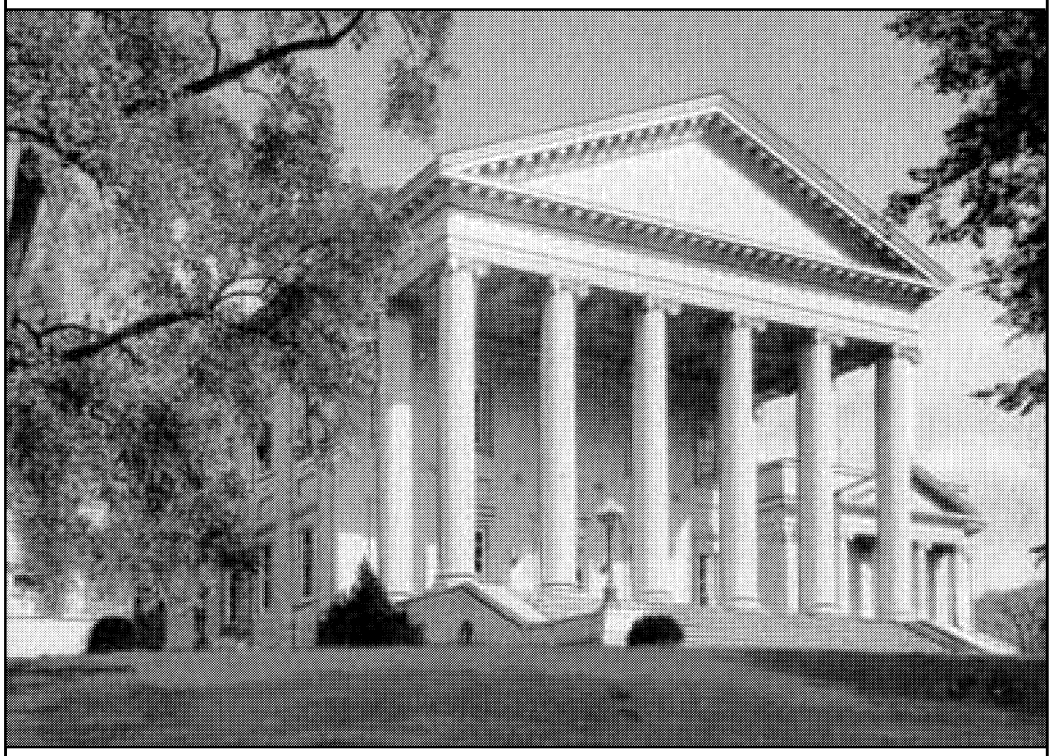
VIRGINIA GENERAL ASSEMBLY



2007 SESSION SUMMARY

Published by the Division of Legislative Services

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Preface

This publication presents a summary of legislation considered by the Virginia General Assembly at the 2007 Session. Bill summaries are arranged by subject areas corresponding to the appropriate titles in the Code of Virginia. Noncodified bills of a substantive nature are also contained under their proper subject headings. Within each heading, the material is further separated into *Passed* and *Failed* categories. (The General Assembly sometimes incorporates provisions from several bills in one substitute bill. Thus a bill may have failed, but all or some of its provisions have been "incorporated" in another bill. The summary for the bill will so note.) Bills affecting more than one title are printed under the dominant subject area of the legislation.

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

The major substantive provisions of each measure are summarized. The appropriate bill number and patron are also noted so that one can obtain further information, if needed. A researcher should refer to the enrolled bill, the appropriate chapter of the 2007 Acts of Assembly, or the Legislative Information System on the Internet (http://leg1.state.va.us/lis.htm) for detailed information on legislation.

These summaries reflect actions of the regular session of the 2007 General Assembly through adjournment *sine die* on February 24, 2007. Many of the measures are subject to gubernatorial review and veto. Therefore, some measures may be amended and some may not become law.

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

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

2007
SESSION STATISTICS

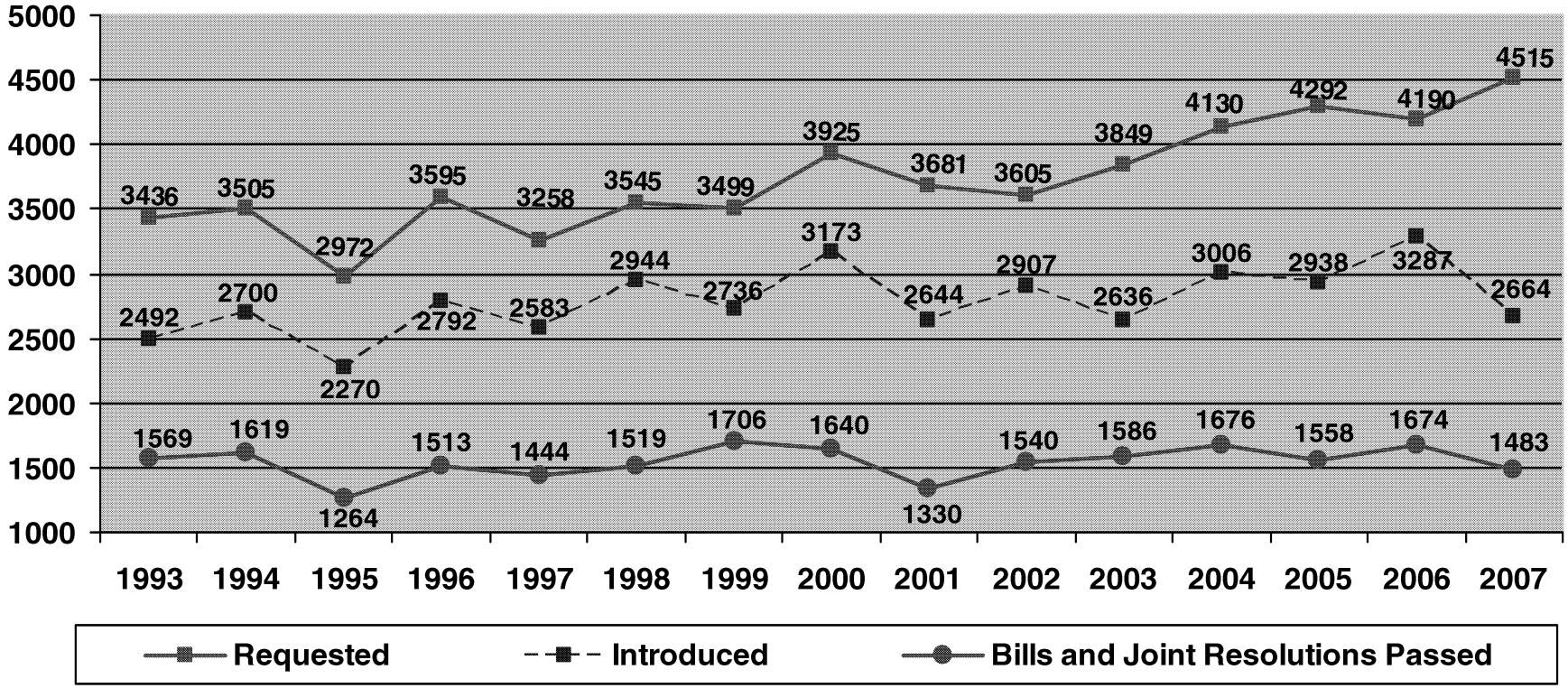
	Continued	Introduced	Passed	Failed
House Bills	193	1599	623	1166
House Joint Resolutions	36	458	334	159
House Resolutions	0	50	43	7
House Total	229	2107	1000	1332
Senate Bills	110	695	335	470
Senate Joint Resolutions	19	237	191	64
Senate Resolutions	0	28	25	3
Senate Total	129	960	551	537
General Assembly Total	358	3067	1551	1869

Legislation

Legislation Requested*, Introduced and Passed

*before Deadline

(1993-2007)



Division of Legislative Services
3/07

Session 2007 Highlights

VIRGINIA DIVISION OF LEGISLATIVE SERVICES

ABC Laws

Passed

Alcoholic beverage point of sale advertising. 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 licensee provided the advertising material is not obtained from a manufacturer, its authorized vendor, or any wholesale wine or beer licensee.

Passed

Internet wine retailer license. The measure creates the internet wine retailer license for persons who own or operate establishments that are not retail stores open to the public and that have adequate inventory, shelving, and storage facilities, where internet or telephone orders are taken and wine is shipped directly to consumers.

Passed

Wholesale wine license. The measure creates a new restricted wholesale wine license that authorizes the licensee to provide wholesale wine distribution services to winery and farm winery licensees that distribute no more than 3,000 cases of wine annually. It also 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 measure allows certain licensees to deliver or ship beer or wine from one or more premises identified in the license.

Failed

Open container. The measure provides that a passenger cannot have an alcoholic beverage in a motor vehicle on a public highway of the Commonwealth in anything other than the manufacturer's unopened, original container. The measure punishes violators with a civil penalty of $25.

Business

Passed

Regulation of electric utility service. The measure advances the scheduled expiration date of the capped utility rate period from December 31, 2010, to December 31, 2008. The rates of investor-owned electric utilities will thereafter be determined through a biennial review process in which a fair rate of return for the utility's generation and distribution services will be established. The measure effectively ends the deregulation of investor-owned electric utilities and the ability of most consumers to shop for electric utility service.

Failed

Payday Loan Act. The measure requires payday lenders to query an Internet-accessible database prior to making a loan in order to determine whether an applicant is eligible for the loan. A payday lender is prohibited from making a loan to a person on the day that the person has terminated another payday loan, or if the loan would cause the

The *2007 Session Highlights* summarizes significant legislation considered by the 2007 General Assembly as selected by the staff of the Virginia Division of Legislative Services. The brief overview of the General Assembly Session covers legislative actions through sine die on Saturday, February 24, 2007.

borrower to have more than three payday loans outstanding at the same time. If a borrower obtains three or more consecutive payday loans, the borrower may enter into an extended payment plan, under which the borrower may repay the loan in at least two equal installments over 60 days. A payday loan may not be made to a borrower in an extended payment plan.

Failed

Minimum wage. The minimum wage is increased from its current federally mandated level of $5.15 per hour to $6.50 per hour effective July 1, 2007, unless a higher minimum wage is required by the federal Fair Labor Standards Act. The act will expire when the federal minimum wage equals or exceeds $6.50 per hour.

Failed

Security freezes on credit reports. The measure authorizes any consumer to freeze access to his credit report. A consumer reporting agency is then prohibited from releasing the credit report or any information in it without the consumer's express authorization. The consumer would have the option of releasing his/her report on a permanent or temporary basis or to a specific third party.

Failed

Motor vehicle equity loans. The measure 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, and interest and fees may be imposed at rates agreed upon by the lender and borrower. Lenders are required to be licensed with the State Corporation Commission.

Constitutional Amendments

**** Constitutional amendment resolutions passed by the 2007 General Assembly must be passed in identical form by the 2008 General Assembly before they are submitted to the voters for approval in a referendum.***

Passed

Property tax relief; homestead. This constitutional amendment permits the General Assembly to pass legislation giving localities the option to provide by ordinance for the exemption from real property taxes or deferral of real property taxes related to 20% of the value of residential or farm property that is the owner-occupant's primary dwelling and lived in continuously.

Failed

Transportation Funds. The proposed amendment requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, and Highway Maintenance and Operating Fund. The amendment also provides that the money in these Funds is to be used only for transportation and related purposes.

Failed

Governor's term. Several resolutions amend the constitution to allow a governor to serve two consecutive terms or serve one six-year term and to balance executive and legislative branch powers, mainly through granting the General Assembly greater power to appoint members of state boards.

Failed

Eminent domain. Private property may not be taken under the power of eminent domain unless it is taken for the possession, occupation, and enjoyment by the public at large or by public agencies; to be used for the creation or functioning of a public service corporation or company, including a railroad company that possesses the power of eminent domain; taken for public highways or other public transportation facilities; or blighted and the taking eliminates a direct threat to public health or safety caused by the property. An increase in tax base, tax revenues, employment, or general economic health and welfare will not constitute a public use and taking property for private commercial enterprise, economic development, or any other private use is prohibited.

Failed

Virginia Redistricting Commission. A number of resolutions amend the constitution to establish a bipartisan commission to redraw Congressional and General Assembly district boundaries after the census that is conducted every 10 years. The resolutions address how members are appointed to the Commission and set out various standards to govern redistricting plans. The proposals include current constitutional standards on population equality, compactness, and contiguity and additional standards to minimize splits of localities and to prohibit consideration of incumbency and political data.

Failed

Recall of statewide elected officials. This amendment provides for the recall of the Governor, Lieutenant Governor, or Attorney General

if qualified voters equal in number to at least 25 percent of the number of votes cast in the last election for President petition to hold a recall election and a majority vote in favor of recalling the official.

Courts

Passed

Sex offender registration and child pornography. The measure requires a sex offender to include in the registration any e-mail address and 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 thirty minutes of changing the information. The measure defines child pornography as sexually explicit visual material, which utilizes or has as a subject an identifiable minor. Graduated penalties for production of child pornography based on the age of the child is established.

Passed

Sex offenders prohibited on school property. The measure provides that an adult who has been convicted of a sexually violent offense is guilty of a Class 6 felony if he is present on or enters, during school hours, property he knows or has reason to know is a public or private elementary or secondary school or child day center unless he is lawfully voting, is a student enrolled at the school, or has a court order allowing him to be on the property.

Passed

Death penalty and triggerman rule. The measure redefines the "triggerman rule," which currently provides that only the actual perpetrator of a capital murder is eligible for the death penalty, and 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.

Passed

Capital murder of a judge or witness. The measure provides that the willful, deliberate and premeditated killing of a judge or justice, when the killing is for the purpose of interfering with the judge's official duties, or of any witness under subpoena in a criminal case, when the killing is for the purpose of interfering with the person's duties in the case, is punishable as capital murder.

Passed

Civil immunity. The measure 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, will not be liable for any civil damages resulting from the exercise of his right to speak on matters before a governing body.

Failed

Gun shows. The measure adds a definition of "firearms show vendor" and requires that a criminal history record check be performed on the prospective buyer before the vendor may sell firearms at a gun show. Under current law, only licensed dealers must obtain a criminal history record check.

Education

Passed

Technical education diploma. The measure directs the Board of Education to establish the requirements for a technical diploma. The diploma must meet or exceed the requirements of a standard diploma and include a concentration in career and technical education.

Passed

Childhood obesity. The measure requires the Superintendent of Public Instruction and the State Health Commissioner to work together to combat childhood obesity and other chronic health conditions that affect school-aged children.

Passed

No Child Left Behind. The measure requires the Board of Education to continue seeking waivers from the provisions of NCLB that are fiscally and programmatically burdensome and are not instructionally sound or in the best interest of children.

Failed

School nurses. The measure requires local school boards to employ one licensed nurse for each school building and each nurse will serve no more than 750 students.

Failed

Tuition assistance grant program for students with disabilities. The measure establishes a tuition assistance grant program that provides a grant of no more than $10,000 a year to a Virginia nonsectarian private school of choice for students with disabilities for whom an individual education plan has been written.

Failed

Student organizations. The measure requires local school boards to provide notice and the opportunity for parents or legal guardians to have the option that their children not participate in any school-sponsored club or organization.

Elections

Passed

Election procedures; voting equipment requirements. The measure prohibits future purchases of direct recording electronic (DRE) devices and provides for the phase out of DRE devices. The measure prohibits any form of wireless communication to or from voting or counting devices while the polls are open and requires localities to provide accessible equipment for disabled voters.

Failed

Absentee voting. A variety of measures provide expanded opportunities to vote absentee. These measures include early voting, no-excuse absentee voting, no-excuse in-person absentee voting, and absentee voting for any person age 65 or older.

Eminent Domain

Passed

Limits of eminent domain and definition of public uses. The measure provides a definition of the term "public uses" mentioned in Article I, Section 11 of the Constitution of Virginia as embracing only the ownership, possession, occupation, and enjoyment of land by the public or public corporations; the construction, maintenance or operation of public facilities by public corporations or private entities when a written agreement with a public corporation provides that the facilities will be used by the public; the creation or functioning of public corporations, public service companies, or railroads; the provision of utility services by a government utility corporation; the elimination of blight; and the taking occurs in a redevelopment or conservation area and the property is abandoned or acquisition is needed to clear title. The measure also specifies certain exceptions to the definition and states that the power of eminent domain cannot generally be exercised when the primary purpose of the taking or damaging of private property is to confer a private financial gain or benefit, an increase in tax base or revenues, or an increase in employment.

Health

Passed

Required HPV vaccinations. Effective October 1, 2008, the measure requires females to receive three properly spaced doses of human papillomavirus (HPV) vaccine, the first dose to be administered before the child enters sixth grade. A parent or guardian may elect for his daughter not to receive this vaccine.

Passed

Abraham's Law. The measure specifies that a decision by parents or a legal guardian to refuse a particular medical treatment for a child with a life-threatening condition will not be deemed a refusal to provide necessary care if the decision is made jointly by the parents and the child, the child has reached the age of 14 and is sufficiently mature to have an informed opinion on the subject of his medical treatment, the parents and the child have considered alternative treatment options, and the parents and the child believe in good faith that the decision is in the child's best interest.

Passed

Donations of food to charitable organizations. The measure exempts charitable organizations that engage in food distribution to the needy from state and local regulations and ordinances that govern food service and preparation.

Passed

Smoking in restaurants. The measure prohibits smoking in restaurants unless a restaurant posts signs stating "Smoking Permitted" conspicuous to ordinary public view at each public entrance. Any person who continues to smoke in any prohibited area after having been asked to refrain from smoking will be subject to a civil penalty of not more than $250 for the first offense and $500 for a second offense; any subsequent offense will be punishable as a Class 2 misdemeanor.

Failed

Indoor smoking ban. The measure prohibits smoking indoors in most buildings or enclosed areas frequented by the public with exceptions provided for private homes, certain private functions held in public facilities, hotel or motel rooms clearly designated as "smoking" rooms, specialty tobacco stores, and tobacco manufacturers.

Higher Education

Passed

Suicidal Students. The measure directs the governing boards of each public institution of higher education to develop and implement policies that advise students, faculty, and staff, including residence hall staff, of the proper procedures for identifying and addressing the needs of students that exhibit suicidal tendencies or behavior.

Passed

In-state tuition reciprocity. The measure requires the Virginia Community College System to grant in-state tuition

to any person enrolled in one of its institutions who lives out of state, but within a 30-mile radius of a Virginia community college, provided his state of residence has a reciprocal arrangement for Virginia residents.

Passed

Two-Year College Transfer Grant Program. The measure provides higher education grants to Virginia residents, who have successfully completed an acceptable associate degree program at a Virginia two-year college and have been admitted to an accredited nonprofit public or private institution of higher education in the Commonwealth. The amount of the award is fixed at $1,000 per year, with an additional $1,000 per year available to those students pursuing undergraduate collegiate work in engineering, mathematics, nursing, teaching, or science. The measure includes eligibility requirements.

Failed

Private College Grant Program. The measure provides a higher education grant program for private nonprofit institutions of higher education to increase access to higher education in Virginia.

Immigration

Failed

In-state tuition and illegal aliens. The measure prohibits in-state tuition rates for individuals who are not citizens or nationals of the United States, are unlawfully present in the United States, or do not possess a valid visa. However, any person meeting certain conditions, such as residing in Virginia while attending high school, graduating from a public or private high school in Virginia, residing in the Commonwealth for at least three years on the date of high school graduation, will be eligible for in-state tuition.

Failed

Harboring illegal alien. The measure provides that any person who as a part of a commercial enterprise harbors, transports, or conceals an alien is guilty of a Class 6 felony if he knew that the alien was in the United States illegally.

Failed

Employing an unauthorized alien. The measure states that it is an unfair employment practice for an employer to knowingly employ any unauthorized alien within the Commonwealth. An employee who is replaced by his employer with an unauthorized alien will have a cause of action against his employer.

Failed

Federal illegal alien status unlawful in Virginia. The measure provides that any alien who is present in the United States illegally, as verified by the Bureau of Immigration and Customs Enforcement, is guilty of a Class 1 misdemeanor.

Local Government

Failed

Zoning; road capacity. The measure 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.

Failed

Residential development impact fees. The measure allows localities to adopt provisions in subdivision ordinances for the assessment of impact fees when existing public safety facilities, schools, and parks and recreational facilities are inadequate to support a proposed residential development.

Natural Resources

Passed

Environmental quality board consolidation. The measure consolidates the State Air Pollution Control Board, the State Water Control Board, and the Waste Management Board into one 11-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, will be transferred to the Department of Environmental Quality. The measure must be reenacted by the 2008 General Assembly to become effective on July 1, 2008.

Passed

Mandatory boating safety education. The measure establishes a $100 civil penalty for anyone who operates a motorboat without having successfully completed an approved boating safety education course. The requirement is phased-in so that by July 1, 2016, all motorboat operators will have been required to pass an education course. A person can comply with the education requirement by passing a qualifying exam or in a number of other ways.

Passed

Harvest quota on menhaden. The measure establishes an annual menhaden harvest quota of 109,020 metric tons for the Virginia portion of the Chesapeake Bay. Any person harvesting menhaden for

reduction purposes after receiving notice that the quota has been met will be charged with a Class 1 misdemeanor.

Passed

Biosolids. The measure consolidates the program that regulates the land application of biosolids (sewage sludge) under one agency, the Department of Environmental Quality (DEQ). Currently, the responsibility for regulation of the land application of biosolids is split between DEQ and the Department of Health. DEQ is required to conduct unannounced site inspections while biosolids are being applied. A fee of $7.50 is assessed on each dry ton of sewage sludge applied.

Passed

Conveyance of state-owned bottomlands. The measure prohibits the conveyance of state-owned bottomland that is covered by water. The Commonwealth may convey fee simple title to specified parcels of state-owned bottomlands that have been lawfully filled.

Passed

Clean water bonds. The measure authorizes the Virginia Public Building Authority to issue bonds 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 nonsignificant discharges to implement the Commonwealth's Chesapeake Bay Tributary Strategies.

Reproductive Health

Failed

Forced or coerced abortion. The measure provides that any person who forces or coerces a pregnant female of any age to have an abortion against her will is guilty of a Class 1 misdemeanor. However, if a violation is committed by the father or putative father of the unborn child when the pregnant female is less than 18 years of age, and the father or putative father is 18 years of age or older, the father or putative father is guilty of a Class 6 felony.

Failed

Definition of birth control. The measure adds a definition of birth control to mean contraceptive methods that are approved by the U.S. Food and Drug Administration. Birth control will not be considered abortion for the purposes of Title 18.2.

Failed

Ultrasound testing as part of informed consent. The measure requires that, as a component of informed consent to an abortion, every pregnant female will be given the opportunity to view an ultrasound image of the fetus prior to the abortion.

Failed

Abortion illegal if *Roe v. Wade* overturned. The measure provides that if the United States Supreme Court decision in *Roe v. Wade* is overturned, allowing the states to once again regulate abortion, the law in the Commonwealth rendering abortion a crime, as it was in effect on June 30, 1970, prior to the decision in *Roe v. Wade,* will be reinstated.

State Government

Failed

VRS investments and Sudan. Requires the Virginia Retirement System, under certain circumstances, to divest itself of investments in companies meeting certain criteria gauged to be related to the genocide in the Darfur region of Sudan.

Taxes

Passed

Sales tax exemption for alternative fuel burning stoves. The measure provides an exemption from the retail sales and use tax beginning July 1, 2007, and ending July 1, 2012, for multifuel heating stoves used by the individual purchaser for heating his residence.

Passed

Sales tax exemption for energy-efficient products. The measure provides a sales tax exemption for purchases of certain Energy Star qualified products with a sales price of $2,500 or less made during a four-day period each year in October. The sales tax holiday would expire in July of 2012.

Passed

Individual income tax filing threshold amounts. The measure increases the personal exemption for income tax from $900 to $930, effective January 1, 2008, and it also increases the income tax filing threshold amounts from $7,000 for a single person and $14,000 for a married couple to: $11,250/ $22,500 for taxable years 2008 and 2009; $11,650/$23,300 for taxable years 2010 and 2011; and $11,950/$23,900 for taxable years 2012 and after.

Passed

Sales tax exemption for hurricane preparedness equipment. The measure provides a sales and use tax exemption, beginning in 2008, for certain hurricane preparedness equipment purchased during a seven-day period each year beginning on May 25. The sales and use tax holiday will sunset on July 1, 2012.

Failed

Sales tax exemption for computer systems. The measure provides a sales and use tax exemption, during a three-day period each year, beginning on the first Friday in August, for computer systems with a selling price of $1,500 or less and computers, computer hardware, computer software, and portable calculators with a selling price for each item of $500 or less.

Transportation

Passed

Transportation funding and reform. The measure provides statewide funding of transportation projects through current funds and additional funds, authority to localities in Northern Virginia and Hampton Roads to impose additional fees for transportation, and several administrative and efficiency reforms impacting transportation. The measure authorizes the Commonwealth Transportation Board to issue bonds in an aggregate amount not to exceed $2.5 billion for statewide transportation funding.

Passed

HOV lanes exemption for clean special fuel vehicles. The measure extends the "sunset" to 2008 authorizing the use of certain HOV lanes by vehicles bearing clean special fuel vehicle license plates.

Passed

Photo-red. The measure grants localities the authority to install and operate photo-monitoring traffic signal enforcement systems at no more than one intersection for every 10,000 residents at one time. Provisions limit the use and retention of the recorded images and provide other parameters and limitations for localities.

Passed

Child restraint devices. The measure increases the age that children must be secured in a child restraint device from 5 to 8 and requires that rear-facing child restraint devices for infants from birth to 1-year must be secured only in the back seat of motor vehicles manufactured after January 1, 1968. The measure removes the exemption from required child restraint device use for the rear cargo area of vehicles other than pickup trucks and increases the age from less than 6-years old to 8-years old for the use of standard seat belt equipment for certain children.

Passed

Provisional drivers and cell phone use. The measure prohibits the use of cellular telephones or any other wireless telecommunication devices, whether or not they are hand-held, by drivers under 18-years-old while operating a motor vehicle.

Passed

Tolls on Interstate Highways. The measure allows the Commonwealth Transportation Board, in accordance with all applicable federal and state statutes and requirements, to impose and collect tolls for the use of any component of the Interstate Highway System within Virginia.

Failed

"Racing for Roads." The measure provides for simulcast of and wagering on recorded horse races and provides for the distribution of the proceeds after the payment of prizes, which includes 50.5% to be allocated to the Commonwealth Transportation Trust Fund.

Failed

Safety belts in school buses. The measure requires school buses purchased or in use by any school or school division on or after January 1, 2008, to be equipped with safety belts approved by the Superintendent of State Police.

Failed

Statewide transportation impact fees. The measure provides that the Commonwealth Transportation Board assess and impose reasonable impact fees to be collected by the Virginia Department of Transportation on new development or new subdivisions that are situated on an access road which is part of the primary state highway system.

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House or the Senate Clerk's Office.

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