, the Code provides for involvement of a jury in a capital case. In *Roper v. Simmons*, 543 U.S. 551 (2005), 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.

Patron - McQuigg

HB2061 Appeal bonds. Provides that no service or filing fees shall be assessed or collected for any appeal from an order denying bail or fixing terms of bond or recognizance. This bill is identical to SB 825.

Patron - McQuigg

HB2073 District court appeal bond; juvenile courts. Provides that in appeals or removals from a district court, including juvenile and domestic relations district court, when an appeal bond or other security is required, and there was a failure to post such a bond or other security or a failure to cure defects in a bond or other security, the district court shall order that the appellant or applicant for removal post the required bond or security or cure any defect within a period not longer than the initial period of time for posting the bond or other security. If the error is discovered by the circuit court, then the file shall be remanded to the general district court. Failure to comply with an order to post a bond or other security or to cure a defect shall result in the disallowance of the appeal or denial of the application for removal. As introduced, this bill was a recommendation of the Boyd Graves Conference.

Patron - Armstrong

HB2144 General district court judgments; satisfaction. Establishes a procedure for the satisfaction of judgments in general district court when the judgment creditor cannot be located. The bill provides that a judgment debtor wishing to discharge a judgment pursuant to the provisions of § 8.01-456 when the creditor cannot be located, may docket the general district court judgment in the circuit court having jurisdiction in the same geographic area as the general district court. An Attorney General's Opinion (May 16, 2006) stated that § 8.01-456 applied only to circuit courts. This bill is a recommendation of the Committee on District Courts and is identical to SB 922.

Patron - Kilgore

HB2201 Interstate Compact for Juveniles. Repeals the Interstate Compact Relating to Juveniles located in Article 14 (§ 16.1-323 et seq.) of Chapter 11 of Title 16.1 and replaces it with the current version of the Interstate Compact for Juveniles, which has already been enacted in 30 states and provides for enhanced accountability, enforcement, visibility, and communication in relation to tracking and supervising juveniles moving across state borders. Provides for an appointed five-member State Council to exercise oversight of Virginia's participation in the Compact. This bill as passed is identical to SB 1290.

Patron - McQuigg

HB2530 Psychiatric Inpatient Treatment of Minors Act. Clarifies that certain retired judges, substitute judges, and special justices are authorized to perform hearings under the Act and to receive compensation therefor. In order to be authorized to perform hearings, such judges or justices are required to complete a training program, prescribed by the Executive Secretary of the Supreme Court, regarding the provisions of the Act. Specifies that special justices shall serve

under the supervision and at the pleasure of the chief judge making the appointment for a period of up to six years, and that such special justices may be reappointed and may serve additional periods of up to six years, at the pleasure of the chief judge.

Patron - Iaquinto

HB2576 Protective orders; extension. Provides that a court may extend a preliminary protective order where the party subject to the order fails to attend the hearing because he was not personally served. The extended protective order must be served as soon as possible and the extension period is limited to six months. The bill also amends provisions relating to protective orders issued pending suit for divorce, custody or visitation to provide that if the party subject to the order fails to appear at the hearing the court may extend the order for a period not to exceed six months.

Patron - Shannon

HB2646 Emergency protective orders. Provides that when an emergency protective order is issued, the judge or magistrate shall provide the protected person or the law-enforcement officer seeking the emergency protective order with the form used to file a petition for a preliminary protective order and written information regarding protective orders that shall include the telephone numbers of domestic violence agencies and legal referral sources on a form prepared by the Supreme Court. If the forms are provided to a law-enforcement officer the officer may provide the forms to the person who is the subject of the protective order.

Patron - Marsden

HB2660 Investigation of the social history of juveniles at the time of commitment. Requires the court to order an investigation of a juvenile's social history at the time of the juvenile's commitment if one has not been previously completed. The investigation shall be completed within 15 days of the commitment. Currently such an investigation is permissive.

Patron - Marsden

HB2661 Release of confidential records of the Department of Juvenile Justice. Adds group homes, residential facilities, and post dispositional facilities to the list of those eligible to review social, medical, psychiatric, and psychological reports and records of children who are or have been (i) before the court, (ii) under supervision, or (iii) receiving services from a court service unit or who are committed to the Department of Juvenile Justice. Any copies of those records in the custody of the newly added review-eligible facilities shall be destroyed if the juvenile is not admitted to such a facility.

Patron - Marsden

HB2788 Money to be deposited in lieu of bond. Adds surety bonds, bank checks, and drafts from an attorney's escrow account to the type of payment that would be accepted in lieu of posting a bond for a civil appeal from district court. Currently only cash or a check from the court is accepted.

Patron - Joannou

HB3007 Juvenile conviction in circuit court. Provides that the juvenile court is precluded from taking jurisdiction over a juvenile for subsequent offenses only if the juvenile is convicted as an adult. Under current law once a juvenile is tried or treated as an adult for an offense the juvenile court is precluded from taking jurisdiction for subsequent offenses.

Patron - Marsden

HB3182 Medical evidence; appeals to circuit court. Allows the procedure for introducing medical reports at

the general district court level to be used in matters that are appealed to the circuit court.

Patron - Peace

SB738 Psychiatric Inpatient Treatment of Minors Act; special justices. Clarifies that certain retired judges, substitute judges, and special justices are authorized to perform hearings under the Act and to receive compensation therefor. In order to be authorized to perform hearings, such judges or justices are required to complete a training program, prescribed by the Executive Secretary of the Supreme Court, regarding the provisions of the Act. Specifies that special justices shall serve under the supervision and at the pleasure of the chief judge making the appointment for a period of up to six years and may be reappointed. This bill incorporates SB 1269.

Patron - Cuccinelli

SB825 Appeal bonds. Provides that no service or filing fees shall be assessed or collected for any appeal from an order denying bail or fixing terms of bond or recognizance. This bill is identical to HB 2061.

Patron - Devolites Davis

SB922 General district court judgments; satisfaction. Establishes a procedure for the satisfaction of judgments in general district court when the judgment creditor cannot be located. The bill provides that a judgment debtor wishing to discharge a judgment pursuant to the provisions of § 8.01-456 when the creditor cannot be located, may docket the general district court judgment in the circuit court having jurisdiction in the same geographic area as the general district court. An Attorney General's Opinion (May 16, 2006) stated that § 8.01-456 applied only to circuit courts. This bill is a recommendation of the Committee on District Courts and is identical to HB 2144.

Patron - Marsh

SB1236 Punishment for certain juvenile offenses. Clarifies that a judge may impose all penalties allowable by law for juveniles found delinquent of offenses that require the loss of driving privileges as set forth in § 16.1-278.9.

Patron - Obenshain

SB1237 Violation of provisions of protective orders; penalty. Provides that the punishment for any person convicted of a second violation of a protective order, when the offense is committed within five years of a conviction for a prior offense and when either the instant or prior offense was based on an act or threat of violence, shall include a mandatory minimum term of confinement of 60 days. The bill also provides that any person convicted of a third offense, when the third such offense is committed within 20 years of the first conviction and when either the instant or any of the prior offenses was based on an act or threat or violence, is guilty of a Class 6 felony, and punishment shall include a mandatory minimum term of confinement of six months. The bill also provides that there is a rebuttable presumption that bail should be denied to any person convicted of a second or subsequent violation of a protective order.

Patron - Obenshain

SB1290 Interstate Compact for Juveniles. Repeals the Interstate Compact Relating to Juveniles located in Article 14 (§ 16.1-323 et seq.) of Chapter 11 of Title 16.1 and replaces it with the current version of the Interstate Compact for Juveniles, which has already been enacted in 30 states and provides for enhanced accountability, enforcement, visibility, and communication in relation to tracking and supervising juveniles moving across state borders. Provides for an appointed five-

member State Council to exercise oversight of Virginia's participation in the Compact. This bill is identical to HB 2201.

Patron - Edwards

Failed

HB1693 Recording of interrogations of juveniles. Requires that statements made by a juvenile criminal defendant accused of committing a violent juvenile felony are to be electronically recorded and that failure to record such statements shall be a factor to be considered by the court re admissibility.

Patron - Eisenberg

HB1726 Enforcement of protective orders. Provides that protective orders prohibiting contact between the petitioner and respondent may be enforced against either of them.

Patron - Lohr

HB1734 Number of juvenile and domestic relations district court judges; 23rd District. Adds one juvenile and domestic relations district court judge to the 23rd Judicial District (Roanoke, Salem, Roanoke County).

Patron - Fralin

HB1770 Fingerprints and photographs of juveniles; destruction. Provides that if a petition or warrant is not ultimately filed against a juvenile whose fingerprints or photographs are taken when the juvenile is taken into custody and charged with an act that, if committed by an adult, would be required to be reported to the Central Criminal Records Exchange, the fingerprints and photographs must be destroyed within 60 days.

Patron - Cosgrove

HB1898 Juveniles; records. Allows law-enforcement agency access to a child who is detained in a detention home in order to investigate an offense that would be a felony if committed by an adult and is unrelated to the matters upon which the child is being detained, unless the child refuses.

Patron - Albo

HB1925 Psychiatric Inpatient Treatment of Minors Act; special justices. Clarifies 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 HB 2530.

Patron - Griffith

HB2044 Temporary detention orders; facility of temporary detention. Removes the requirement that the facility of temporary detention be identified in the temporary detention order.

Patron - McQuigg

HB2047 Juveniles; duty of person taking child into custody. Requires that whenever a child who is under 14 years of age 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 the child is at liberty to terminate the interrogation and leave. If the child is not at liberty to 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

HB2057 Civil procedure; district courts. Replaces Title 16.1 references to "motion for judgment" with "com-

plaint" to be consistent with the single form of action created by the General Assembly in 2005. This bill is a recommendation of the Committee on District Courts.

Patron - McQuigg

HB2074 Withdrawal of appeals from district courts; civil proceedings. Establishes procedures for parties who appeal decisions from district courts in civil actions to withdraw such appeals. Currently there are only procedures for the withdrawal of appeals from district courts in certain criminal cases. This bill is a recommendation of the Boyd Graves Conference. This bill was incorporated into HB 2566.

Patron - Armstrong

HB2150 Foster care services. Indicates that the term "foster care services" means the provision of services to a child and his family when the child has been identified as needing services to prevent or eliminate the need for custody relinquishment.

Patron - Fralin

HB2170 Fixed fee for misdemeanors; local fee for law-enforcement training. Provides for a local fee of \$5.00 upon conviction of a misdemeanor that shall be deposited into a fund maintained by the county, city, or town wherein the court sits for the express purpose of training law-enforcement employees.

Patron - BaCote

HB2505 Number of district court judges. Increases the number of general district court judges by one in each of the following districts: 2nd (Virginia Beach); 11th (Petersburg, Dinwiddie, Powhatan, Amelia, Nottoway); 26th (Harrisonburg, Winchester, Frederick, Clarke, Warren, Shenandoah, Page, Rockingham) and increases the number of juvenile and domestic relations district court judges by one in each of the following districts: 1st (Chesapeake); 28th (Bristol, Smyth, Washington). This bill is a recommendation of the Committee on District Courts.

Patron - Albo

HB2566 Withdrawal of appeals from district courts; civil proceedings. Establishes procedures for parties who appeal decisions from district courts in civil actions to withdraw such appeals. Currently there are only procedures for the withdrawal of appeals from district courts in certain criminal cases. This bill is a recommendation of the Boyd Graves Conference.

Patron - Shannon

HB2658 Nonpayment of child support; probation. Provides that courts have the option to order that a party held in contempt for failure to pay child support be placed on probation instead of being sentenced to confinement if such an order is in the best interests of all parties, including the child.

Patron - Marsden

HB2827 Delinquent children; prior adjudications of delinquency. Provides that the court shall only discharge a delinquent child and dismiss the proceedings against him, where the finding of delinquency is based upon (i) the unlawful purchase, possession, or consumption of alcohol, (ii) the unlawful drinking or possession of alcohol on school grounds, or (iii) the unlawful use or possession of a handgun or "streetsweeper," if the child has not previously been adjudicated delinquent for a like offense, had a proceeding for a like offense dismissed, or had an adjudication of delinquency for a like offense deferred.

Patron - Gilbert

HB3063 General district court judges; 11th Judicial District. Adds one judge to the general district court of the 11th Judicial District (Petersburg, Dinwiddie, Nottoway, Amelia, Powhatan). This seat has been recommended by the Committee on District Courts.

Patron - Ware, R.L.

HB3095 Support orders; purging civil contempt. Provides that any order holding a party in civil contempt of court for failing to perform or comply with a support order must detail how the party may purge himself of the contempt. The party cannot be held in civil contempt if he does not have the ability to purge the contempt and he bears the burden of proof to show that he lacks the ability to do so. The bill codifies the law of Virginia concerning the power to hold a party in civil contempt.

Patron - Lohr

SB739 Psychiatric Inpatient Treatment of Minors Act; special justices. Clarifies that retired judges, substitute judges, and special justices are authorized to perform hearings under the Act. This bill also authorizes the chief judge of the 2nd Judicial Circuit (Virginia Beach, Northampton, and Accomack) and the chief judge of the 19th Judicial Circuit (Fairfax County) to appoint special justices for the purpose of performing duties required of a judge under this Act. Such appointed judges are to be paid by the locality in which the special justice was appointed. This bill also states that an emergency exists and that the bill shall go into effect from its passage.

Patron - Cuccinelli

SB928 Termination of parental rights. Replaces language throughout § 16.1-283, dealing with the termination of residual parental rights, which formerly provided that the court "may" terminate parental rights if the requisite conditions are met with language providing that the court "shall" terminate parental rights if the conditions are met. This bill allows consideration of the efforts made to rehabilitate the parent in response to the parent's abuse and neglect of other children in determining whether to terminate a parent's rights. This bill also provides that a court shall consider whether custody of a child should be granted to the relatives of a child when a parent's parental rights have been terminated. This bill also clarifies that reasonable efforts to reunite a parent with a child need not be made if any of the grounds for termination of parental rights under subsection E of § 16.1-283 exist.

Patron - Ticer

SB929 Termination of parental rights. Provides that the parental rights of a parent, when the child has been placed in foster care, may be terminated based on a finding that the parent has abused or neglected another child. Current law only permits termination upon a finding that the child in question has been abused or neglected. This bill also permits the termination of parental rights of a child less than one year old who is in the custody of a local board or child-placing agency when the parent is incarcerated and expected to remain so for more than one year or when two or more of the parent's other children are in the custody of a local board or child-placing agency in Virginia or a similar agency in any other state. This bill also allows consideration of the efforts made to rehabilitate the parent in response to the parent's abuse and neglect of other children in determining whether to terminate a parent's rights. This bill also clarifies that reasonable efforts to reunite a parent with a child need not be made if any of the grounds for termination of parental rights under subsection E of § 16.1-283 exist.

Patron - Ticer

SB932 Protective orders; companion animals and livestock. Provides that a court may include in a protective order entered under §§ 16.1-253, 16.1-253.1, 16.1-253.4, and 16.1-279.1 provisions for the protection of companion animals and livestock owned, possessed, leased, kept or held by the party, or his family or household members, for whose benefit the protective order was entered.

Patron - Ticer

SB956 Civil procedure; district courts. Replaces Title 16.1 references to "motion for judgment" with "complaint" to be consistent with the single form of action created by the General Assembly in 2005. This bill is a recommendation of the Committee on District Courts.

Patron - Quayle

SB1175 Number of district court judges. Increases the number of general district court judges by one in each of the following districts: 2nd (Virginia Beach); 11th (Petersburg, Dinwiddie, Powhatan, Amelia, Nottoway); 26th (Harrisonburg, Winchester, Frederick, Clarke, Warren, Shenandoah, Page, Rockingham) and increases the number of juvenile and domestic relations district court judges by one in each of the following districts: 1st (Chesapeake); 28th (Bristol, Smyth, Washington). This bill is a recommendation of the Committee on District Courts.

Patron - Stolle

SB1178 Department of Juvenile Justice records; confidentiality. Deletes the requirement that a law-enforcement agency, attorney for the Commonwealth, school administration, or probation office having a legitimate interest in the case, the juvenile, or the work of the court obtain a court order to inspect social, medical, psychiatric, and psychological reports and records of children who are or have been before the court, under supervision, receiving services from a court service unit, or committed to the Department of Juvenile Justice.

Patron - Stolle

SB1244 Filing fees; custody and visitation cases. Provides that in addition to the filing fee charged in custody or visitation cases brought in the juvenile and domestic relations district court set forth in § 16.1-69.48:5, a locality may also assess a fee pursuant to § 42.1-70, as part of the costs incident to each action filed, a sum for the establishment and maintenance of a law library in the locality. Currently, § 16.1-69.48:5 precludes the charging, in custody or visitation cases brought in the juvenile and domestic relations district courts, of any fees in addition to the filing fee set forth therein.

Patron - Herring

SB1248 Driving without a license; juveniles. Specifies that a juvenile who drives without a license after the juvenile court has issued an order denying the juvenile the ability to apply for a license, is guilty of a violation of § 46.2-300 (driving without a license), which is a Class 2 misdemeanor.

Patron - Herring

SB1269 Psychiatric Inpatient Treatment of Minors Act; special justices. Clarifies 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 738.

Patron - Herring

SB1388 Mental health courts; pilot program. Directs the Office of the Executive Secretary of the Supreme Court to establish by January 1, 2008, no less than two and no

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

Patron - Edwards

Courts of Record

Passed

HB1909 Recordation of deeds. Places the responsibility of complying with the requirements for a writing to be recorded on the attorney or party who prepares the writing for recordation and also states that the same party is responsible for removing the social security number from the writing prior to the instrument being submitted for recordation. The preparer also shall ensure that a deed conveying not more than four dwelling units states on its first page the name of the title insurance underwriter or that the existence of title insurance is unknown to the preparer. The bill also provides that the writing, once recorded, shall be returned to the grantee unless an alternate address to which the writing shall be returned is indicated on the face of the writing.

Patron - Albo

HB2115 Pro Hac Vice Fund; out-of-state-attorneys. Establishes the Pro Hac Vice Fund as a special, nonreverting fund comprised of fees collected for applications to associate counsel (out-of-state attorneys). Moneys in the Fund are to be used by the Supreme Court for improving the administration of justice. The fee, under new Rule 1A:4, will be \$250. This bill is identical to SB 973.

Patron - Putney

SB973 Pro Hac Vice Fund; out-of-state-attorneys. Establishes the Pro Hac Vice Fund as a special, nonreverting fund comprised of fees collected for applications to associate counsel (out-of-state attorneys). Moneys in the Fund are to be used by the Supreme Court for improving the administration of justice. The fee, under new Rule 1A:4, will be \$250. This bill is identical to HB 2115.

Patron - Howell

SB1129 Order books; microfilming. Requires circuit court clerks to ensure that order books have been microfilmed or converted to an electronic format using state microfilm standards and state electronic records guidelines. In addition, the clerk must provide the master reel of any such microfilm for storage in the Library of Virginia and provide for secure, off-site back up of any electronic copies of such records.

Patron - Norment

SB1293 Fees for clerks, sheriffs, etc. Provides that localities are exempt from paying any fees for services rendered by clerks or other court officers for services rendered in cases when the locality is a party to a case in its own court system or in any other jurisdiction where the locality and the other jurisdiction have a reciprocal waiver of fees agreement. The bill further provides that sheriffs may grant a waiver of sheriff's fees to other localities.

Patron - Norment

Failed

HB1757 Judges; residency requirement. Suspends the residency requirement for a sitting judge who resides

within the Commonwealth of Virginia upon property that is located contiguous to his respective circuit.

Patron - Kilgore

HB2089 Powers and duties of the Supreme Court of Virginia. Reverts to the former selection process for the Chief Justice of the Virginia Supreme Court, when the longest-serving justice served as Chief Justice. The current provisions allow the Court to elect, by majority vote, the Chief Justice, who serves for a term of four years. The bill also removes (i) the requirement that the Committee on District Courts and the Supreme Court certify vacancies in the judiciary prior to the legislature filling those vacancies, (ii) the authority of the Chief Justice to determine which judges are recalled for duty after retirement and gives that authority to the chief circuit court judge, and (iii) several duties of the Chief Justice to direct the work of the circuit and district courts and gives that authority to the Supreme Court as a whole.

Patron - Janis

HB2237 Courts of record; assessment for courthouse construction. Increases from two dollars to \$10 the part of the costs for filing civil actions, and thereby increases from four dollars to \$14 the total for the assessment for courthouse construction and for the acquisition of books and equipment for local law libraries.

Patron - Nutter

HB2317 Criminal history information; duty to provide to court. Provides that before any proceeding for bail under Article 1 (§ 19.2-119 et seq.) of Chapter 9 of Title 19.2 may be conducted, the criminal history of the accused shall be provided to the judicial officer or the judicial officer shall obtain this information prior to the hearing. This bill would preclude judicial officers from making bail determinations without first obtaining full knowledge of the criminal history of an accused. Current law only requires that this information be provided or obtained prior to the hearing to the extent that it is feasible to do so.

Patron - Welch

HB2506 Number of circuit court judges. Adds one judge to each of the following circuits: 10th (Appomattox, Buckingham, Charlotte, Cumberland, Halifax, Lunenburg, Mecklenburg, Prince Edward); 26th (Harrisonburg, Winchester, Clarke, Fredrick, Page, Rockingham, Shenandoah, Warren); 27th (Galax, Radford, Bland, Carroll, Floyd, Giles, Grayson, Montgomery, Pulaski, Wythe); and 30th (Norton, Lee, Scott, Wise). This bill is a recommendation of the Judicial Council.

Patron - Albo

HB2644 Fixed misdemeanor and fixed felony fees. Increases the felony and misdemeanor fixed fees by \$3. The increase will go to the Virginia Crime Victim-Witness Fund, which is a nonreverting fund administered by the Department of Criminal Justice Services to support victim and witness programs.

Patron - Caputo

HB3058 Circuit courts; circuit courts caseload. Requires the chief judge to assign an equal caseload to each judge in each subject matter that comes before the circuit courts.

Patron - McEachin

HB3059 Circuit courts; duty to docket cases in the circuit courts. Shifts the authority for assigning the work of the circuit courts from the chief circuit court judge to the clerk

of the court, and requires the clerk to assign an equal caseload in each subject matter that comes before the circuit courts.

Patron - McEachin

HB3099 Circuit courts; business case divisions. Establishes business case divisions within the circuit courts of the Commonwealth. Such divisions shall have jurisdiction over any matter in which the amount in controversy exceeds \$250,000 and which is brought pursuant to (i) Uniform Commercial Code (§ 8.1A-101 et seq.); (ii) Virginia Securities Act (§ 13.1-501 et seq.); (iii) Virginia Stock Corporation Act (§ 13.1-601 et seq.); (iv) Virginia Uniform Partnership Act (§ 50-73.79 et seq.); (v) Virginia Revised Uniform Limited Partnership Act (§ 50-73.1 et seq.); (vi) Virginia Limited Liability Company Act (§ 13.1-1000 et seq.); and (vii) any other action, upon motion of all parties, the court finds warrants consideration by the business case division.

Patron - Iaquinto

SB859 Number of circuit court judges in the 27th Circuit. Adds one judge to the 27th Circuit (Galax, Radford, Bland, Carroll, Floyd, Giles, Grayson, Montgomery, Pulaski, Wythe). This bill was incorporated into SB 1174.

Patron - Reynolds

SB1174 Number of circuit court judges. Adds one judge to each of the following circuits: 10th (Appomattox, Buckingham, Charlotte, Cumberland, Halifax, Lunenburg, Mecklenburg, Prince Edward); 26th (Harrisonburg, Winchester, Clarke, Fredrick, Page, Rockingham, Shenandoah, Warren); 27th (Galax, Radford, Bland, Carroll, Floyd, Giles, Grayson, Montgomery, Pulaski, Wythe); and 30th (Norton, Lee, Scott, Wise). This bill is a recommendation of the Judicial Council. This bill incorporates SB 859.

Patron - Stolle

Crimes and Offenses Generally

Passed

HB1652 Smoking in proximity to hospital oxygen source; penalty. Provides that any person who smokes or uses an open flame within 25 feet of an oxygen source in a health care facility when the area is posted as an area where smoking and open flame are prohibited is guilty of a Class 2 misdemeanor.

Patron - Armstrong

HB1777 Concealment of dead body; penalty. Provides that any person who transports, secretes, conceals, or alters a dead body with malicious intent and to prevent detection of an unlawful act, the death, or the manner or cause of death is guilty of a Class 6 felony.

Patron - Cosgrove

HB1785 Devices for puncturing motor vehicle tires. Provides that law-enforcement officers lawfully engaged in the discharge of their duties are not subject to the Class 1 misdemeanor for possessing or utilizing devices designed to puncture motor vehicle tires.

Patron - Cosgrove

HB1795 Identity theft; clarification of fictitious person. Amends identify theft statute to correct a possible reference to a false or fictitious person as a person who may be dead or alive.

Patron - Griffith

HB1890 Third offense driving on a suspended license; penalty. Clarifies that a conviction of a third offense in 10 years of driving on a license that has been suspended, revoked, or restricted because of a DUI-related offense is a Class 6 felony when such offenses are committed within the 10-year period. Current law could be interpreted to punish on the basis of the dates of convictions rather than dates the offenses were committed.

Patron - Albo

HB1921 Extortion by withholding immigration document. Provides that any person who confiscates, withholds or threatens to withhold any actual or purported passport, immigration document or other government identification document and thereby extorts money, property, or pecuniary benefit is guilty of a Class 5 felony.

Patron - Griffith

HB1988 Carrying concealed weapons; deployed state troopers. Allows an officer of the Virginia State Police to carry a concealed weapon while called to active duty with the reserve forces of the United States military. Such officers would be issued written proof of consultation and favorable review of the need to carry a concealed handgun that would serve as a concealed handgun permit while the officer is on active duty. The issuance of the proof of consultation and favorable review shall be entered into the Virginia Criminal Information Network. The system is modeled on the process used to allow retired law-enforcement officers to carry concealed weapons without a concealed handgun permit.

Patron - Cox

HB1998 Charitable gaming; definition of instant bingo, pull tabs, and seal cards. Clarifies that Department-approved electronic instant bingo, pull tabs, and seal cards may be used in the conduct of charitable gaming. The bill also requires manufacturers or suppliers of electronic games of chance to have a permit by the Department of Charitable Gaming.

Patron - Suit

HB2055 Trespassing on public transportation; penalty. Provides that any person who enters or remains upon or within a vehicle operated by a public transportation service without the permission of, or after having been forbidden to do so by, the owner, lessee, or authorized operator thereof is guilty of a Class 4 misdemeanor.

Patron - McQuigg

HB2068 Sexual abuse; penalty. Provides that it is a Class 1 misdemeanor for an adult to, with lascivious intent, commit sexual abuse against a child 13 years of age or older but under 15 years of age. A person convicted of this offense will have to register with the Sex Offender and Crimes Against Minors Registry.

Patron - Cosgrove

HB2106 Concealed handgun permits; fingerprinting. Clarifies that a locality may only require a concealed handgun permit applicant to submit fingerprints when applying for a new permit, but shall not require an existing permit holder to submit fingerprints when renewing a permit.

Patron - Carrico

HB2126 Repeal of punishments for misuse of telephone party lines. Repeals punishments for misuse of telephone party lines.

Patron - Hugo

HB2266 Limits on driving on a restricted permit.

Provides that a person whose license to operate a motor vehicle has been suspended or revoked may be issued a restricted permit to drive for the purpose of providing medically necessary transportation of any person residing in the person's household with a serious medical problem upon written verification of need by a licensed health professional. Currently, the restriction is narrower, only allowing such person to drive an elderly parent for a medical necessity and to drive minor children to medical care facilities.

Patron - Ebbin

HB2332 Crimes; obstruction of justice; penalty.

Provides that if any person by threats of bodily harm or force knowingly attempts to intimidate or impede an attorney for the Commonwealth lawfully engaged in his duties as such, he is guilty of a Class 5 felony.

Patron - Gilbert

HB2344 Sex offenses prohibiting entry onto school property; penalty.

Provides that an adult who has been convicted of a sexually violent offense is guilty of a Class 6 felony if he enters or is present, during school hours, any property he knows or has reason to know is a public or private elementary or secondary school or child day center property, unless he (i) is lawfully voting; (ii) is a student enrolled at the school; or (iii) has received a court order allowing him to enter upon such property. The bill provides that such an adult may petition the juvenile and domestic relations district court or circuit court in the county or city where the school or child day center is located for permission to enter such property. For good cause shown, the court may issue an order permitting the petitioner to enter and be present on such property, subject to restrictions the court deems appropriate.

Patron - Bell

HB2347 Capital murder of a witness in a criminal case; penalty.

Provides that the willful, deliberate and premeditated killing of any witness under subpoena in a criminal case when the killing is for the purpose of interfering with the person's duties in such case is punishable as capital murder, a Class 1 felony. Identical provisions are contained in SB 1116.

Patron - Gilbert

HB2348 Redefinition of the triggerman rule.

Redefines the "triggerman rule," which currently 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 be punished only as if guilty of first degree murder. This bill allows principals in the second degree and accessories before the fact to be charged as principals in the first degree in the cases of murder for hire, murder involving a continuing criminal enterprise, and terrorism. This bill allows, in all other cases of capital murder, principal in the second degree to be tried as a principal in the first degree if he had the same intent to kill as the principal in the first degree. The bill allows an accessory before the fact to be tried as a principal in the first degree if he ordered or directed the willful, deliberate, and premeditated killing. This bill is identical to SB 1288.

Patron - Gilbert

HB2353 Computer trespass; spyware; penalty.

Adds keyboard loggers and bots and zombies to the list of computer trespass crimes. The bill makes it a Class 6 felony for a person to maliciously install or cause to be installed, or collect information through, software capable of recording all or a majority of the keystrokes on the computer of another without authorization. The bill also makes it a crime to maliciously install or cause to be installed on the computer of another,

computer software that takes control of that computer so that it can cause damage to another computer or disable or disrupt the ability of the computer to share or transmit instructions or data to other computers or related computer equipment or devices. The bill adds a Class 6 felony if a person, in violation of computer trespass laws, installs software on more than five computers of another, or installs software which records keystroke information regardless of the number of computers involved.

Patron - Cosgrove

HB2365 Larceny of a dog collar; penalty.

Provides that any person who removes from a dog an electronic or radio transmitting collar without the permission of the owner of the dog and with the intent to prevent or hinder the owner from locating the dog, is guilty of a Class 1 misdemeanor. This bill also provides that upon a finding of guilt, the court shall order that the defendant pay as restitution the actual value of any dog lost or killed as a result of such removal. The court may also order restitution to the owner for any lost breeding revenues. This bill is identical to SB 1180.

Patron - Scott, E.T.

HB2389 Charitable gaming; use of pull tabs and seal cards.

Clarifies that last sales games involving the sale of pull tabs or seal cards are permitted by organizations so long as they are played only on the premises owned or exclusively leased by the organization and at such times as the portion of the premises is open only to members and their guests.

Patron - Ingram

HB2413 Concealed handgun permits; retired law-enforcement officers.

Provides that a retired law-enforcement officer who has been issued proof of consultation and review to carry a concealed handgun shall have the opportunity to annually participate, at the retired officer's expense, in the same firearms training required for active duty law-enforcement officers in the Commonwealth to carry a concealed handgun. The federal Law Enforcement Officers Safety Act requires that, in order to carry a concealed handgun pursuant to the Act, a retired law-enforcement officer be found by the state to meet the law-enforcement training standards established by the state. If a retired law-enforcement officer meets the training and qualification standards, the chief law-enforcement officer shall issue to the retired officer a certification, valid for one year, indicating that he has met the standards to carry a firearm.

Patron - Athey

HB2429 Gangs and terrorism; penalty.

Provides that any person who solicits, invites, recruits, encourages, or otherwise causes or attempts to cause another to participate, generally, in an act or acts of terrorism is guilty of a Class 4 felony. The bill also allows the Attorney General, with the concurrence of the local attorney for the Commonwealth, to assist in the prosecution of certain gang and terrorism crimes when committed on the grounds of a state correctional facility.

Patron - Albo

HB2459 Abuse or neglect of incapacitated adult; penalty.

Provides that when an incapacitated adult dies as a result of abuse or neglect by a person responsible for the adult's care, the responsible person is guilty of a Class 3 felony. This bill is identical to SB 1025.

Patron - Cline

HB2524 Criminal gang member status; predicate crimes.

Adds "felony involving the use of a firearm or other weapon" to the list of crimes that qualify as predicate criminal acts necessary for criminal gang member status, which results in enhanced penalties for certain other crimes.

Patron - Iaquinto

HB2531 Retrieving hunting dogs; identification. Provides that a hunter who goes on prohibited lands to retrieve his hunting dogs and willfully refuses to identify himself when requested to do so by the landowner is guilty of a Class 4 misdemeanor. This bill is identical to SB 884.

Patron - Landes

HB2570 Crime victim's right to nondisclosure of certain information. Provides that no appellate decision shall contain the first or last name of the victim of a crime involving any sexual assault or sexual abuse upon the request of the victim to the Court of Appeals of Virginia or the Supreme Court of Virginia.

Patron - Shannon

HB2591 Second or subsequent violent sex offense; penalty. Provides that the notice that the Commonwealth is required to give to the defendant that it will seek punishment available under the "two-time loser" sex offender statute shall be given in the indictment, information or warrant.

Patron - Janis

HB2653 Illegal conveyance of firearms; penalty. Makes it a Class 6 felony for any person, except for a law-enforcement officer in the performance of his official duties or other person under the direct supervision of the law-enforcement officer, to attempt to solicit or otherwise entice a firearms dealer to transfer or otherwise convey a firearm other than to an actual buyer. A person who willfully and intentionally aids or abets a person violating this provision is likewise guilty of a Class 6 felony. The bill adds a definition of actual buyer as the person who executes the required consent form provided by the Department of State Police or other firearm transaction record required by federal law.

Patron - Lingamfelter

HB2749 Sex offender registration; child pornography; penalties. Requires a sex offender to include in the registration information any electronic mail address and any instant messaging screen name that he uses or will use. A sex offender must register any changes in email addresses, instant message, or other identity information within 30 minutes of such information changing. The bill defines child pornography as sexually explicit visual material which utilizes or has as a subject a person less than 18 years of age. The bill establishes enhanced penalties for the production, distribution, solicitation, participation, financing, or photographing of child pornography. The bill also clarifies that, for purposes of punishing production, child pornography means sexually explicit visual material that uses an identifiable minor, and that for purposes of punishing possession or reproduction, a person depicted by text or title or who appears to be less than 18 years of age in sexually explicit material is inferred to be less than 18 years of age. The bill repeals § 18.2-374.1:2 but inserts similar language in § 18.2-374.1:1 relating to facilitating payment for or access to child pornography. This bill is identical to SB 1071.

Patron - Hurt

HB2750 Capital murder of a judge; penalty. Provides that the willful, deliberate and premeditated killing of a judge or justice when the killing is for the purpose of interfering with his official duties is punishable as capital murder, a Class 1 felony. SB 1116 contains identical provisions.

Patron - Hurt

HB2772 False statements to obtain property or credit; fraudulent credit card application; penalty. Raises penalty for making a false statement to obtain credit from a Class 2 to a Class 1 misdemeanor. Characterizes the crime of

fraudulently obtaining less than \$200 worth of goods, services, etc. as petit larceny rather than a Class 1 misdemeanor. (Obtaining \$200 or more is already described as grand larceny.) Defines a written false statement to include information transmitted by computer, facsimile, e-mail, Internet, or any other electronic medium, other than by voice transmission through any such medium.

Patron - Hurt

HB2776 Sex offender treatment; residential areas. Provides that no individual shall knowingly provide sex offender treatment services to a convicted sex offender in an office or facility located in a residentially zoned subdivision.

Patron - Athey

HB2853 Stun weapons; definition. Eliminates references to "tasers" throughout the Code of Virginia, and amends the definition of a "stun weapon" to mean any device that emits a momentary or pulsed output, which is electrical, audible, optical or electromagnetic in nature, and which is designed to temporarily incapacitate a person. Previously, the Code of Virginia differentiated between this type of mechanism and a taser, which was defined as emitting a shock through the use of a projectile.

Patron - Moran

HB2890 Offenses committed within a juvenile facility. Amends statute that makes certain actions criminal if committed by a prisoner in a state, local or community correctional facility applicable to persons detained in a secure juvenile facility or detention home to provide that an offense added in 2006 (willfully tampering with, damaging, destroying, or disabling any fire protection or fire suppression system, equipment, or sprinklers within the facility) will apply to persons confined in juvenile facilities.

Patron - Phillips

HB2947 How the crime of obstructing justice is charged. Clarifies that when a person is charged with the misdemeanor offense of obstructing justice (general crimes), such charge is independent of the felony charge (the felony offense is reserved for a specific list of crimes).

Patron - Wittman

HB2968 Venue in child pornography cases. Provides that venue for a prosecution of production of child pornography may lie in the jurisdiction where the unlawful act occurs or where any sexually explicit visual material associated with such a violation is produced, reproduced, found, stored, or possessed.

Patron - Bell

HB2978 Maiming resulting from operating a watercraft while intoxicated; penalty. Makes it a Class 6 felony to operate a watercraft while intoxicated in violation of § 29.1-738 or any local ordinance substantially similar in a manner so gross, wanton, and culpable as to show reckless disregard for human life, and to unintentionally cause the serious bodily injury of another person resulting in permanent and significant physical impairment. The bill also adds statutes dealing with boating while intoxicated to the statute that allows written reports of blood alcohol tests conducted upon persons receiving medical treatment in a hospital or emergency room to be admissible in evidence as a business records exception to the hearsay rule in prosecutions for DUI. This bill is identical to SB 1130.

Patron - Bell

HB3023 Use of synthetic urine to defeat a drug or alcohol test. Provides that the Commissioner of the Depart-