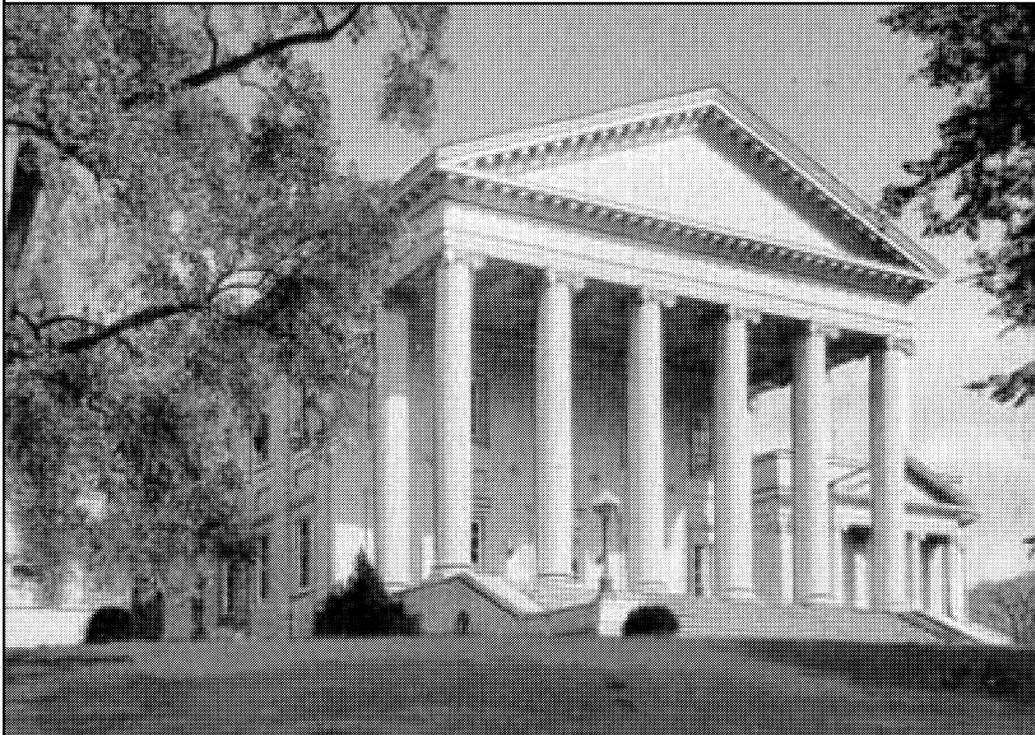


VIRGINIA GENERAL ASSEMBLY



2007 SESSION SUMMARY

Published by the Division of Legislative Services

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

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Stephanie Kerns, *Assistant to the Director*

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Lisa Wallmeyer, *Executive Director, JCOTS*

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Larry Garton *Senior Systems Analyst*
Barbara A. Timberlake *Publications Coordinator*

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.

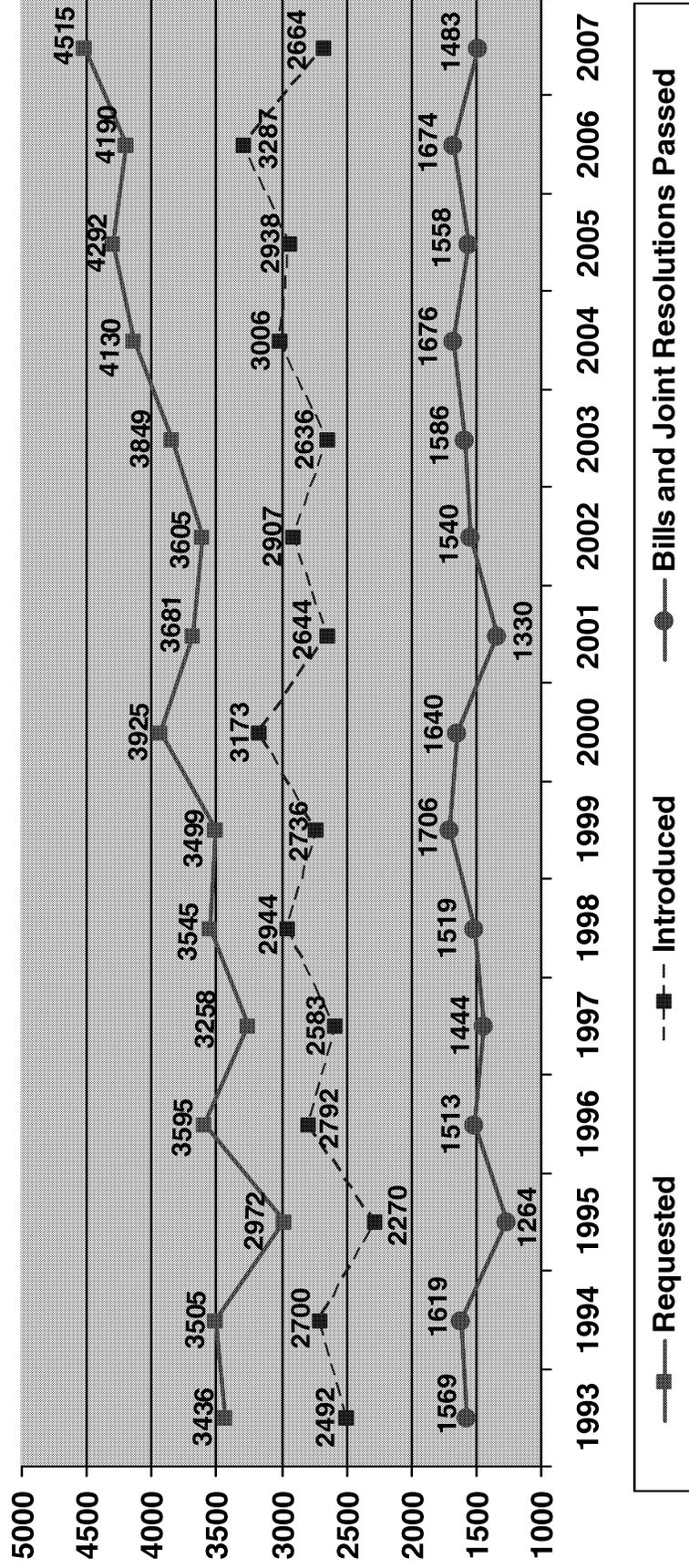
E. M. Miller, Jr.
Director, Division of Legislative Services

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
<hr/>				
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
<hr/>				
General Assembly Total	358	3067	1551	1869

Legislation

Legislation Requested*, Introduced and Passed *before Deadline (1993-2007)



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.

**For multiple copies of the
2007 Session Highlights
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publications, please contact the
House or the Senate Clerk's Office.**

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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.

FHB2136 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

FHB2138 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

FHB2171 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

FHB2275 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

FHB2293 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

FHB2300 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

FHB2312 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

FHB2355 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

FHB2485 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

FHB2550 Nondiscrimination in public employment. Prohibits employment discrimination.

Patron - Ebbin

FHB2553 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

FSB760 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

FSB768 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

FSB796 Virginia food products. Exempts local school boards from the competitive bidding process when purchasing Virginia food products from a Virginia farmer.

Patron - Potts

FSB819 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

FSB820 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

FSB861 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

FSB883 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

FSB908 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

FSB914 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

FSB949 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

FSB1006 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

FSB1023 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

FSB1106 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

FSB1193 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

FSB1251 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

FSB1271 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

FSB1273 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

FSB1310 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

FSB1322 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

FSB1343 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

FSB1404 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

FSB1406 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

PHB1823 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

PHB1834 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 licensee 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 - McDougale

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FHB1865 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

FHB1991 Road impact fees. Adds Caroline, King George, Lancaster, Northumberland, Richmond, and Westmoreland Counties to those localities authorized to impose road impact fees.

Patron - Wittman

FHB2007 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

FHB2067 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

FHB2118 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.

FHB2119 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.

FHB2173 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

FHB2174 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

FHB2193 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

FHB2215 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

FHB2252 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

FHB2305 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

FHB2325 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

FHB3033 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

FHB3060 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

FHB3109 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

FHB3121 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

FHB3196 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

FHB3197 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

FHB3198 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

FSB767 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

FSB782 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

FSB817 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

FSB832 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 of 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 identity 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 meet 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-

ment of Motor Vehicles shall disqualify for a period of one year any commercial driver's license holder who has been convicted of a violation of § 18.2-251.4 (falsifying urine tests).

Patron - Fralin

HB3078 Charitable gaming; regulation of bingo callers; exceptions. Provides that bingo callers for volunteer fire departments and rescue squads and auxiliary units thereof are exempt from registering with the Department in order to receive remuneration as a bingo caller.

Patron - Abbitt

HB3085 Admission of evidence; taking indecent liberties. Expands the scope of the rape shield statute to include prosecutions for taking indecent liberties with children under § 18.2-370, 18.2-370.01, or 18.2-370.1. Currently, the statute only applies to prosecutions of criminal sexual assault under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2. This bill also adds § 18.2-370.01 (taking indecent liberties with a child under the age of 14 by a child over the age of 13 and under the age of 18 where the accused is five or more years older than the victim) to the list of offenses where the court may, on its own motion or at the request of the Commonwealth, the complaining witness, the accused or their counsel, exclude all persons from the courtroom during preliminary hearings except officers of the court and certain other persons whose presence the court finds is necessary and will not impair the conduct of a fair hearing.

Patron - Shannon

HB3098 Ignition interlock and loss of restricted license. Provides that a DUI ignition interlock installation shall be for six consecutive months as opposed to the current "six months" provided that the defendant has no alcohol-related violations of the interlock requirements. The bill also reduces the driver's blood alcohol content from 0.025 to 0.02 for triggering the ignition interlock to be consistent with previous changes to the Code of Virginia.

Patron - Iaquinto

HB3140 Charitable gaming; bingo callers. Eliminates membership in a qualified organization in order to be registered with the Charitable Gaming Department as a bingo caller.

Patron - Reid

SB769 Department of Charitable Gaming; reports of gross receipts and disbursements. Provides for each qualified organization to file at least annually a report of all receipts and disbursements from its charitable gaming operation. The bill also authorizes the Board for Charitable Gaming to require a qualified organization whose net receipts exceed a specified amount during any three-month period to file a report of its receipts and disbursements for such period. Currently the qualified organizations are required to file the report for each calendar quarter. The bill also authorizes a qualified organization to designate or compensate an outside individual or group to file the annual report.

Patron - Potts

SB815 Extortion with certain documents; penalties. Provides that any person who destroys, removes, confiscates, or possesses any actual or purported passport, immigration document, or other government identification document, and thereby extorts money, property, or pecuniary benefit or any note, bond, or other evidence of debt from him or any other person, is guilty of a Class 5 felony. SB 1057 and SB 1227 are incorporated into this bill.

Patron - Cuccinelli

SB842 Department of Charitable Gaming; gross receipts; "winner-take-all" games. Provides that the proceeds from any bingo game commonly referred to as "winner-take-all" games shall not be included in determining the gross receipts for a qualified organization.

Patron - Colgan

SB884 Retrieving hunting dogs. Requires hunters retrieving their hunting dogs from a landowner's property to identify themselves when requested by the landowner. A hunter who refuses to identify himself is guilty of a Class 4 misdemeanor. This bill is identical to HB 2531.

Patron - Deeds

SB886 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, as designated by the court, 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 - Deeds

SB927 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 - Norment

SB1025 Abuse and neglect of incapacitated adults; penalties. Provides that where an incapacitated adult dies as a result of abuse or neglect by a person who is responsible for the care, custody, or control of the incapacitated adult, that person is guilty of a Class 3 felony punishable by imprisonment of not less than five nor more than 20 years and a fine of not more than \$100,000. This bill is identical to HB 2459.

Patron - O'Brien

SB1071 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 HB 2749.

Patron - McDougle

SB1116 Capital murder of a judge or witness. 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 is punishable as capital murder, a Class 1 felony, and 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. HB 2750 and HB 2347 contain identical provisions.

Patron - Rerras

SB1130 Crimes; maiming of another 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 HB 2978.

Patron - Norment

SB1154 Department of Charitable Gaming; definitions; athletic associations and band booster clubs. Authorizes an athletic association or athletic booster club, or a band booster club to sell instant bingo, pull tabs, or seal cards as a part of its annual fund-raising event provided that the sale is limited to a single event in a calendar year and the event is open to the public.

Patron - Potts

SB1179 Charitable Gaming Department; prohibited practices; bingo jackpot; "winner-take-all" games. Requires organizations to sell and separately account for bingo jackpot games. The bill also authorizes up to two "winner-take-all" games in any given bingo session.

Patron - Stolle

SB1180 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 HB 2365.

Patron - Stolle

SB1288 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 HB 2348.

Patron - Obenshain

Failed

HB1626 Self defense and defense of others. Provides that any person who lawfully occupies a dwelling is justified in using any degree of physical force, including deadly physical force, against another person when the other person has unlawfully entered the dwelling, has committed an overt act toward the occupant or another person in the dwelling, and the occupant reasonably believes he or another person in the dwelling is in imminent danger of bodily harm. The bill also provides that a person who uses justifiable force against an intruder shall be immune from civil liability for injuries or death of the other person. This bill incorporates HB 2458.

Patron - Janis

HB1631 Killing a fetus; penalty. Provides that any person who unlawfully, willfully, deliberately, maliciously and with premeditation kills a fetus is guilty of a Class 2 felony, and that any person who commits such an act without premeditation is guilty of a felony punishable by confinement in a state correctional facility for not less than five nor more than 40 years. Currently the act of unlawfully killing a fetus as described in this statute is a crime only if the fetus is the fetus "of another."

Patron - Jones, S.C.

HB1661 Adultery; definition. Expands the definition of adultery to mean any person, being married, who carnally knows another person not his spouse. Currently, the definition of adultery is limited to sexual intercourse only. This bill also clarifies that a person may be guilty of adultery regardless of the gender of the person with whom he engages in such conduct.

Patron - Marshall, R.G.

HB1665 Forced or coerced abortion prohibited; penalty. 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 such 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.

Patron - Marshall, R.G.

HB1677 Motor vehicles; eluding police officer. Adds an intermediate Class 1 misdemeanor penalty for anyone who disregards a signal from any law-enforcement officer to bring his motor vehicle to a stop or drives such motor vehicle in an attempt to elude or escape from a law-enforcement officer.

Patron - Peace

HB1680 Unavailability of deferred proceedings in domestic assault cases for previously convicted felons. Provides that a person previously convicted of a felony offense against a person is not eligible for deferred proceedings in a domestic assault case unless the felony was committed more than 10 years prior to such consideration. Current law prohibits

any consideration if a person has been convicted of an assault and battery type offense.

Patron - Cosgrove

HB1698 Indecent liberties with children. Expands the current crime of taking indecent liberties with children to include situations where the perpetrator proposes that the child engage in self arousal of a sexual nature.

Patron - Lingamfelter

HB1728 Sale or purchase of novelty cigarette lighters; civil penalty. Provides that any person who sells to, distributes to, purchases for or knowingly permits the purchase by any person less than 18 years of age, knowing or having reason to believe that such person is less than 18 years of age, any cigarette lighter that is not readily identifiable as such, is punishable by a civil penalty of no more than \$100 and that any person less than 18 years of age who attempts to purchase a cigarette lighter that is not readily identifiable as such is likewise punishable by a civil penalty of no more than \$100.

Patron - Lohr

HB1739 Second offense of assault and battery against a family or household member; penalty. Provides that the penalty for any person who commits a second offense of assault and battery against a family or household member within five years following a conviction of a prior such offense shall include a 30-day mandatory minimum term of incarceration and adds a six-month mandatory minimum sentence to the Class 6 felony for a third offense in 20 years. Assault and battery against a family or household member is a Class 1 misdemeanor.

Patron - Fralin

HB1759 Penalty for carnal knowledge of certain minors. Raises the penalty for carnal knowledge of a minor who is confined or detained or committed to the custody of the Department of Juvenile Justice from a Class 6 to a Class 4 felony.

Patron - Kilgore

HB1774 Disorderly house; penalty. Provides that it is unlawful for any person to keep, maintain or operate or to visit a disorderly house. The bill allows the governing bodies of counties, cities, and towns to adopt ordinances prohibiting and punishing such conduct. A violation of this law is punishable as a Class 1 misdemeanor. "Disorderly house" is defined to mean a house or building where persons meet or may meet for the purpose of unlawfully dispensing or indulging in intoxicating liquors, unlawful gaming, or boisterous or other disorderly conduct.

Patron - Cosgrove

HB1775 Gang membership "predicate acts" listing. Adds § 18.2-154 (shooting at a vehicle) and § 18.2-279 (shooting at an occupied building or dwelling) to the list of "predicate acts" for determination of criminal street gang member status.

Patron - Cosgrove

HB1794 Penalty for object penetration. Provides that the penalty for object penetration when the victim is less than 10 years of age shall include a mandatory term of confinement of 25 years.

Patron - Griffith

HB1802 Crimes; impersonating an officer. Increases from a Class 1 misdemeanor to a Class 6 felony the

penalty for falsely assuming or exercising the functions, powers, duties, and privileges of a law-enforcement officer.

Patron - Cosgrove

HB1827 Human Anti-Trafficking Act; penalties. Establishes in Virginia law the "Model State Anti-Trafficking Criminal Statute" drafted by the U.S. Department of Justice. Although Virginia has criminal statutes that address many of the crimes addressed by the Act (kidnapping, prostitution, etc.), the Department of Justice has asked the states to adopt the model act. This bill was incorporated into HB 1921.

Patron - Suit

HB1841 Penalty for statutory rape. Provides that the penalty for statutory rape (victim under the age of 13) shall include a mandatory minimum term of confinement of five years.

Patron - Kilgore

HB1857 Possession of marijuana on school grounds. Punishes the possession of marijuana on school grounds or on a school bus as a Class 1 misdemeanor. Currently the offense generally is punishable by a \$500 fine and 30 days in jail.

Patron - Wittman

HB1861 Battery upon a school employee. Provides that any person who commits battery against another knowing or having reason to know that such other person is an employee of a public or private elementary or secondary school and is engaged in the performance of his duties as such, is guilty of a Class 1 misdemeanor, and the sentence of such person upon conviction shall include a sentence of 15 days in jail, two days of which shall be a mandatory minimum term of confinement. Currently, the enhanced punishment only applies to a full-time or part-time teacher, principal, assistant principal, or guidance counselor.

Patron - Wittman

HB1863 Battery upon a school bus driver; penalty. Provides that if any person commits a battery against another knowing or having reason to know that such other person is a school bus driver engaged in the performance of his duties as such, he is guilty of a Class 1 misdemeanor with a mandatory minimum term of confinement of two days. This provision currently limits victims of the offense to a full-time or part-time teacher, principal, assistant principal, or guidance counselor of any public or private elementary or secondary school.

Patron - Wittman

HB1864 Subsequent offenses of stalking; penalty. Provides that a second stalking conviction occurring within five years (a Class 1 misdemeanor) is punishable by a mandatory minimum sentence of 30 days and that a third offense in five years or an offense during the pendency of a protective order is a Class 6 felony with a mandatory minimum sentence of 90 days.

Patron - Wittman

HB1866 Firearms on school property; pneumatic weapons; penalty. Makes it a Class 6 felony to possess a firearm that expels a projectile by action of pneumatic pressure on school property, subject to certain exemptions.

Patron - Wittman

HB1892 Voluntary revocation of restricted driver's license. Provides that if a convicted person is in compliance with the terms and restrictions of his restricted permit (issued pursuant to a DUI conviction) and no longer chooses to

drive under a restricted permit, he may petition the court for revocation. Upon such petition, the court shall forthwith revoke a person's restricted permit.

Patron - Albo

HB1896 Punishment for defacing or destroying any war memorial. Provides that punishment for any person who defaces or destroys any war memorial at the direction of, for the benefit of, or in clear association with any criminal street gang, as defined in § 18.2-46.1, shall include a mandatory minimum term of incarceration of 10 days.

Patron - Albo

HB1918 Federal illegal alien status unlawful in Virginia; penalty. 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. This bill was incorporated into HB 1970.

Patron - Cole

HB1924 Second and third offense of assault and battery against a family or household member; penalty. Provides that the punishment for any person who commits a second offense of assault and battery against a family or household member (a Class 1 misdemeanor) within five years following a conviction of a prior such offense shall include a 10-day mandatory minimum term of incarceration. The bill also provides that for a third offense within 20 years (a Class 6 felony) the punishment shall include a mandatory minimum term of incarceration of 90 days. This bill was incorporated into HB 1739.

Patron - Griffith

HB1960 Crimes; death penalty. Abolishes the death penalty for all Class 1 felonies committed on or after July 1, 2007.

Patron - Hargrove

HB1970 Federal illegal alien status unlawful in Virginia; penalty. Provides that any alien who is present in the United States illegally and is removable, as verified by the Bureau of Immigration and Customs Enforcement, is guilty of a Class 1 misdemeanor, but the offense is not a primary offense.

Patron - Albo

HB2075 Assault and battery upon a law-enforcement officer to include ABC agents. Rewrites the definition of law-enforcement officer in the section punishing assault and battery to include special agents of the Department of Alcoholic Beverage Control.

Patron - Armstrong

HB2110 Exclusion of certain drugs from drug "first-offender" deferral and dismissal consideration. Excludes cocaine, heroin, and methamphetamine for consideration of deferred proceedings and dismissal under the drug "first offender" statute. This bill was incorporated into HB 2481.

Patron - Carrico

HB2124 Abortion illegal upon overturning of *Roe v. Wade*. Provides that if and when the United States Supreme Court decision in *Roe v. Wade*, 410 U.S. 113 (1973) is overturned, allowing the states to by their laws once again regulate abortion, the law in the Commonwealth of Virginia rendering abortion a crime, as it was in effect on June 30, 1970, and prior to the decision in *Roe v. Wade*, shall be reinstated. The Attorney General shall publish legal notice statewide that, in his opinion, the decision is overturned and that Virginia's law is as

it was prior to the decision in *Roe v. Wade*. The Attorney General shall publish statewide notice of the change in law, along with the reinstated law governing the criminal offense of abortion.

Patron - Marshall, R.G.

HB2125 Coerced abortions prohibited. Prohibits coerced abortions and provides a civil remedy on behalf of the female and the unborn child against the person who coerced it.

Patron - Marshall, R.G.

HB2140 Database breach notification. Requires an individual or a commercial entity that conducts business in Virginia and that owns or licenses computerized data that includes personal information to conduct in good faith a reasonable and prompt investigation when it becomes aware of a breach of the security of the system. If the investigation determines that misuse of information has or is reasonably likely to occur, the individual or commercial entity shall give notice to the Virginia resident as soon as possible. Notification must be made in good faith, in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement and with any measures necessary to determine the scope of the breach and to restore the reasonable integrity of the computerized data system. The bill also contains alternative notification provisions. The Office of the Attorney General may bring an action in law or equity to address violations of this section and other appropriate relief. The provisions of this bill, as they apply to governmental entities, become effective July 1, 2008.

Patron - Brink

HB2146 Unattended children in a motor vehicle. Provides that any driver or operator of a motor vehicle who leaves an unattended child in a motor vehicle is guilty of a Class 1 misdemeanor. The bill defines "unattended child" as a child under six years of age who has been left in a motor vehicle by the driver or operator of the vehicle when the driver or operator is unable to continuously observe the child, unless a person 12 years of age or older is physically present in the motor vehicle with the child.

Patron - Albo

HB2162 Those considered accessories after the fact. Provides that in the case of every felony, every accessory after the fact is guilty of a Class 1 misdemeanor. Currently certain blood relatives, etc., of the principal are not considered accessories. The proviso is also added that a violation of this section is a separate and distinct offense and is not a lesser-included offense of any other crime.

Patron - Wright

HB2175 Sex offenses prohibiting proximity to children; penalty. Adds publicly operated recreation centers and community center facilities serving children to those places where a person convicted of certain sexual offenses defined as "sex offenses prohibiting proximity to children" is prohibited from loitering within 100 feet of.

Patron - BaCote

HB2221 Birth control; definition. Adds a definition of birth control. Birth control means contraceptive methods that are approved by the U.S. Food and Drug Administration. Birth control shall not be considered abortion for the purposes of Title 18.2.

Patron - Amundson

HB2231 Carrying concealed handguns; State Police officers. Allows a State Police officer who leaves the Department of State Police in good standing, if such officer

goes to a position in a criminal justice agency as a constitutional officer, to carry a concealed handgun with written proof of consultation and favorable review from the Department. This is the same standard that applies to retired law-enforcement officers in the Commonwealth.

Patron - Nutter

HB2235 Concealed handgun permits; recognition of out-of-state permits. Allows any person who is at least 21 years of age with a valid concealed handgun or concealed weapons permit issued by another state to carry a concealed handgun in the Commonwealth, so long as he also has a valid government-issued photo identification.

Patron - Nutter

HB2249 Restricted driving permits; allowable reasons. Allows a judge to issue a restricted permit to a person with a DUI offense for the purpose of driving to religious services.

Patron - Hogan

HB2253 Stalking; enhanced penalties. Provides that any person who commits a second or subsequent offense of stalking occurring within five years of a conviction of a prior offense is guilty of a Class 6 felony. Currently, the Class 6 felony applies for a third or subsequent offense. The bill also provides that any person who commits an offense of stalking when, at the time of the offense, there is in effect any court order prohibiting contact between the defendant and the victim or the victim's family or household member is guilty of a Class 6 felony. This bill was incorporated into HB 1864.

Patron - Waddell

HB2264 Extortion of immigrants; penalty. 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 or any note, bond, or other evidence of debt from him or any other person, is guilty of a Class 5 felony. This bill was incorporated into HB 1921.

Patron - Albo

HB2279 Child sex offenses. Merges two child sex offense sections into one. The bill also creates a number of new crimes labeled "indecent liberties against a child" with new victim age classifications and offender classifications.

Patron - Watts

HB2301 Informed consent to an abortion. Provides that informed consent to an abortion shall include a determination by a physician, who shall neither perform the abortion nor gain financially by the performance of the abortion, of the viability of the pregnancy as indicated by the presence of a fetal sac within the uterus and of fetal cardiac activity.

Patron - Cole

HB2321 Larceny by computer; penalties. Provides that a person who uses a computer or computer network to (i) purchase or attempt to purchase property or services with a mode of payment he knows or has reason to know is false, fictitious, or is without the consent of the responsible payor, or (ii) sell or attempt to sell property he knows or has reason to know is stolen, has committed larceny by computer which is punishable as larceny.

Patron - Gilbert

HB2324 Manufacturing, selling, giving, distributing of methamphetamine; penalty. Provides that, notwithstanding any other provision of law, any person who

manufactures, sells, gives, distributes, or possesses with intent to manufacture, sell, give, or distribute 28 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers is guilty of a felony punishable by a fine of not more than \$500,000 and imprisonment for not less than five nor more than 40 years, three years of which shall be a mandatory minimum term of imprisonment to be served consecutively with any other sentence. The bill also provides that, notwithstanding any other provision of law, any person who manufactures, sells, gives, distributes, or possesses with intent to manufacture, sell, give, or distribute 227 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers is guilty of a felony punishable by a fine of not more than \$1,000,000 and imprisonment for not less than five years nor more than life, five years of which shall be a mandatory minimum term of imprisonment to be served consecutively with any other sentence.

Patron - Gilbert

HB2329 Mandatory minimum jail time for third offense DUI. Provides that the sentence of any person convicted of three DUI offenses committed within a 10-year period shall include a mandatory minimum sentence of confinement of six months, as opposed to the current 90 days. The bill also provides that if the three offenses were committed within a five-year period, the sentence shall include a mandatory minimum sentence of confinement of one year, as opposed to the current six months.

Patron - Gilbert

HB2331 Crimes; assault and battery. Provides that if any person commits an assault or an assault and battery against an attorney for the Commonwealth, engaged in the performance of his public duties, knowing or having reason to know that such other person is an attorney for the Commonwealth, the offender will receive an enhanced penalty for such assault or assault and battery.

Patron - Gilbert

HB2336 Fraudulent use of birth certificates, etc.; penalty. Any person who fraudulently uses a birth certificate is guilty of a Class 6 felony. Currently, the crime is a Class 1 misdemeanor unless the birth certificate is used to buy a firearm, which is a Class 6 felony.

Patron - Gilbert

HB2337 Ingestion of drugs by pregnant woman as child abuse; penalty. Provides that any pregnant female who intentionally ingests a Schedule I or II controlled substance without a prescription or, if prescribed for her, in a manner inconsistent with the prescription is guilty of an act so gross, wanton and culpable as to show a reckless disregard for human life and is guilty of child abuse and neglect, a Class 6 felony. Presence in the pregnant female's bloodstream of an illegal Schedule I or II controlled substance or a legal Schedule I or II controlled substance in a quantity inconsistent with her prescription raises an inference that the substance was ingested intentionally.

Patron - Gilbert

HB2404 Sex offenses prohibiting residing in proximity to children; penalty. Prohibits an adult who is convicted of an offense requiring registration where the victim was a minor from residing within 1000 feet of the premises of a child day center, a public, private, parochial, primary, secondary, or high school. A violation of this section is a Class 6 felony; however, this section shall not apply where the facility is established subsequent to the person's conviction.

Patron - Athey

HB2405 Carrying concealed handguns; penalty. Amends the section requiring a person to have a valid permit to carry a concealed handgun, making it legal for a person who may lawfully possess a firearm to carry a concealed firearm so long as he informs a law-enforcement officer of his possession as soon as practicable if detained and he secures the firearm at the officer's request or allows the officer to secure the weapon.

Patron - Athey

HB2406 Possession of concealed weapons. Creates a new exemption to the general prohibition against carrying concealed weapons by allowing a person who may lawfully possess a firearm to carry a handgun in a private motor vehicle or boat if the handgun is locked in a container or compartment.

Patron - Athey

HB2454 Revocation of license for multiple convictions of driving while intoxicated. Provides that the license of a person convicted of DUI three times in 10 years shall be permanently revoked.

Patron - Cline

HB2455 Use of profane, threatening, or indecent language via computer with intent to harass, etc.; penalty. Adds computer to the prohibition against using communication devices to threaten or harass others. The term "computer" includes a computer device (e.g., Blackberry) under the Virginia Computer Crimes Act.

Patron - Cline

HB2456 Anesthesia for fetuses. Requires doctors to offer to anesthetize a fetus prior to abortion and to include in informational materials a statement that a fetus at 20 gestational weeks has the physical structures necessary to feel pain and react to physical stimuli in a manner that, in an infant or adult, would be interpreted as a response to pain.

Patron - Cline

HB2458 Self defense and defense of others. Provides that any person who lawfully occupies a dwelling is justified in using any degree of physical force, including deadly physical force, against another person when the other person has unlawfully entered the dwelling, has committed an overt act toward the occupant or another person in the dwelling, and the occupant reasonably believes he or another person in the dwelling is in imminent danger of bodily harm. The bill also provides that a person who uses justifiable force against an intruder shall be immune from civil liability for injuries or death of the other person. This bill was incorporated into HB 1626.

Patron - Cline

HB2481 Exclusion of certain drugs from drug "first-offender" deferral and dismissal consideration. Excludes cocaine, heroin, and methamphetamine for consideration of deferred proceedings and dismissal under the drug "first offender" statute.

Patron - Crockett-Stark

HB2488 Unlawful civilian surveillance. Provides that any person who engages in civilian surveillance without legal authority is guilty of a Class 1 misdemeanor. The bill defines civilian surveillance to mean either openly or clandestinely (i) intentionally aiming an unmanned still or video camera or recording device at the dwelling or the curtilage of the dwelling of another or (ii) intentionally photographing or video recording the dwelling or the curtilage of the dwelling of another when such photographing or video recording is for the

purpose of intimidation or when the act reasonably results in the intimidation of another.

Patron - Bulova

HB2515 Crimes; disorderly conduct. Allows the Commonwealth in the prosecution of disorderly conduct to include as part of its case evidence of the utterance or display of words or conduct punishable elsewhere in Title 18.2.

Patron - Carrico

HB2526 Possession of certain controlled substances while possessing a firearm. Makes it a crime to knowingly possess a firearm while in the unlawful possession of a Class III, IV, V, or VI controlled substance or marijuana. A violation is a Class 1 misdemeanor and is a separate and distinct offense.

Patron - Iaquinto

HB2532 Unintentionally causing death of fetus punishable as involuntary manslaughter. Provides that any person who, while engaged in gross, wanton and culpable conduct that shows a reckless disregard for the life or safety of others, causes injury to another person who is pregnant, and that conduct is the cause of a miscarriage or stillbirth, is guilty of a Class 5 felony.

Patron - Landes

HB2535 Manner by which sexual battery is committed. Removes "force, threat, intimidation or ruse" from the elements by which sexual battery may be committed.

Patron - Landes

HB2551 Human trafficking; penalties. Establishes the crime of and punishment for human trafficking, a Class 4 felony. Punishes human trafficking, when for the purposes of commercial sex acts or sexually explicit performance, as a Class 2 felony. Provides for civil liability, business entity liability, restitution to victims, forfeiture of trafficker assets, and study by a Governor's task force.

Patron - Ebbin

HB2565 Computer fraud; penalty. Clarifies that computer fraud can occur if a person converts or copies the property of another without authorization.

Patron - Shannon

HB2573 Concealed handgun permits; fees. Adds retired credentialed intelligence agents of the armed forces of the United States or civilian agencies of the United States government to the list of retired individuals who do not have to pay the \$50 fee for a concealed handgun permit.

Patron - Shannon

HB2575 Family assault and battery; deferred finding. Provides that a defendant who has waived his right to appeal cannot appeal the underlying offense in order to accept deferred findings of a family assault conviction.

Patron - Shannon

HB2578 Indecent liberties with children; penalties. Provides that it is a Class 5 felony if a person 18 years of age or older, with lascivious intent, knowingly and intentionally proposes that a child under the age of 15 years feels or fondles the child's own sexual or genital parts. Taking indecent liberties with a child by a person in a supervisory or custodial relationship is amended in the same way, but it applies to an unemancipated child under the age of 18 and is a Class 6 felony. This bill was incorporated into HB 1698.

Patron - Shannon

HB2586 Looting; penalty. Defines looting and sets punishment at a Class 1 misdemeanor for a first offense and a Class 6 felony for a second or subsequent offense.

Patron - Janis

HB2588 Certification of machine gun transfer and registration. Names the Superintendent of the Department of State Police as a chief law-enforcement officer for purposes of certifying applications for the transfer and registration of weapons subject to the National Firearms Act. Upon receipt of a request to certify an application, the Superintendent shall provide the certification within 15 days unless he has knowledge that the applicant is prohibited from receiving the weapon.

Patron - Janis

HB2593 Concealed weapons; judges may carry without a permit. Authorizes a judge of the Commonwealth to carry a concealed weapon without obtaining a permit whenever such judge may travel in the Commonwealth. Current law only authorizes a judge to carry a concealed handgun without a permit while in the discharge of his official duties or while in transit to and from such duties.

Patron - Janis

HB2596 Loss of driver's license for drug possession. Increases the period of driver's license suspension to a maximum of one year for possession of a controlled substance or marijuana. Currently, the suspension period is set at six months.

Patron - Rapp

HB2619 Computer Crimes Act; definitions. Defines "value" to include but not be limited to the costs of production, costs of acquisition, replacement costs, or the fair market value of any property lost, destroyed, stolen, or misappropriated by a violation of this Act.

Patron - Fralin

HB2622 Harboring illegal alien; penalty. 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.

Patron - Reid

HB2648 Producing abortion or miscarriage, etc.; penalty. Provides that any person, including the pregnant female, who administers to or causes to be taken by a pregnant female any drug or other thing or uses means, with intent to destroy her unborn child, or to produce abortion or miscarriage and thereby destroys such child or produces such abortion or miscarriage is guilty of a Class 4 felony. The bill excepts medically approved contraceptives as a means of producing abortion or miscarriage. Current law does not with specificity include the pregnant female as a possible perpetrator.

Patron - Jones, S.C.

HB2652 Concealed weapons. Amends the provisions relating to carrying concealed weapons and concealed handgun permits by creating a new article, dealing specifically with the procedures and requirements to obtain a concealed handgun permit. The changes are organizational, and not substantive, in nature.

Patron - Lingamfelter

HB2711 Child unattended in a car; penalty. Provides that it is unlawful for any person who is responsible for a child younger than six years of age to leave such child unattended in a motor vehicle if the conditions within the vehicle or

in the immediate vicinity of the vehicle, including outside temperature, present a risk to the health or safety of the child. The penalty for a first offense is a \$100 civil penalty, for a second offense a Class 4 misdemeanor, and for a third or subsequent offense a Class 3 misdemeanor.

Patron - Barlow

HB2712 Prohibition against concealment of dead body; penalty. Provides that any person who transports, secretes, conceals, desecrates or alters a dead body with the intent to prevent detection of the death or the manner or cause of death is guilty of a Class 6 felony. This bill was incorporated into HB 1777.

Patron - Barlow

HB2713 Obstruction of justice. Any person who, in order to avoid investigation of himself for a crime, willfully fails to make a telephone call to or otherwise communicate with law enforcement or an emergency health care provider when he knows that a criminal act has occurred or that another person is in danger or has suffered severe bodily injury, is guilty of a Class 1 misdemeanor.

Patron - Barlow

HB2728 Domestic assault on minor; custody and visitation. Establishes a presumption against making an award of joint custody to or permitting unsupervised visitation by a party who has been convicted of an assault and battery on a child under § 18.2-57.2. Current law only requires that a court consider any history of family abuse in determining the best interests of a child in a custody or visitation case.

Patron - Englin

HB2736 Assault and battery against a family or household member; penalty. Provides that a deferral and dismissal of family assault and battery is considered a conviction for purposes of the enhanced penalty for multiple offenses.

Patron - Englin

HB2748 Driving prohibitions following a DUI. Removes reference to "engine or train" from the DUI statute and associated statutes, thus prohibiting the driving of only a motor vehicle following a conviction for DUI.

Patron - Hall

HB2751 Possession of firearms by illegal aliens; prosecution. Allows a certified "Certificate of Nonexistence of Record" from the United States Department of Homeland Security to be admitted into evidence without proving the signature, authority, or seal of the executing individual.

Patron - Hurt

HB2756 Probation and suspended sentence violations; escape. Provides that a warrant or capias issued by a court for the arrest of a person for violating the terms of a suspended sentence or probation is considered an arrest warrant for a misdemeanor charge if the underlying charge is a misdemeanor and an arrest warrant for a felony if the underlying charge is a felony. The bill makes a similar provision for escape from custody, providing that a person in custody on a misdemeanor charge or after conviction of a misdemeanor who escapes is guilty of a Class 1 misdemeanor. In the case of a felony, the person who escapes is guilty of a Class 6 felony.

Patron - Hurt

HB2768 Possession of certain firearms by persons under the age of 18; parental consent. Qualifies that a person under the age of 18 may only possess a handgun or firearm at his home or at the home of his parent, grandparent, or legal

guardian if the parent or legal guardian has given permission for the possession of the handgun or firearm.

Patron - Hurt

HB2769 Possession of pocket knives on school property. Amends the exception that allows a person to carry a pocket knife on school property so that it no longer applies to students or to persons not authorized to be on school property.

Patron - Hurt

HB2771 Charging the crime of larceny. Provides that any charge of larceny or an offense deemed to be larceny (e.g., embezzlement) may be charged under the larceny statute and need not be charged with absolute specificity (e.g., larceny of banknotes pursuant to § 18.2-98).

Patron - Hurt

HB2775 Aggravated larceny; penalty. Provides that any person who commits assault or assault and battery while in the commission of, or in furtherance of, a larceny not from the person of another is guilty of aggravated larceny.

Patron - Janis

HB2778 Expungement of marijuana charges. Provides that anyone who has had a charge of possession of marijuana discharged and dismissed in accordance with the provisions of § 18.2-251, more than 10 years prior to his petition for expungement, may file a petition setting forth the relevant facts and requesting expungement of the police records and the court records relating to the charge. The bill adds that the Department of Criminal Justice Services shall maintain a record of an expungement of a dismissal under § 18.2-251 for the purpose of a second prosecution under § 18.2-250 or 18.2-250.1.

Patron - Morgan

HB2808 Requirement of ultrasound testing as part of informed consent for abortion. Requires that, as a component of informed consent to an abortion, every pregnant female shall be given the opportunity to view an ultrasound image of her unborn child prior to the abortion.

Patron - Byron

HB2811 Possession of firearms in residences of mentally ill persons. Requires the Department of State Police, in cooperation with the Department of Mental Health, Mental Retardation and Substance Abuse Services to develop educational materials concerning the possession of firearms in homes occupied by a mentally ill person. Such materials shall be available on each Department's website. The Department of State Police shall also establish a program to allow for the storage of firearms by owners who reside in a home with a mentally ill person.

Patron - Sickles

HB2828 Enhanced penalty for stalking of a minor. Provides that if at the time of the offense of stalking, the victim is a minor and the offender is 10 or more years older than the victim, the sentence imposed shall include a mandatory minimum term of confinement of 60 days. The bill also provides that for a second or subsequent such conviction occurring within five years the penalty shall include a mandatory minimum term of confinement of six months.

Patron - Peace

HB2875 Penalty for driving while intoxicated; subsequent offense; penalty. Eliminates the requirement that a third or fourth conviction for the offense of driving while intoxicated must have been committed within a 10-year period

of the prior offenses in order for the defendant to receive enhanced penalties.

Patron - McEachin

HB2900 Firearms; carrying at Capitol Square. Prohibits the possession of firearms on Capitol Square. Violation of the section is a Class 1 misdemeanor. There is an exception for law-enforcement officers and licensed security guards. For purposes of this section, "Capitol Square" means the grounds in that area of the City of Richmond bounded by Bank, Governor, Broad, and Ninth Streets, and the interior of the State Capitol, the General Assembly Building, and the Patrick Henry Building.

Patron - Spruill

HB2924 Extortion of immigrants; penalty. 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 or any note, bond, or other evidence of debt from him or any other person, is guilty of a Class 5 felony. This bill was incorporated into HB 1921.

Patron - Ebbin

HB2960 Hotel or restaurant services, etc.; larceny; penalty. Provides that failure to pay charges at a hotel, motel, campground, boardinghouse, restaurant, eating house, or amusement park for food, entertainment or accommodation is larceny, making the offense subject to the provision that a third larceny conviction, regardless of the amount, is a Class 6 felony. If the value of the service received is \$200 or less, the penalty will remain a Class 1 misdemeanor; if it is \$200 or more, the offense will be grand larceny, punishable by imprisonment in a state correctional facility for not less than one nor more than 20 years or, in the discretion of the jury or of court trying the case without a jury, confinement in jail not exceeding 12 months or a fine not more than \$2,500, either or both.

Patron - Bell

HB2964 Unlawful entry into a motor vehicle; penalties. Makes it a Class 1 misdemeanor for a person to enter or remain within a motor vehicle knowing that he does not have permission of an owner, a lessee, or an authorized operator. There are exceptions for law-enforcement officers, lien holders, and persons removing abandoned vehicles.

Patron - Bell

HB2971 Drug Treatment Court Act. Restricts the use of Drug Treatment Courts to cases involving possession of drugs or marijuana, and cases involving probation violations following conviction of drug or marijuana possession.

Patron - Bell

HB2973 Unsolicited bulk electronic messages; cell phone spam; penalty. Changes the scope of Virginia's spam law from electronic mail to electronic messages by defining electronic message as any text, image, or other communication transmitted to a computer. The bill also adds wireless communications devices to the type of devices defined as computers. The bill reduces the number of messages necessary for a person to meet the requirements of this section to 2,500 attempted recipients in any 24-hour period, 25,000 attempted recipients in any 30-day time period, or 250,000 attempted recipients in any one-year time period. Additionally a new provision would make sending unsolicited bulk electronic messages a Class 6 felony if a single recipient of an electronic message or multiple electronic messages incurs damages in excess of \$250 during any one year time period.

Patron - Bell

HB2974 Post-arrest testing to determine drug or alcohol content of blood. Provides that if the arresting officer concludes that the person is physically unable to submit to a DUI breath test, a blood test shall be given. Currently, the blood test is given if the person is physically unable to take the breath test, without regard to the officer's conclusion.

Patron - Bell

HB2979 Use of communications systems to facilitate certain sex offenses involving children. Raises the penalty for use of a communications system, including but not limited to computers or computer networks or bulletin boards, or any other electronic means for the purposes of procuring or promoting the use of a minor for any activity in violation of § 18.2-370 or § 18.2-374.1 (solicitation and certain sex offenses) from a Class 6 to a Class 5 felony.

Patron - Bell

HB2998 Possession of firearms by certain persons who have had parental rights terminated; penalty. Prohibits a person who has had his parental rights terminated based upon a finding of aggravated circumstances from purchasing, possessing, or transporting a firearm. The bill defines aggravated circumstances as torture, chronic or severe abuse, or chronic or severe sexual abuse of a child of the parent or a child with whom the parent resided at the time such conduct occurred. A violation of this section would be a Class 1 misdemeanor.

Patron - Scott, J.M.

HB3000 Possession of firearms following certain criminal convictions; penalty. Prohibits a person who has been convicted of a misdemeanor crime of domestic violence from possessing or transporting a firearm in the Commonwealth. Such persons are currently prohibited from purchasing firearms under federal law.

Patron - Scott, J.M.

HB3006 Investigation following conviction for criminal street gang activity. States that upon conviction for certain youth gang offenses, the probation and parole officer shall verify the offender's immigration status. Permits further investigation of the offender's household.

Patron - Marsden

HB3013 Firearms on school property; pneumatic weapons; penalty. Makes it a Class 1 misdemeanor to possess a firearm that expels a projectile by action of pneumatic pressure on school property, subject to certain exemptions

Patron - Wittman

HB3049 DUI conviction based on blood alcohol concentration after driving. Substitutes "at any time after driving" for "while driving" in the DUI statute to describe the point in time at which a concentration of 0.08% alcohol in the bloodstream is sufficient for conviction.

Patron - Albo

HB3086 Admissibility of DUI breath test certificate. Provides that any individual conducting a DUI breath test shall issue a certificate that will indicate the name of the accused, the date and time the sample was taken from the accused, the sample's alcohol content, and the name of the person who examined the sample. No attestation is required, and the certificate comes into evidence. Currently, the certificate also contains the assertions that (i) the test was conducted in accordance with the Department's specifications, (ii) the equipment on which the breath test was conducted had been tested within the previous six months and found to be accurate, and (iii) prior to the administration of the test, the accused was

advised of his right to observe the process and see the blood alcohol reading on the equipment used to perform the breath test. Currently, the certificate must contain an attestation by the person who ran the test. The bill also provides that the accused in a DUI case may challenge the admissibility of the breath test certificate through proof that (i) the test was not conducted in accordance with the Department's specifications, (ii) the equipment on which the breath test was conducted had not been tested within the previous six months and found to be accurate, or (iii) prior to the administration of the test, the accused was not advised of his right to observe the process and see the blood alcohol reading on the equipment used to perform the breath test.

Patron - Shannon

HB3108 Inquiries into the exercise of constitutional rights; civil penalty. Prohibits any person from inquiring of a minor or mentally incompetent person as to the exercise of constitutionally protected rights, such as the exercise of religion or the right to keep and bear arms, by the person's family or household for purposes of statistical development or to justify the provision of social services by a person not retained by the parent or legal guardian. A violation is subject to a civil penalty not to exceed \$100. The section provides for certain exemptions from the prohibition.

Patron - Janis

HB3124 Employer responsibility to give notice when certain offenders work near children; penalty. Provides that every employer who (i) employs an employee who has been convicted of a felony offense occurring on or after July 1, 2007, where such felony offense requires registration pursuant to § 9.1-902, and (ii) has actual knowledge of such employee's conviction, shall give notice to any facility he knows or has reason to know is a school or child day center prior to sending the employee to any worksite that is within 100 feet of the school or child day center. A violation of this section is punishable as a Class 1 misdemeanor.

Patron - Caputo

HB3189 Assault or assault and battery upon a law-enforcement officer. Provides that upon the trial of any person charged with assault or assault and battery upon a law-enforcement officer, when the level of culpability is slight and the victim suffers no bodily injury, the court in its discretion may find the accused guilty of a Class 1 misdemeanor, punishment for which shall include a mandatory minimum term of incarceration of 30 days.

Patron - Melvin

SB814 Sexually explicit e-mails; penalty. Provides that it is a Class 6 felony to send a sexually explicit commercial e-mail without including the words "sexually explicit" in capital letters as the subject line and as the opening phrase of the email. There must also be clear and conspicuous identification that the message is an advertisement or solicitation and a clear and conspicuous statement that to avoid viewing the sexually explicit material a recipient should delete the e-mail. These requirements mirror the federal CAN SPAM Act.

Patron - Cuccinelli

SB827 Transfer of firearms; criminal records check; penalties. Adds a definition of "firearms show vendor" and requires that a criminal history record information check be performed on the prospective transferee before the vendor may transfer firearms at a gun show. Under current law, only licensed dealers must obtain such a check. The bill also adds the definition of "promoter" and requires that the promoter of a gun show provide vendors with access to licensed dealers who will conduct the criminal background check. The bill also pro-

vides that any party who sells, transfers, or trades a firearm shall be immune from all civil liability stemming from the use of the firearm sold, transferred, or traded in the commission of a crime if a criminal background check was conducted prior to the sale, transfer, or trade.

Patron - Devolites Davis

FSB833 Drunk in public. Provides that a third conviction of being intoxicated in public or profanely cursing in public is a Class 2 misdemeanor (confinement in jail for not more than six months or a fine of not more than \$1000, either or both). First and second convictions will remain a Class 4 misdemeanor (a fine of not more than \$250).

Patron - Devolites Davis

FSB876 Crimes; gangs; definition of predicate criminal act. Allows a person to be charged for criminal street gang participation for the first offense of manufacturing, selling, giving, distributing or possessing a controlled substance or imitation controlled substance with the intent to manufacture, sell, give, or distribute the substance. Currently, a person can only be charged for criminal street gang participation for a second or subsequent violation of such crime.

Patron - McDougle

FSB879 Methamphetamine precursors; electronic log. Requires that the log currently required to be maintained by sellers of products containing ephedrine, pseudoephedrine, or any of their salts or isomers or any salts of isomers must be kept in electronic format. The Board of Pharmacy is required to establish and maintain the log and ensure that the log is capable of checking compliance against all state, local and federal laws, including interfacing with other states to ensure comprehensive compliance.

Patron - Deeds

FSB921 Murder committed in the presence of a minor; penalty. Provides that any person who commits murder, in violation of § 18.2-31, 18.2-32, or 18.2-32.1, in the presence of a minor is guilty of a separate and distinct offense punishable as a Class 4 felony.

Patron - Marsh

FSB978 Methamphetamine precursors; electronic log. Requires that the log currently required to be maintained by sellers of products containing ephedrine, pseudoephedrine, or any of their salts or isomers or any salts of isomers must be kept in electronic format. The Board of Pharmacy is required to establish and maintain the log and ensure that the log is capable of checking compliance against all state, local and federal laws, including interfacing with other states to ensure comprehensive compliance.

Patron - Edwards

FSB1007 Possession of weapons; law-enforcement facility. Provides that it is a Class 1 misdemeanor to possess or transport a weapon into any marked, secure area of a law-enforcement facility in the Commonwealth. A law-enforcement officer or administrator with authority over such facility may consent and authorize a person to bring a firearm into the facility if that officer or administrator is present and an officer accompanies the person with the firearm. Law-enforcement and court officers conducting their official duties are not subject to the prohibition.

Patron - Saslaw

FSB1019 Fraudulent application for a credit card. Provides that any person who, for his own benefit and with

intent to defraud, makes application in writing for a credit card in the name of another is guilty of a Class 1 misdemeanor.

Patron - Whipple

FSB1027 Extortion of immigrants; penalty. 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 or any note, bond, or other evidence of debt from him or any other person, is guilty of a Class 5 felony. This bill was incorporated into SB 815.

Patron - O'Brien

FSB1048 Expungement of marijuana charges. Provides that anyone who has had a charge of possession of marijuana discharged and dismissed in accordance with the provisions of § 18.2-251, more than 10 years prior to his petition for expungement, may file a petition setting forth the relevant facts and requesting expungement of the police records and the court records relating to the charge. The bill provides that the Department of Criminal Justice Services shall maintain a record of an expungement of a dismissal under § 18.2-251 for the purpose of a second prosecution under § 18.2-250 or 18.2-250.1.

Patron - Lucas

FSB1120 Trespass; knowledge that entry was forbidden. Provides that a person who goes or remains upon residential property or conspires to go or remain upon such property and who knows or reasonably should have known that any resident of such property suffered a substantial personal, physical, mental, or emotional loss, injury, or trauma within the week preceding the entry upon the property is guilty of trespass or conspiring to trespass, regardless of whether the lack of permission to enter the property was communicated to him. Under current law, a person is only guilty of trespass or conspiring to trespass if he has been forbidden, either orally, in writing, or by posted sign, from going onto or remaining on such property.

Patron - Cuccinelli

FSB1222 Self-defense and defense of others. Provides that any person who lawfully occupies a dwelling is justified in using any degree of physical force, including deadly physical force, against another person when the other person has unlawfully entered the dwelling, has committed an overt act toward the occupant or another person in the dwelling, and the occupant reasonably believes he or another person in the dwelling is in imminent danger of bodily harm. The bill also provides that a person who uses justifiable force against an intruder shall be immune from civil liability for injuries to or death of the other person.

Patron - Puckett

FSB1224 Database breach notification. Requires an individual or a commercial entity that conducts business in Virginia and that owns or licenses computerized data that includes personal information to conduct in good faith a reasonable and prompt investigation when it becomes aware of a breach of the security of the system. If the investigation determines that misuse of information has or is reasonably likely to occur, the individual or commercial entity shall give notice to the Virginia resident as soon as possible. Notification must be made in good faith, in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement and with any measures necessary to determine the scope of the breach and to restore the reasonable integrity of the computerized data system. The bill also contains alternative notification provisions. The Office of the

Attorney General may bring an action in law or equity to address violations of this section and other appropriate relief. The provisions of this bill, as they apply to governmental entities, become effective July 1, 2008.

Patron - Howell

FSB1227 Extortion of immigrants; penalty. 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 or any note, bond, or other evidence of debt from him or any other person, is guilty of a Class 5 felony. This bill was incorporated into SB 815.

Patron - Howell

FSB1233 Assault and battery; federal employees. Adds United States government employees who qualify as conservators of the peace under Virginia law to the definition of law-enforcement officer in the assault and battery statute, so that the enhanced punishment will apply. The enhanced punishment is a Class 6 felony with a mandatory minimum term of six months versus a Class 1 misdemeanor.

Patron - Obenshain

FSB1234 Manufacturing, selling, giving, distributing of methamphetamine; penalty. Provides that, notwithstanding any other provision of law, any person who manufactures, sells, gives, distributes, or possesses with intent to manufacture, sell, give, or distribute 28 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers is guilty of a felony punishable by a fine of not more than \$500,000 and imprisonment for not less than five nor more than 40 years, three years of which shall be a mandatory minimum term of imprisonment to be served consecutively with any other sentence. The bill also provides that, notwithstanding any other provision of law, any person who manufactures, sells, gives, distributes, or possesses with intent to manufacture, sell, give, or distribute 227 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers is guilty of a felony punishable by a fine of not more than \$1,000,000 and imprisonment for not less than five years nor more than life, five years of which shall be a mandatory minimum term of imprisonment to be served consecutively with any other sentence. The bill will not become effective unless funding is appropriated.

Patron - Obenshain

FSB1247 Family assault and battery; deferred finding. Provides that a defendant who has received a deferred finding cannot appeal the underlying offense unless he withdraws his consent to the deferred finding within 10 days of the entry of the order and files a notice of appeal within 10 days of the order of conviction.

Patron - Herring

FSB1262 Revocation of driver's license; notice. Provides that, upon the conviction of a person driving after the forfeiture of his driver's license, the court shall suspend the person's license for an additional period of time in accordance with the provisions for administrative suspension and revocation set forth in §§ 46.2-389 and 46.2-391. The court shall also order the person to surrender his license upon conviction and to notify the person of the impending administrative suspension and revocation of his license. The court shall also notify the Department of Motor Vehicles of the conviction, the terms of the license suspension, and that notification of the administrative suspension had been given to the convicted person. The bill also provides that the court's notification to the convicted

person constitutes actual notice of the administrative revocation of his driver's license.

Patron - Herring

FSB1364 Possession of firearms; child day center. Prohibits the possession of a firearm at a child day center. Violation of this section would be a Class 1 misdemeanor. The provisions of this section would not apply to a law-enforcement officer or security guard while in the performance of his official duties.

Patron - Howell

FSB1405 Inquiries into the exercise of constitutional rights; civil penalty. Prohibits any person from inquiring of a minor or mentally incompetent person as to the exercise of constitutionally protected rights, such as the exercise of religion or the right to keep and bear arms, by the person's family or household for purposes of statistical development or to justify the provision of social services by a person not retained by the parent or legal guardian. A violation is subject to a civil penalty not to exceed \$100. The section provides for certain exemptions from the prohibition.

Patron - Hanger

Criminal Procedure

Passed

PHB1793 Mental evaluation of a person convicted of a sexually abnormal offense. Provides that a judge may order a defendant convicted of a sexually abnormal offense to be examined by a licensed clinical social worker if a psychiatrist or clinical psychologist is not reasonably available. The licensed clinical social worker must be certified as a sex offender treatment provider and qualified by experience and by specialized training approved by the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to perform such evaluations. Under current law, the evaluation would have to be performed by a psychiatrist or psychologist.

Patron - Griffith

PHB1895 Judge sentencing and reports to the Sentencing Commission. Requires a judge to file a written explanation of a decision to modify a jury sentence when the judge departs from the jury sentence or suspends imposition of sentence in whole or in part.

Patron - Albo

PHB2029 Victim notification. States that victim notification currently required by to be made by the Department of Corrections and local and regional jails may be made through the Virginia Statewide VINE (Victim Information and Notification Everyday) System or other similar electronic or automated system. This bill is identical to SB 972.

Patron - Sherwood

PHB2076 Expungement of police and court records. Requires the appellate court that grants a writ of actual innocence to forward a copy of the order to the circuit court, where an order of expungement shall be immediately granted.

Patron - Armstrong

PHB2318 Jury sentencing proceeding. Restates, to eliminate any possibility of confusion, the provision in current law that victim impact testimony may be presented at the sentencing proceeding. The bill also allows the prior criminal his-

tory and punishments imposed on the defendant for prior convictions to be presented to the jury (as opposed to current law, which allows "prior convictions"). This bill is identical to SB 1294.

Patron - Welch

HB2349 Special conservators of the peace. Provides that in the case of a corporation or business applicant, special conservators of the peace may, in addition to geographical limitations within the judicial circuit where the appointment is made, be granted authority in any real property owned or leased by the corporation or business, including any subsidiaries, in other specifically named cities or counties. The authority of such a special conservator of the peace, outside the geographical limitations within the judicial circuit where the appointment is made, is limited to the boundaries of such real property. This bill is identical to SB 1165.

Patron - Sherwood

HB2361 Waiver on compensation cap for court-appointed attorneys. Provides that court-appointed counsel, who are not public defenders, may request a waiver of the limitations on compensation up to certain specified additional amounts depending on the charges being defended when the effort expended, the time reasonably necessary for the representation, the novelty and difficulty of the issues, or other circumstances warrant such a waiver. The determination of whether to grant such a waiver shall be subject to guidelines issued by the Executive Secretary of the Supreme Court. In addition, for felony charges, counsel may request a waiver above the specified caps by the presiding judge who shall determine whether an additional waiver is justified. If the judge determines that the additional waiver is justified he forwards it to the Chief Judge of the Circuit Court for approval, which approval shall be contingent upon a certification of the Executive Secretary of the Supreme Court. If funds appropriated to pay for such waivers become insufficient, no further waivers shall be approved. The bill also provides that, in the event the defendant is convicted and a waiver of the compensation cap has been requested, the court shall only assess against the defendant an amount equal to the pre-waiver cap as a part of the costs of prosecution. This bill is identical to SB 1168.

Patron - Putney

HB2364 Magistrates; criminal warrants. Requires magistrates to deliver a copy of any criminal warrant issued at the request of a citizen to the attorney for the Commonwealth, if requested by the attorney for the Commonwealth. This bill is identical to SB 997.

Patron - Scott, E.T.

HB2368 Compensation of experts in criminal cases. Increases the maximum fee from \$400 to \$750 that the court may pay for professional services rendered by each psychiatrist, clinical psychologist or other expert appointed by the court to render professional service in a criminal case other than capital murder.

Patron - Nutter

HB2369 Persons acquitted by reason of insanity. Provides that the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services can designate a community services board or behavioral health authority other than the one serving the locality where the acquittee was acquitted to submit and receive reports and implement conditional release orders. The bill also adds, where omitted, the term "or behavioral health authority" wherever the term "community services board" appears. This bill is identical to SB 1104.

Patron - Brink

HB2533 Criminal procedure; issuance of criminal warrants. Authorizes a sheriff or his deputy to execute an arrest warrant in a town surrounded by the county that he serves, and to arrest someone committing a criminal act arising out of and during the execution of a warrant in a city or town surrounded by the county he serves. The venue for the prosecution of such crime lies in the jurisdiction where it occurred.

Patron - Landes

HB2569 Tolling of speedy trial statute. Provides that the tolling of the speedy trial law already in place during the pendency of a pre-trial appeal by the Commonwealth is extended by 60 days (following mandate by the appellate court) to allow for issuance of trial witness subpoenas by the Commonwealth.

Patron - Shannon

HB2673 Sentencing jury; deadlock. Provides for the empanelment of a new jury in the event of a deadlock in fixing punishment.

Patron - Griffith

HB2759 Search warrant affidavits; delivery. Allows affidavits for search warrants to be delivered in person or mailed by certified mail, return receipt requested.

Patron - Hurt

HB2855 Execution of search warrants. Allows an agent of the United States Department of Homeland Security and any inspector, law-enforcement official, or police personnel of the United States Postal Inspection Service to execute a search warrant in Virginia.

Patron - Moran

HB2858 Local community-based probation services. Makes numerous technical changes throughout the Code to update standard nomenclature for community probation services.

Patron - Moran

HB2953 Administrative subpoena; electronic communication service and remote computing service providers. Provides that attorneys for the Commonwealth have the authority to issue administrative subpoenas to obtain records and other information from electronic communication service and remote computing service providers if relevant to a legitimate law-enforcement investigation concerning child pornography and use of communications systems to facilitate certain sexual offenses with children. The bill provides a definition of what constitutes records and other information that may be obtained upon the issuance of an administrative subpoena. All records or other information received by attorneys for the Commonwealth may only be used for a reasonable period of time not to exceed 30 days. Upon completion of the investigation, the records or other information shall be destroyed if no prosecution is initiated. The bill also provides that a service provider may move to quash the administrative subpoena in any court of competent jurisdiction if the records or other information sought is unusually voluminous in nature or if compliance with the subpoena would cause an undue burden to the service provider.

Patron - Bell

HB2959 Expungement of police and court records. Requires the appellate court that grants a writ of actual innocence to forward a copy of the order to the circuit court, where an order of expungement shall be immediately granted. If a person has been granted an absolute pardon by the

Governor for a crime he did not commit and files a petition for expungement, the expungement is automatic.

Patron - Bell

HB2980 Child pornography; seizure and forfeiture of equipment; bail. Provides that all equipment and other personal property used in connection with the possession, production, distribution, publication, or sale of child pornography or in connection with solicitation of a minor for child pornography shall be subject to seizure and forfeiture. This bill also provides a person charged with violating § 18.2-374.1 (crimes involving child pornography) or § 18.2-374.3 (use of communications system to procure minors for various sexual offenses involving children) is rebuttably presumed ineligible for bail when the offender has reason to believe that the solicited person is a child under 15 years of age and the offender is at least five years older than the solicited person. This bill is identical to SB 1239.

Patron - Bell

HB2981 Effect of dismissal of criminal charges. States that dismissal of a criminal charge by a court does not bar subsequent prosecution of the charge unless jeopardy attached at the earlier proceeding or unless the dismissal order explicitly states that the dismissal is with prejudice.

Patron - Janis

HB2991 Public defenders; duties. Clarifies that the public defenders are responsible for managing their offices and that assistants do not have the same managerial authority. The bill also mirrors § 19.2-163.01, clarifying the role of the Indigent Defense Commission as supervisory. Finally, the bill removes the language requiring representation of indigent prisoners in habeas cases.

Patron - Melvin

HB3034 DNA analysis and data bank; collection of DNA samples. Provides that the Department of Forensic Science shall, on a weekly basis, provide to the Local Inmate Data System (LIDS) the most current information submitted to the DNA data bank that it maintains regarding persons who are required to submit a blood, saliva, or tissue sample for DNA analysis pursuant to Article 1.1 (§ 19.2-310.2 et seq.) of Chapter 18 of Title 19.2, as well as removing from LIDS and the data bank persons who are no longer eligible to be in the data bank. The Department of Forensic Science and the Department of Corrections shall, on a quarterly basis, compare the databases of offenders under the custody or supervision of the Department of Corrections with the DNA data bank and, if a person is not identified in the DNA data bank, the Department of Corrections shall require the person to submit a DNA sample. The bill also provides that a person who is required to submit a DNA sample is not relieved from the requirement to submit a DNA sample because a sample was not taken or, if taken, because a sample cannot be located in the DNA data bank. The fee for taking a DNA sample may be charged only one time regardless of the number of samples taken. The bill also provides that prior to or upon sentencing, the clerk of court is responsible for reviewing LIDS to determine whether a DNA sample has been submitted if the clerk has electronic access to LIDS in the courtroom. If electronic access is not available, or if the clerk determines that no DNA sample is stored in the DNA data bank, the court shall order that person required to submit a DNA sample to appear within 30 days to allow a sample to be taken by the sheriff or probation officer. If the person required to submit a sample fails to appear, the sheriff or probation officer shall report this failure to the court. The bill also provides that probation and parole officers, community-based probation programs, and sheriffs and regional jailers are required to review LIDS upon intake and again prior to dis-

charge of an offender who is required to submit a DNA sample to determine whether a sample has been taken. If it is determined that no DNA sample has been taken, then the person shall be required to submit a sample for DNA analysis. Probation and parole officers are also required to take a DNA sample or verify that a DNA sample has been submitted to the DNA data bank for every offender accepted pursuant to the Interstate Compact for the Supervision of Adult Offenders (§ 53.1-176.1 et seq.) who has been convicted of an offense that would be considered a felony if committed in Virginia. Probation and parole officers in cases involving juvenile offenders who are required to submit a DNA sample for analysis pursuant to § 16.1-299.1 also must determine whether a sample has been taken by reviewing LIDS upon intake and again prior to discharge and, if no sample has been taken, shall require the offender to submit a DNA sample for analysis. The bill also provides that the Department of Juvenile Justice shall verify that a DNA sample for an offender has been received by the Department of Forensic Science and, if no sample has been received, notify the court which shall then order that a sample be submitted for DNA analysis. The use of a DNA sample contained in the data bank that was taken or retained in good faith does not invalidate the use of the sample and any detention, arrest, or conviction of a person resulting from the use of the sample shall not be invalidated. The bill also provides that the Secretary of Public Safety shall review the procedures for the collection of DNA samples and submit a status report by November 1, 2007 to the Chairmen of the House Appropriations Committee, the Senate Finance Committee, the House Committee for Courts of Justice, and the Senate Committee for Courts of Justice.

Patron - Bell

HB3041 Conservators of the peace; municipal park rangers. Makes sworn municipal park rangers conservators of the peace.

Patron - BaCote

SB800 Criminal history record information. Provides that the requirement that the person on whom the data is being obtained consent under oath to a request for his criminal history record information does not apply if an employer or prospective employer makes a written request and the person on whom the data is being obtained consented in writing and presented a photo-identification to the employer.

Patron - Ruff

SB873 Criminal procedure; collection of unpaid fines and costs. Authorizes private attorneys and collection agencies, pursuant to an agreement with the Commonwealth, to be given access to a defendant's social security number to assist in the collection effort of unpaid fines, costs, forfeitures, and penalties. Also subjects such private attorneys to the identity theft provisions in § 18.2-186.3.

Patron - McDougale

SB874 Speedy trial. Specifies that statutory speedy trial provisions apply to an adult whose preliminary hearing is held in any district court.

Patron - McDougale

SB877 Issuance of witness summonses by criminal defense counsel. Provides that the attorney for the defendant may issue a witness summons.

Patron - McDougale

SB880 Expungement of police and court records. Provides for an automatic expungement if a conviction has been vacated pursuant to a writ of actual innocence and

requires that electronic records be included in the expungement.

Patron - Deeds

SB943 Indigent Defense Commission. Gives the authority for securing office space for public defenders to the executive director of the Commission and allows for the delegation of certain powers and duties to the deputy executive director in the absence of the executive director.

Patron - Quayle

SB972 Victim notification. States that victim notification currently required by to be made by the Department of Corrections and local and regional jails may be made through the Virginia Statewide VINE (Victim Information and Notification Everyday) System or other similar electronic or automated system. This bill is identical to HB 2029.

Patron - Howell

SB997 Magistrates; criminal warrants. Requires magistrates to deliver a copy of any criminal warrant issued at the request of a citizen to the attorney for the Commonwealth, if requested by the attorney for the Commonwealth. This bill is identical to HB 2364.

Patron - Houck

SB1103 Insane defendants; restoration of competency. Updates provisions on the qualifications and procedures of a competency evaluator. Clarifies the role of the director of the community services board or behavioral health authority in restoring the competency of a defendant who is receiving treatment on an outpatient basis. The bill also provides that the director is to make and receive reports regarding the competency of the defendant.

Patron - Puller

SB1104 Persons acquitted by reason of insanity. Replaces certain language throughout Chapter 11.1 of Title 19.2 and adds, where omitted, the term "or behavioral health authority" wherever the term "community services board" appears. This bill is identical to HB 2369.

Patron - Puller

SB1134 Petition for release of acquittee. Provides that only when a motion for release from custody is made by the person acquitted by reason of insanity shall the court order an evaluation by a psychiatrist and psychologist. Currently, this is required when the petition is by either the acquittee or the Commissioner of DMHMRSAS. The bill further provides that the court may order a further evaluation if it deems further evaluation necessary.

Patron - Lambert

SB1165 Special conservators of the peace. Provides that in the case of a corporation or business applicant, special conservators of the peace may, in addition to geographical limitations within the judicial circuit where the appointment is made, be granted authority in any real property owned or leased by the corporation or business, including any subsidiaries, in other specifically named cities or counties. The authority of such a special conservator of the peace, outside the geographical limitations within the judicial circuit where the appointment is made, is limited to the boundaries of such real property. This bill is identical to HB 2349.

Patron - Stolle

SB1168 Waiver on compensation cap for court-appointed attorneys. Provides that court-appointed counsel, who are not public defenders, may request a waiver of the limitations on compensation up to certain specified additional

amounts depending on the charges being defended when the effort expended, the time reasonably necessary for the representation, the novelty and difficulty of the issues, or other circumstances warrant such a waiver. The determination of whether to grant such a waiver shall be subject to guidelines issued by the Executive Secretary of the Supreme Court. In addition, for felony charges, counsel may request a waiver above the specified caps by the presiding judge, who shall determine whether an additional waiver is justified. If the judge determines that the additional waiver is justified he forwards it to the Chief Judge of the Circuit Court for approval, which approval shall be contingent upon a certification of the Executive Secretary of the Supreme Court. If funds appropriated to pay for such waivers become insufficient, no further waivers shall be approved. The bill also provides that, in the event the defendant is convicted and a waiver of the compensation cap has been requested, the court shall only assess against the defendant an amount equal to the pre-waiver cap as a part of the costs of prosecution. This bill is identical to HB 2361.

Patron - Stolle

SB1177 Compensation for crime victims. Increases the maximum amount that can be paid out for a claim under the Criminal Injuries Compensation Fund from \$15,000 to \$25,000.

Patron - Stolle

SB1189 Court-appointed counsel; qualifications. Clarifies the requirements to be met for qualification as a court-appointed attorney by setting out each type of case and listing the requirements. The bill also specifically lists requalification requirements, including a requirement that the Indigent Defense Commission provide information on MCLE programs that have been approved by the Commission.

Patron - Reynolds

SB1192 Interpreters for non-English-speaking persons. Provides that the court may assess as part of the costs taxed to the defendant the costs of any interpreter appointed for the defendant when the defendant fails to appear for trial and is convicted of a failure to appear and the interpreter appears in the case and no other case on the date the defendant is convicted.

Patron - Reynolds

SB1195 Criminal history record information. Allows criminal history record information to be disseminated to the Department of Medical Assistance Services or its designee for the purpose of screening individuals who provide transportation services to enrollees in Medicaid, FAMIS, or other programs administered by the Department.

Patron - Reynolds

SB1207 Criminal history check for providers of services to adults. Allows public agencies when and as required to do so by federal or state law to investigate criminal history record information of (i) applicants as providers of adult foster care and home-based services or (ii) any individual with whom the agency is considering placing an adult on an emergency, temporary, or permanent basis. The bill also allows local boards of social services to obtain, in emergency circumstances, such information from a criminal justice agency.

Patron - Hanger

SB1223 Expungement of police and court records. Provides for an automatic expungement if a conviction has been vacated pursuant to a writ of actual innocence and requires that electronic records be included in the expungement. The bill also provides that an expungement order is voidable upon motion and notice made within three years of the

entry of the order where the court or parties failed to strictly comply with statutory provisions or the court enters an order of expungement contrary to law.

Patron - McDougle

SB1239 Child pornography; seizure and forfeiture of equipment; bail. Provides that all equipment and other personal property used in connection with the possession, production, distribution, publication, or sale of child pornography or in connection with solicitation of a minor for child pornography shall be subject to seizure and forfeiture. This bill also provides a person charged with violating § 18.2-374.1 (crimes involving child pornography) or § 18.2-374.3 (use of communications system to procure minors for various sexual offenses involving children) is rebuttably presumed ineligible for bail when the offender has reason to believe that the solicited person is a child under 15 years of age and the offender is at least five years older than the solicited person. This bill is identical to HB 2980.

Patron - Obenshain

SB1294 Jury sentencing proceeding. Restates, to eliminate any possibility of confusion, the provision in current law that victim impact testimony may be presented at the sentencing proceeding. The bill also allows the punishments imposed on the defendant for prior convictions to be presented to the jury. This bill is identical to HB 2318.

Patron - Norment

SB1357 Administrative subpoena; electronic communication service and remote computing service providers. Provides that attorneys for the Commonwealth have the authority to issue administrative subpoenas to obtain records and other information from electronic communication service and remote computing service providers if relevant to a legitimate law-enforcement investigation concerning child pornography and use of communications systems to facilitate certain sexual offenses with children. The bill provides a definition of what constitutes records and other information that may be obtained upon the issuance of an administrative subpoena. All records or other information received by attorneys for the Commonwealth may only be used for a reasonable period of time not to exceed 30 days. Upon completion of the investigation, the records or other information shall be destroyed if no prosecution is initiated. The bill also provides that a service provider may move to quash the administrative subpoena in any court of competent jurisdiction if the records or other information sought is unusually voluminous in nature or if compliance with the subpoena would cause an undue burden to the service provider.

Patron - Obenshain

Failed

HB1656 Interpreters for non-English-speaking persons. Requires the interpreter fee for a non-English-speaking defendant to be assessed as costs if the defendant is found guilty.

Patron - Lohr

HB1694 Five dollar court fee to increase pay of magistrates. Provides that any county or city may, by ordinance, assess a sum of no more than \$5 as part of the costs in any criminal or traffic case in which the defendant is convicted of a violation of any statute or ordinance. Proceeds of these assessments shall be used to supplement the fixed compensation of magistrates.

Patron - Callahan

HB1773 Issuance of warrants against law-enforcement officers. Provides that no arrest warrant shall be issued upon a complaint by a citizen without the prior approval of the local attorney for the Commonwealth, if the accused is a law-enforcement officer or public school employee and the alleged offense occurred while the accused was in the performance of his official duties.

Patron - Cosgrove

HB1776 Appeal from order denying bail or fixing terms of bond or recognizance. Provides that upon motion by the attorney for the Commonwealth, the court may stay the order granting a criminal defendant bail or terms of recognizance pending an appeal by the Commonwealth.

Patron - Cosgrove

HB1901 Preliminary hearing required for person accused of a felony. Provides that a person who is arrested on a charge of felony or indicted by a grand jury on a charge of a felony prior to arrest shall be entitled to a preliminary hearing upon the question of whether there is reasonable ground to believe that he committed the offense. Currently, a preliminary hearing is available only when the person is arrested on the charge and not when he is indicted.

Patron - Albo

HB1903 No fees for an appeal from an order granting, setting, or denying bail. Provides that no fee shall be charged for filing an appeal from an order granting, setting, or denying bail. This bill was incorporated into HB 2992.

Patron - Albo

HB1966 Evidence of similar crimes in sexual assault and child sexual abuse cases. Provides that in a criminal case in which the defendant is accused of an offense of sexual assault or child sexual abuse, evidence of the defendant's commission of another like offense or offenses is admissible, and may be considered for its bearing on any matter to which it is relevant. The bill also extends admission of this evidence to civil cases.

Patron - Lewis

HB2111 Interpreters for non-English-speaking persons. Requires that the fees for interpreters for non-English-speaking persons be taxed as costs in the district and circuit courts. This bill was incorporated into HB 3096.

Patron - Carrico

HB2184 Indictment of a law-enforcement officer. Provides that when a law-enforcement officer is alleged to have committed a criminal offense involving excessive use of force while on duty, he shall be formally accused of the crime by indictment only.

Patron - Miller, P.J.

HB2204 Impanelling a special grand jury. Alters the burden slightly for the impanelling of a special grand jury by the attorney for the Commonwealth by changing the burden from a request by the attorney for the Commonwealth made to the circuit court to a motion before the circuit court and for good cause shown.

Patron - Wardrup

HB2254 Definition of victim. For purposes of determination of crime victim compensation eligibility from the Criminal Injuries Compensation Fund, victim is defined to include a victim of stalking.

Patron - Waddell

HB2322 Criminal procedure; admission to bail.

Adds a presumption, subject to rebuttal, against admitting to bail any person charged with a felony who is identified as being present in the United States illegally.

Patron - Gilbert

HB2330 Jury sentencing proceeding. Restates, to eliminate any possibility of confusion, the provision in current law that victim impact testimony may be presented at the sentencing proceeding. This bill was incorporated into HB 2318.

Patron - Gilbert

HB2333 Jury sentencing; prior convictions. Provides that, for the purpose of jury sentencing, prior convictions shall include complete sentencing information such as terms of incarceration imposed, other punishments received, any records of suspended sentences and of probation and parole. Current case law defines "prior conviction" to exclude anything but a record of the conviction alone. This bill was incorporated into HB 2318.

Patron - Gilbert

HB2423 Criminal juror information confidential.

Provides that any personal information concerning a member of a jury in a criminal trial shall be sealed by the court at the conclusion of the trial and shall be released only upon motion for good cause shown, with restrictions upon its use and further dissemination as may be deemed appropriate by the court.

Patron - Griffith

HB2424 Criminal juror information confidential.

Provides that any personal information concerning a member of a jury in a criminal trial shall be sealed by the court and shall be released only upon motion for good cause shown, with restrictions upon its use and further dissemination as may be deemed appropriate by the court.

Patron - Griffith

HB2448 Verification of citizen status.

Requires that a jailer shall reasonably attempt to verify the citizen status of certain persons who are confined in jail and that the Department of Corrections shall issue guidelines for such verifications. The bill also requires the Virginia State Bar to investigate the practice of providing legal advice to illegal immigrants and to establish related guidelines on unauthorized practice of law.

Patron - Frederick

HB2480 Bail bondsman; collateral. Prohibits the use of real property as collateral for a bond written by a bail bondsman.

Patron - Crockett-Stark

HB2584 Marijuana field test as evidence.

Provides that in any case in which a person is accused of possession of marijuana, he or his attorney of record may request a full chemical analysis of the alleged plant material by motion (i) within 60 days after arrest or, (ii) for good cause shown, at any time prior to trial, before the court in which the charge is pending. Without such request, a field analysis of the material is deemed sufficient evidence. Currently, such request is available (without the requirement of good cause shown) at any time prior to trial. This bill was incorporated into HB 2760.

Patron - Janis

HB2592 Conviction of second or subsequent violent sex offense; penalty.

Establishes unequivocally that prior convictions of certain violent sex crimes against victims under the age of 13 are to be alleged in the indictment or information

and are made a part of the evidence at trial for the purpose of enhanced punishment for second and subsequent such offenses.

Patron - Janis

HB2747 Persons issued summons; fingerprints and photograph.

Provides that when an arresting officer detains a person for a violation for which a summons may be issued, that person must provide valid proof of his identity and address or the officer may take the person's photograph and fingerprints in order to verify the person's identity.

Patron - Hall

HB2760 Notice of right to receive full marijuana analysis.

Provides that if the defendant requests full laboratory analysis of marijuana 10 days prior to trial and if it is unavailable at trial, the defendant's remedy is a continuance. Field analysis of marijuana is admissible at trial. Full lab analysis is available to the defendant if he requests it. Currently, such request may be made pursuant to notice provided "prior to trial."

Patron - Hurt

HB2790 Criminal procedure; right to examine person performing analysis.

Provides that if the defendant requests the presence of the person as a witness who performed any laboratory analysis or examination or was involved in the chain of custody, his remedy, if the person is unavailable for trial, is a continuance.

Patron - Gilbert

HB2895 Dissemination of criminal history record information; litter control officers.

Grants special conservators of the peace employed by a county and who enforce state and local litter laws access to criminal history record information.

Patron - Phillips

HB2936 Arrest of illegal aliens.

Provides that all law-enforcement officers enumerated in § 19.2-81 shall have the authority to enforce immigration laws of the United States, and to arrest an individual without a warrant upon receiving confirmation from the Bureau of Immigration and Customs Enforcement of the United States Department of Homeland Security that the individual is an alien illegally present in the United States. Currently the person arrested would also have to have been previously convicted of a felony in the United States and deported or left the United States after such conviction. This bill was incorporated into HB 1970.

Patron - Miller, J.H.

HB2943 Misdemeanor summons.

Gives a law-enforcement officer the choice of issuing a summons and releasing the person or arresting him for Class 1 and 2 misdemeanors. Under current law the law-enforcement officer must release the person on a summons for most Class 1 and 2 misdemeanors unless the person fails to stop the unlawful act or indicates that he will not appear as directed in the summons. The bill also requires the officer to arrest the person if he fails to stop the unlawful act; currently arrest is discretionary.

Patron - Miller, J.H.

HB2965 Notice by clerk to counsel regarding certificates of analysis.

Requires that, in the event that a request for a copy of a certificate of analysis to be used as evidence in a criminal case is filed by counsel for the defendant with the clerk with respect to a case that is before the court but for which the certificate has not yet been received by the clerk, the clerk shall advise the requester that he must resubmit the

request after the certificate has been received in order for such request to be effective.

Patron - Bell

HB2966 Restitution. Provides for the Commonwealth to be responsible for seeking restitution for the victim. The bill creates a system under which the clerk of court is responsible for collecting, tracking, and distributing restitution payments. This responsibility may also be delegated to local bonding agencies as desired. Additionally, the bill states that any collection fees for delinquent restitution payments shall be paid by the defendant. Any restitution installment plan payments more than 40 days in default are to be voided.

Patron - Bell

HB2983 Procedures in forfeiture cases. Provides that discovery in drug forfeiture proceedings shall be had according to the criminal rules of discovery, that a jury shall consist of five people, and that the Commonwealth may take a nonsuit. Currently, none of these procedures is addressed in the forfeiture law.

Patron - Janis

HB2992 Appeal bonds. Clarifies that fees or costs shall not be assessed or collected for any appeal from an order denying bail or fixing terms of bond or recognizance. This bill is a recommendation of the Committee on District Courts. This bill was incorporated into HB 2061.

Patron - Melvin

HB3038 Sentencing proceeding. Clarifies that victim impact testimony is to be admitted during a jury sentencing hearing at the same time that prior convictions are admitted. This bill was incorporated into HB 2318.

Patron - Scott, E.T.

HB3051 Debt collection by attorneys for the Commonwealth. Allows a private attorney or collection agency under contract to an attorney for the Commonwealth for the collection of fines, costs, forfeitures, penalties, and restitution to have access to Department of Motor Vehicles records for the purpose of locating individuals owing money to the Commonwealth.

Patron - Miller, P.J.

HB3096 Local fee for interpreters for non-English-speaking persons. Allows any locality to provide by ordinance for the imposition of a fee on any person convicted under any criminal statute or ordinance if such person was provided an interpreter paid for by the locality.

Patron - Lohr

HB3107 Appointment of special conservators of the peace. Requires that a circuit judge appoint a special conservator of the peace upon a showing by the sheriff, chief of police, or corporation authorized to do business in the Commonwealth that there is a necessity for the security of property or of the peace, and that the person or persons to be appointed possess a valid registration with the Department of Criminal Justice Services.

Patron - Lingamfelter

HB3110 Criminal history record information dissemination. Provides that criminal history information may be provided to any nonprofit entity that provides a centralized credentialing service as defined in § 8.01-581.17 and that, in accordance with that section, any such nonprofit entity may disseminate criminal history record information to those hospitals and organizations that utilize its service.

Patron - Janis

HB3146 Discovery; duty to provide police reports. Provides that the attorney for the Commonwealth shall have a duty to provide copies of police reports and other similar information to the defendant, if unrepresented, or his attorney within three days after the information is received.

Patron - Gear

HB3206 Criminal procedure, admission to bail; persons not lawfully present in the United States; presumption. Adds a presumption, subject to rebuttal, against admitting to bail any person who commits a felony while not lawfully present in the United States. Requires judicial officers, to the extent feasible, to verify with the Law Enforcement Support Center of the Bureau of Immigration and Customs Enforcement of the United States Department of Homeland Security prior to a bail hearing whether a person is a citizen or is otherwise lawfully present in the United States. This bill was incorporated into HB 2322.

Patron - Caputo

SB748 Criminal background checks; fingerprinting. Provides that programs of religious instruction may obtain full, fingerprint-based criminal background checks for prospective employees.

Patron - Puller

SB828 Magistrate salaries; local fee. Allows any county or city to assess \$5 as part of the costs in each criminal or traffic case in which the defendant is convicted of a violation of any statute or ordinance. Proceeds of these assessments shall be used to add to the fixed compensation of magistrates.

Patron - Devolites Davis

SB952 Criminal jurors; disqualifications. Prohibits relatives and persons with an employment relationship to the accused, any alleged victim of the accused, the attorney for the Commonwealth and court officers and employees from serving on the accused's jury.

Patron - Quayle

SB965 Forensic mental health examinations. Raises from \$400 to \$750 the cap on expert compensation for a mental health examination in criminal cases other than capital murder.

Patron - Puller

SB1049 Certification of laboratories that perform DNA analyses. Provides that all DNA analyses offered as criminal evidence shall have been performed by laboratories accredited by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB).

Patron - Lucas

SB1066 Appeal from order denying bail or fixing terms of bond or recognizance. Provides that when there exists a rebuttable presumption against bail pursuant to § 19.2-120 and the court issues an order granting bail or conditions of recognizance, then upon motion by the attorney for the Commonwealth, the court shall stay the order, pending appeal by the Commonwealth.

Patron - McDougle

SB1127 Magistrates; issuance of warrants. Amends provision that prohibits magistrates from issuing any warrant or process in complaint of certain relatives of the magistrate, to provide that in counties with a population between 56,000 and 57,000 according to the 2000 U.S. Census (York County) the magistrate may issue a warrant or process if the

relative is a law-enforcement officer acting within the scope of his official duties.

Patron - Norment

FSB1173 Appeal bonds. Clarifies that fees or costs shall not be assessed or collected for any appeal from an order denying bail or fixing terms of bond or recognizance. This bill is a recommendation of the Committee on District Courts. This bill was incorporated into SB 825.

Patron - Stolle

FSB1221 Community-based corrections programs; community service. Provides that a person committed to Boot Camp Incarceration Programs, Detention Center Incarceration Programs, or Diversion Center Incarceration Programs shall receive credit toward the completion of any community service he was ordered to perform as part of his sentence for any community service performed during his commitment.

Patron - Puckett

FSB1319 Special conservators of the peace; barrier crimes. Amends provision that prohibits a person from being a special conservator of the peace if they have any firearms conviction to provide that the conviction must be a Class 1 misdemeanor to prevent the person from being a conservator. Existing law includes all firearms misdemeanors. The provision that any felony is a barrier remains unchanged.

Patron - Puckett

FSB1355 Driving while intoxicated; plea agreements. Provides that, in a case brought pursuant to § 18.2-266 (driving while intoxicated), which resulted in physical injury to a victim, an attorney for the Commonwealth shall not enter into a plea agreement with a defendant that would allow the defendant to plead guilty to an offense not related to his intoxication without the consent of the victim.

Patron - O'Brien

FSB1380 Victims' rights; restorative mediation. Provides that the victim of a criminal offense may request mediation with the defendant prior to the final disposition in the defendant's case. If mediation is conducted, the results of the mediation and the victim's statement of needs shall be presented to the court by the mediator prior to the sentencing hearing. The bill also provides that the Director of the Department of Corrections shall maintain a system for victim-offender mediation in the state correctional facilities. Such mediation shall be conducted upon the request of the victim and upon the agreement of both parties.

Patron - Locke

FSB1421 Criminal procedure; admission to bail; persons not lawfully present in the United States; presumption. Adds a presumption, subject to rebuttal, against admitting to bail any person who commits a felony while not lawfully present in the United States. Requires judicial officers, to the extent feasible, to verify with the Law Enforcement Support Center of the Bureau of Immigration and Customs Enforcement of the United States Department of Homeland Security prior to a bail hearing whether a person is a citizen or is otherwise lawfully present in the United States.

Patron - Herring

Domestic Relations

Passed

PHB2830 Revocation of death benefits by divorce; federal preemption. Provides that, in the event that federal preemption causes a person to, not for value, receive any death benefit to which he is not entitled under § 20-111.1 (revocation of death benefits by divorce or annulment), the improper recipient shall be liable for the amount received to the person who would have received the benefit had the statute not been preempted.

Patron - Gilbert

PSB945 Income deduction order; remitting payments. Provides that all income deduction orders for support payments require that all employers with at least 100 employees and payroll processing firms with at least 50 clients remit payments under such orders via electronic funds transfer.

Patron - Quayle

PSB948 Pendente lite spousal support; guidelines. Establishes a statewide formula to be used by courts to calculate the presumptive amount of an award of pendente lite spousal support. Courts still have the discretion to deviate from the presumptive amount calculated under this formula for good cause shown as well as after consideration of the factors used in determining a spousal support award, other than pendente lite spousal support, set forth at § 20-107.1. The bill caps the application of this formula to cases where the parties' combined gross monthly income does not exceed \$10,000.

Patron - Quayle

Failed

PHB1660 Premarital agreements; contents. Provides that parties to premarital and postmarital agreements may agree to abide by stricter standards before seeking a no-fault divorce under subdivision A (9) of § 20-91 on the grounds of living separate and apart.

Patron - Marshall, R.G.

PHB1662 Child custody; consideration of marital fault. Provides that the circumstances that contributed to the dissolution of a marriage must be considered as a factor in determining the best interests of a child for purposes of awarding custody or visitation.

Patron - Marshall, R.G.

PHB1664 Equitable distribution; factors. Clarifies that marital fault is a factor that must be considered in equitably dividing property in a divorce action regardless of whether such fault did or did not have an adverse economic impact on the marriage.

Patron - Marshall, R.G.

PHB2056 Child custody and visitation; parenting plans. Requires preparation of parenting plans in any actions involving custody or visitation of a minor child. The parenting plan specifies the allocation of parenting responsibilities and establishes a parenting time schedule. The bill also provides that a court shall determine whether a proposed parenting plan is in the best interests of the child before approving the plan. If the parents cannot reach an agreement as to a plan, the court shall proceed to determine custody and visitation.

Patron - McQuigg

HB2445 Issuance of marriage license; waiting period. Requires that 72 hours elapse between an application for a marriage license and its issuance.

Patron - Frederick

HB2511 Support orders; income deduction. Eliminates the ability of the court to set up income withholdings as a part of any support order, initial or otherwise, so that any person subject to an income withholding pursuant to a support order has a right to notice and, upon objection, the right to a hearing.

Patron - Jones, D.C.

HB2798 Grounds for divorce. Provides that parties with minor children cannot obtain a no-fault divorce under subdivision A (9) of § 20-91 when either party files a written objection to the granting of a divorce pursuant to that subdivision.

Patron - Marshall, R.G.

HB2862 Grounds for divorce; family abuse. Provides that a conviction of either party for assault and battery against a family member or for violating a protective order prohibiting family abuse shall constitute an immediate ground for divorce. Current law provides that a conviction for a felony where the convicted party is sentenced to confinement for more than one year constitutes an immediate ground for divorce.

Patron - Moran

HB2957 Child custody; joint physical custody. Establishes a presumption that an award of joint legal and physical custody is in the best interests of the child and that such an award should be made in all custody cases where feasible.

Patron - Bell

HB3163 Child support; incarcerated obligor. Provides that a court shall recalculate the child support obligation of an obligor who is incarcerated during the support period, the recalculation being retroactive to the date of incarceration. This bill also provides that prisoners and minor obligors are exempt from various fees and costs that may be collected by the Department of Social Services in enforcing support obligations. This bill further provides that reductions in the child support arrearages owed by prisoners and minor obligors should be granted for timely payments of support. Preference for placement in work programs will be given to otherwise qualified prisoners who have child support obligations.

Patron - BaCote

SB737 Admissibility of mental health care records in custody and visitation cases. Repeals the current law which provides that in any case in which custody or visitation of a child is at issue, the mental health records concerning a parent shall be privileged and confidential and the mental health care provider may not be required to testify on behalf of or against a parent or any of the parent's adult relatives.

Patron - Cuccinelli

SB919 Mandatory dispute resolution; custody, visitation, and child support. Provides that parties in cases involving custody, visitation, and child support must be referred to and must attend a dispute resolution orientation session. This bill is a recommendation of the Boyd Graves Conference.

Patron - Howell

SB937 Child support; incarcerated obligor. Provides that a court shall recalculate the child support obligation of an obligor who is incarcerated during the support period, the recalculation being retroactive to the date of incarceration. This bill also provides that prisoners and minor obligors are exempt from various fees and costs that may be collected by the Department of Social Services in enforcing support obligations. This bill further provides that reductions in the child support arrearages owed by prisoners and minor obligors should be granted for timely payments of support.

Patron - Ticer

SB947 Child custody arrangements. Requires parties in custody cases to submit a custody implementation plan prior to the entry of a custody order by the court. If the parties cannot reach an agreement as to a plan, eight hours of mandatory mediation shall be ordered and, if still no agreement is reached, the court shall determine a custody plan. This bill also provides that physical custody of a child should be shared equally between the parties to the extent that such an arrangement is feasible and is in the child's best interests.

Patron - Quayle

SB1036 Child custody; virtual visitation. Provides that the courts may order virtual visitation through the use of various electronic communication equipment, if the equipment is reasonably available, although such visitation can only be used to supplement, and not replace, actual visitation. The bill also provides that the amount of virtual visitation ordered is not a factor in determining child support and that the availability of virtual visitation cannot be a factor in determining whether a custodial parent is permitted to relocate with the child.

Patron - O'Brien

Education

Passed

HB1707 Local school boards; contractors. Provides that as a condition of awarding a contract for the provision of services that require the contractor or his employees to have direct contact with students on school property during regular school hours, the school board must require the contractor to provide certification that all employees who will have direct contact with students have not been convicted of a felony or any offense involving the sexual molestation or physical or sexual abuse or rape of a child. The bill also provides that the requirement be waived in emergency situations when it is reasonably anticipated that the contractor or his employees will have no direct contact with students. This bill is identical to SB 1346.

Patron - Lingamfelter

HB1810 Local school boards; tie vote procedure. Authorizes any popularly elected school board to appoint a qualified voter who is a resident of the county, city, or town to cast the deciding vote in case of a tie vote of the school board.

Patron - Dance

HB1913 Virginia Teaching Scholarship Loan Program; revisions. Revises and reorganizes the section to make it consistent with language in the general appropriation act. The bill revises the intent of the Program, so that it is established to (i) increase the number of teacher candidates pursuing careers in critical teacher shortage areas, as defined by the Board of Education; (ii) expand eligibility to teacher candi-

dates, including graduate students and paraprofessionals, enrolled full-time or part-time in approved teacher education programs; and (iii) increase diversity of persons pursuing careers in teaching, including male teacher candidates enrolled in elementary or middle school education programs and minority teacher candidates enrolled in any teaching endorsement area. The bill also eliminates the Diversity in Teaching Initiative, as it has not been funded.

Patron - Ward

HB1916 Family life education. Requires the Board of Education to incorporate instruction on dating violence and the characteristics of abusive relationships into its curriculum guidelines for family life education.

Patron - Ward

HB1920 School bus safety hotline. Provides that local school boards may display decals relating to local school division bus safety hotlines. Local school divisions must bear the cost of such decals.

Patron - Peace

HB1962 Due process; students with disabilities. Provides that due process procedures prescribed by the Board of Education must require that testimony be given under oath or affirmation administered by the hearing officer. This bill is identical to SB 847.

Patron - O'Bannon

HB1978 Standard 4; local school board reporting. Requires local school boards to include in their annual report to the Board of Education, the number of career and technical education completers that graduated. The bill defines a "career and technical education completer" as a student who has met the requirements for a career and technical concentration or specialization and all requirements for high school graduation or an approved alternative education program. This bill incorporates HB 2026 and is identical to SB 1148.

Patron - Lohr

HB2039 Technical diploma; established. 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. This bill is identical to SB 1147.

Patron - Hamilton

HB2092 Regulations concerning admission of certain persons to schools; tuition charges. Eliminates the requirement that a student must have been attending a public school in the Commonwealth while residing with his custodial parent prior to the parent's deployment outside the United States in order to attend school without paying tuition. The bill clarifies that children of parents who have been deployed outside the United States may continue to attend school in the Virginia school division they attended immediately prior to the deployment without paying tuition. The bill eliminates the conflict between § 22.1-3 and § 22.1-5.

Patron - Tata

HB2214 Childhood obesity. 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-age children. This bill is identical to SB 974.

Patron - Armstrong

HB2216 Driver education programs and fees. Provides that the Board of Education may authorize a local school

board's request to assess a surcharge in order to further recover program costs that exceed state funds distributed through basic aid to school divisions offering driver education programs.

Patron - Amundson

HB2271 School crisis, emergency management, and medical emergency response plans. Requires that local school boards annually review the written school crisis, emergency management, and medical emergency response plans and that the local division certify that review in writing to the Virginia Center on School Safety no later than August 31 of each year.

Patron - Ebbin

HB2302 Transportation services for nonpublic schools. Permits local school boards to enter into agreements with nonpublic schools in the school division to provide student transportation for a fee to and from the nonpublic schools.

Patron - Cole

HB2311 Public Charter School Fund. Establishes the Public Charter School Fund for the purposes of establishing or supporting public charter schools in the Commonwealth. The Board of Education must establish criteria for making distributions from the Fund to a public charter school requesting moneys from the Fund.

Patron - Lingamfelter

HB2350 Literary Fund. Provides that a school board's application to the Board of Education for a loan from the Literary Fund must be authorized by the governing body and the school board. The Board may not disburse any proceeds of any approved loan before its receipt of the concurrent approval of the governing body at the time of initial disbursement and an acceptable opinion of bond counsel obtained by the local governing body as to the validity of the loan. The bill also repeals §§ 22.1-154 through 22.1-157, that provide for: (i) the examination of title to property on application for loan, (ii) the certificate of the clerk of court or copy of lease on the application for a loan, and (iii) the submission of the application and certificate of title to the Attorney General.

Patron - Tata

HB2371 Management of funds for a joint school; fiscal agent. Authorizes the participating school boards of a joint school, including academic year Governor's Schools operated by two or more school divisions, to select the fiscal agent for the joint school from among the treasurers of the participating localities. The participating school boards must agree and the respective local governing bodies must approve any such selection. This bill contains an emergency clause.

Patron - Tata

HB2542 No Child Left Behind. Requires the Board of Education to request a waiver from those provisions of NCLB that are fiscally and programmatically burdensome to school divisions and are not instructionally sound or in the best interest of children. This bill is identical to SB 1212.

Patron - Landes

HB2601 Board of Education; commemoration of Veterans Day. Requires the Board of Education to make information available to local school divisions regarding the commemoration of Veterans Day.

Patron - Plum

HB2627 Department of Correctional Education; literacy program. Raises the standard of the functional literacy program from the eighth grade level to the twelfth grade or GED level. The bill also requires the program to include a stra-

tegic plan for encouraging enrollment in college or an accredited vocational training program or other accredited continuing education program.

Patron - Reid

HB2628 Board of Correctional Education; composition. Requires the Governor to endeavor to select qualified appointees for the Board of Correctional Education. Modifies the ex officio membership of the Board by removing the chairman of the Virginia Parole Board and adding the Assistant Superintendent for Special Education and Student Services in the Department of Education and the Chancellor of the Virginia Community College System. Also, the bill allows ex officio members to designate someone to serve in their place. A second enactment clause ensures that notwithstanding the provisions of the bill, members appointed prior to July 1, 2007 will serve until the expiration of their terms.

Patron - Reid

HB2631 Student records; disclosure. Provides that school personnel are authorized to disclose identifying information from a student's education records for the purpose of furthering the ability of the juvenile justice system to effectively serve the student prior to adjudication. Identifying information may be disclosed to attorneys for the Commonwealth, court services units, juvenile detention centers or group homes, mental and medical health agencies, state and local children and family service agencies, and the Department of Juvenile Justice and to the staff of such agencies. This bill is identical to SB 915.

Patron - Reid

HB2837 Public education; George Washington's birthday. Requires the Department of Education to make information available to local school divisions regarding the commemoration of George Washington's birthday.

Patron - Amundson

HB2893 Student information; public schools, public institutions of higher education. Authorizes public schools and public institutions of higher education in Virginia to retain copies of enrolled students' birth certificates as part of the students' records.

Patron - Phillips

HB3191 Department of Correctional Education; online learning. Empowers the Board of Correctional Education to develop programs to provide restricted Internet access to online secondary education or adult education and literacy programs leading to a diploma or the General Education Development (GED) program and testing.

Patron - McClellan

SB751 Civics education diploma seal. Clarifies that the Board of Education must include the types of activities that qualify as community service and the number of hours required in its criteria for voluntary participation in community service or extracurricular activities.

Patron - Williams

SB795 Standards of Quality; changes in provisions. Provides for the phasing out of the eighth grade cumulative history test in the 2007-2008 school year, and the implementation of the United States History to 1877, United States History: 1877 to the Present, and Civics and Economics tests in the 2008-2009 school year. Adds effective classroom management to the listing of professional development programs to be provided to teachers and principals. Requires local school divisions to post a current copy of the school division policies, including the Student Conduct Policy, on the local

division's website while ensuring that printed copies of such policies are available, as needed, to citizens who do not have Internet access. Makes technical changes to Standards 1, 3, 4, 5, 6, and 7 of the Standards of Quality.

Patron - Potts

SB847 Special education; due process procedure. Requires testimony given during due process procedures developed by the Board of Education to be sworn. This bill is identical to HB 1962.

Patron - Lambert

SB902 Salary of school board members. Increases the annual salary of members of the Northampton County School Board from \$1,800 to \$3,000.

Patron - Rerras

SB915 Student records; disclosure. Provides that the principal or his designee may disclose identifying information from a pupil's scholastic record for the purpose of furthering the ability of the juvenile justice system to effectively serve the pupil prior to adjudication. Identifying information may be disclosed to attorneys for the Commonwealth, court services units, juvenile detention centers or group homes, mental and medical health agencies, state and local children and family service agencies, and the Department of Juvenile Justice and to the staff of such agencies. This bill is identical to HB 2631.

Patron - Lambert

SB974 Childhood obesity. 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-age children. This bill incorporates SB 744 and is identical to HB 2214.

Patron - Edwards

SB1147 Technical diploma; established. 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. The bill is identical to HB 2039.

Patron - Wagner

SB1148 Standard 4; local school board reporting. Requires local school boards to include in their annual report to the Board of Education, the number of career and technical education completers that graduated. The bill defines a "career and technical education completer" as a student who has met the requirements for a career and technical concentration or specialization and all requirements for high school graduation or an approved alternative education program. This bill is identical to HB 1978.

Patron - Wagner

SB1212 No Child Left Behind. 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. Also requires the Board to report on the status of all such waivers by October 1, 2007; this report is to be transmitted to the Virginia Congressional delegation for its consideration in the reauthorization of the Elementary and Secondary Education Act. The Board must make a recommendation regarding Virginia's continued implementation of such Act and if the Commonwealth withdraws from NCLB, the bill allows the Board and Office of the Attorney General of Virginia to bring suit against the United States Department of Education if fed-

eral funds are inappropriately withheld as a result of the withdrawal. This bill is identical to HB 2542.

Patron - Hanger

SB1346 Local school boards; contractors. Provides that as a condition of awarding a contract for the provision of services that require the contractor or his employees to have direct contact with students on school property during regular school hours, the school board must require the contractor to provide certification that all employees who will have direct contact with students have not been convicted of a felony or any offense involving the sexual molestation or physical or sexual abuse or rape of a child. The bill also provides that the requirement be waived in emergency situations when it is reasonably anticipated that the contractor or his employees will have no direct contact with students. This bill is identical to HB 1707.

Patron - Newman

Failed

HB1442 Graduation requirements; standard diploma. Expands the requirements for earning a standard diploma to include a career and technical education two credit sequence of courses. This bill was incorporated into HB 2039.

Patron - Nutter

HB1617 Education; expenditures and reports on instructional spending. Requires each local school division to allocate 65% of its operating budget to instructional spending. Local school boards must report annually to the Board of Education the percentage of their operating budgets allocated to instructional spending. Any school division that fails to meet the 65% requirement must present a plan to the Board of Education to increase instructional spending by 0.5% in the following year. School divisions failing to submit such a plan must be audited by the Auditor of Public Accounts who in turn must submit recommendations to the Board including instruction on how such school divisions can increase their instructional spending to 65%. In addition, the Board must annually report to the Senate Committee on Finance and the House Committee on Appropriations the amount of spending allocated by the local school divisions to instructional spending based on the reports submitted annually by the local school boards.

Patron - Frederick

HB1636 Kindergarten programs. Expands the eligibility for kindergarten in school divisions implementing pre-kindergarten or transitional first grade programs, to include children whose fifth birthday occurs between October 1 and June 30, rather than the current cutoff of December 31.

Patron - McClellan

HB1702 Education; computation of composite index. Requires the General Assembly to modify the current Standards of Quality (SOQ) funding formula and calculation of composite index of local ability to pay to incorporate within the real estate indicator of local wealth the land-use taxation value for those properties within a land-use plan. The current composite index of local ability to pay incorporates the "true value" of real property (rather than any special use assessed values) weighted 50%, with adjusted gross income weighted at 40%, and taxable retail sales weighted at 10%, as indicators of local wealth.

Patron - Lingamfelter

HB1719 Health services; local school boards. Requires local school boards to employ one licensed nurse for each school. This bill was incorporated into HB 2479.

Patron - Lewis

HB1727 Local school board; student organizations. Requires that local school boards either provide notice and an opportunity for parents or legal guardians to opt their children out of participation in any school-sponsored club or organization or require the prior express written permission of parents or legal guardians to be filed with the school before any student may be a member of a school-sponsored club. This bill incorporates HB 3047.

Patron - Lohr

HB1737 Local school boards; safety hotline established. Directs local school boards to establish a division safety hotline for students, parents, or school personnel to anonymously report specific threats of imminent violence or other suspicious or criminal conduct.

Patron - Fralin

HB1752 Local school boards; unexpended funds. Provides that any funds appropriated by the locality to a local school board that are not expended in any fiscal year must not revert to the locality but shall be reappropriated to the local school board.

Patron - Marshall, R.G.

HB1875 Waiver of Standards of Learning requirements for certain students. Requires that the Standards of Learning requirements and all related assessments must be waived for any student enrolled in an advanced placement class at the high school level who scores three or above on the advanced placement test for that subject.

Patron - Caputo

HB1884 Public school funds. Provides that any locality may, by ordinance, assess impact fees for residential development when the locality determines that existing school facilities in such locality are inadequate to support new residential development, provided that the school board of a school division comprising such locality adopts, prior to any such assessment, a resolution declaring that such school facilities are inadequate to support such new residential development. The locality shall make such determination at the time of submission of a plat or plan, or a preliminary plat or plan where preliminary plats or plans are required, and fees shall be assessed no later than at the time the building permit is issued. Prior to any assessment of impact fees, the locality shall have in place a capital improvement program that provides a reasonable basis for determining the extent or level of inadequacy of such school facilities in the area of the proposed residential development. Any fee assessed shall represent a pro rata share of the costs of reasonable and necessary capital improvements attributable to the proposed residential development. A locality may only assess impact fees under this bill against persons constructing five or more residential structures per calendar year in such locality.

Patron - Marshall, R.G.

HB1891 Composite index of local ability to pay. Provides that a locality whose composite index exceeds 0.5000 must be considered as having an index of 0.5000 for purposes of distributing all payments based on the composite index.

Patron - Albo

HB2026 Standards of Quality; Standard 4. Requires school boards to annually report to the Board of Edu-

cation the number of graduating career and technical education completers and to include this information as a category on the School Performance Report Card. This bill was incorporated into HB 1978.

Patron - Sherwood

FHB2093 Standards of Quality; changes in provisions. Revises the instructional personnel provisions to require that local school boards employ: (i) one full-time reading specialist for each 1,000 students in average daily membership for the school division; (ii) one full-time principal in every elementary, middle, and high school; (iii) one full-time assistant principal for each 600 students in every elementary, middle, and high school; (iv) one speech-language pathologist for every 60 cases; (v) one full-time mathematics specialist for each 1,000 students in grades kindergarten through eight; (vi) one full-time data manager or test coordinator for each 1,000 students in grades kindergarten through 12; and (vii) instructional and paraprofessional staff for the blind or vision impaired. Provides for the phasing out of the eighth grade cumulative history test in the 2007-2008 school year, and the implementation of the United States History to 1877, United States History: 1877 to the Present, and Civics and Economics tests in the 2008-2009 school year. Adds effective classroom management to the listing of professional development programs to be provided to teachers and principals. Requires local school divisions to post a current copy of the school division policies, including the Student Conduct Policy, on the local division's website while ensuring that printed copies of such policies are available, as needed, to citizens who do not have Internet access. Makes technical changes to Standards 1, 2, 3, 4, 5, 6, and 7 of the Standards of Quality.

Patron - Tata

FHB2104 Standards of Quality; Standard 1; gifted education programs. Requires the identification of students in kindergarten and throughout the public school grades for enrollment in gifted education programs. Students who demonstrate exceptional intellectual aptitude, or specific aptitude in mathematics, the sciences, English language, history or social studies, technical and practical arts, or visual or performing arts, in accordance with Board of Education standards, must be enrolled in gifted education programs. School boards must either meet or exceed the standards established by the Board.

Patron - Ware, R.L.

FHB2151 School administrators; licensure. Revises the qualifications for school administrators so that the only licensure necessary for such positions is a collegiate professional license.

Patron - Poisson

FHB2166 Education; expenditures and reports on instructional spending. Requires each local school division to allocate 67% of its operating budget to instructional spending. Local school boards must report annually to the Board of Education the percentage of their operating budgets allocated to instructional spending. Any school division that fails to meet the 67% requirement must present a plan to the Board of Education to increase instructional spending by 0.5% in the following year. School divisions failing to submit such a plan must be audited by the Auditor of Public Accounts who in turn must submit recommendations to the Board including instruction on how such school divisions can increase their instructional spending to 67%. In addition, the Board must annually report to the Senate Committee on Finance and the House Committee on Appropriations the amount of spending allocated by the local school divisions to instructional spending based on the reports submitted annually by the local school boards.

Patron - Cline

FHB2194 Daily recess for elementary school students. Provides that local school boards shall prohibit the denial of daily outdoor recess or unstructured play to a student for disciplinary reasons, unless the parent of the student notifies the school principal in writing that the student may be excused from all or part of recess as a means to discipline the student.

Patron - Hull

FHB2199 Standards of Quality; Standard 2. Eliminates the requirement for school boards to employ one full-time technology support position per 1,000 students in grades kindergarten through 12 and one full-time instructional technology resource teacher per 1,000 students in grades kindergarten through 12.

Patron - Wardrup

FHB2268 Local school boards; policies regarding certain activities. Allows local school boards to develop and implement policies regarding the acceptance by a teacher, or other employee of a local school board, of an award or payment in honor of meritorious or exceptional services performed by the teacher or employee.

Patron - Ebbin

FHB2278 Education; Computation of composite index. Codifies the current Standards of Quality (SOQ) funding formula and calculation of composite index of local ability to pay, and modifies the formula that determines each locality's ability to pay for its share of providing an educational program meeting the prescribed SOQ to (i) incorporate tax values and population estimates for the fiscal year ending one year prior to the fiscal biennium in which the distribution takes place; (ii) provide for a population density adjustment in certain localities; and (iii) incorporate median, rather than average, adjusted gross income. In addition, the respective weights granted to the various wealth indicators are updated to use 1997 figures. This measure reflects certain recommendations included in the Joint Legislative Audit and Review Commission (JLARC) Review on Elementary and Secondary School Funding (February 2002).

Patron - Watts

FHB2473 Literary Fund; distributions. Raises the maximum limit for any loan from the Literary Fund from \$7.5 million to \$12 million.

Patron - Crockett-Stark

FHB2479 Health services; local school boards. Requires local school boards to employ one licensed nurse for each school building and each nurse shall serve no more than 750 students.

Patron - Crockett-Stark

FHB2549 Student contact information privacy. Requires that the notice to parents or guardians required by federal law and regulations and the regulations of the Board of Education concerning the release of directory information be included on the emergency contact information form, which shall also include a statement printed in conspicuous, bold type that advises parents or guardians that giving consent for the release of the directory information concerning their child may result in release of such information to an official recruiting representative of the military forces of the Commonwealth or the United States. Such statement shall also advise parents or guardians of their right to deny consent to release directory information concerning their child or to limit the persons to whom such information may be released. Such statement shall

also include the manner in which denial or limitation of consent may be effectuated.

Patron - Ebbin

HB2556 Textbooks; availability for home use. Provides that each local school division shall, in providing textbooks and workbooks free of charge for each child attending public schools, ensure that such textbooks and workbooks are available in sufficient quantity to provide each student an individual copy that may be used at home.

Patron - Frederick

HB2564 Standards of Quality; Standard 1; gifted education programs. Requires local school boards to identify and enroll students gifted in general intellectual aptitude or specific academic aptitude in mathematics, the sciences, the English language, and history or the social sciences. This bill provides that school boards must determine whether to offer identification and enrollment of students gifted in general intellectual aptitude or students gifted in specific academic aptitude, or identification and programs for both groups of students. Further, the bill states that school boards may provide identification and differentiated instructional programs for students gifted in technical and practical arts, or visual or performing arts aptitude. For students in kindergarten and at every grade level through 12th grade, school boards are required to identify gifted students and enroll them in appropriate programs, in accordance with standards established by regulations of the Board of Education. School boards must either meet or exceed the standards established by the Board.

Patron - Ware, R.L.

HB2613 Standards of Quality; Standard 2; pupil-teacher ratios. Reduces the current pupil-teacher ratio in kindergarten from an average daily membership of 24:1 to 21:1 and in grades one, two, and three from 24:1 to 20:1. This bill also provides that the pupil-teacher ratio may not exceed 25:1 in average daily membership in grades four through six, and 24:1 in average daily membership in English in grades six through 12.

Patron - Watts

HB2657 Local school board policies; teacher harassment. Requires local school boards to develop and implement policies by January 1, 2008, to ensure that parents are encouraged to participate in their children's education in ways that do not unnecessarily harass teachers, principals, administrators, or other school employees.

Patron - Marsden

HB2847 Standards of Quality; average teacher salary. Requires that the state average teacher salary not be less than the annual national average teacher salary in order to ensure high-quality instructional personnel in the public schools.

Patron - Moran

HB2851 Board of Education; Children's Services Ombudsman. Directs the Board of Education to appoint for each local school division a Children's Services Ombudsman as a resource for parents of special needs children, for the purpose of resolving and mediating complaints regarding any activity, practice, policy, or procedure of any program operated by a local school board affecting the health, safety, welfare, or rights of any school-age special needs child. The bill also contains an exemption from the Freedom of Information Act for investigations conducted by the Ombudsmen.

Patron - Moran

HB2883 Teacher experience credit. Requires local school boards to grant one year of teaching experience credit to licensed teachers for each year of active-duty military service for which teachers are granted credit under the provisions of the Virginia Retirement System.

Patron - Phillips

HB2903 Safety belts in school buses. Requires school buses purchased by, or for use by, any school or school division on or after January 1, 2008, to be equipped with safety belts or safety belts and shoulder harnesses of types approved by the Superintendent of State Police. The Board of Education must adopt policies, guidelines, and regulations to ensure that all passengers, including the school bus driver, wear belts or harnesses or both whenever the bus is in motion.

Patron - Spruill

HB2932 Public school; proof of immigration status. Adds that the person enrolling a pupil for the first time must present other proof of actual citizenship or immigration status, if there is no certified copy of a birth certificate or affidavit explaining the absence of a certified copy of a birth certificate. If it is determined that the child was born outside of the United States, a parent of the child must present evidence of his own actual citizenship or immigration status. Requires (i) each school to submit an annual report to the Board of Education listing all of the immigration information obtained; and (ii) the Board of Education to submit an annual report to the Secretary of Education regarding the impact of the quality of education provided to children who are lawful residents of Virginia, because of the enrollment of children who are not lawfully present in the United States.

Patron - Miller, J.H.

HB3047 Local school boards; school-sponsored clubs. Provides that prior to a student participating in a school-sponsored club, local school boards must notify the parent and require that the written permission of a parent or legal guardian be filed with the school. This bill was incorporated into HB 1727.

Patron - Cole

HB3172 Waiver of Standards of Learning requirements for certain students. Requires that the Standards of Learning requirements and all related assessments must be waived for any student enrolled in an advanced placement class at the high school level who scores three or above on the advanced placement test for that subject.

Patron - Hugo

SB744 Childhood obesity. Requires the Board of Education, in cooperation with the State Health Department, to promulgate regulations establishing standards to facilitate the prevention and reduction of childhood obesity in the public schools. The bill also requires school boards to include nutrition and physical education in its professional development programs and requires that a body mass index (BMI) measurement be taken for every student entering a public kindergarten or elementary school for the first time. The bill also allows school boards to continue to annually monitor student BMIs, with regulations developed by the Board of Education. This bill was incorporated into SB 974.

Patron - Miller

SB759 Tuition Assistance Grant Program for Students with Disabilities; established. Establishes a tuition assistance grant program for students with disabilities. The program provides grants 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. The bill requires that in order to receive the grant the following conditions be satisfied: (i) the student has attended a public school in the Commonwealth and has received special education services for at least one year prior to the receipt of the grant; (ii) the parent has obtained acceptance for admission of the student to an eligible private school; (iii) the parent has requested the grant of the Superintendent of Public Instruction and notified the division superintendent of that request; and (iv) the parent has executed and submitted to the division superintendent a written statement asserting his dissatisfaction with the student's progress and acknowledging that the public school has offered or implemented an individualized educational program that is reasonably calculated to provide educational benefit. The Board of Education is required to promulgate regulations to administer the Grant Program within 280 days of enactment.

Patron - Stosch

FSB863 At-risk students; afterschool programs.

Allows local school boards to establish afterschool programs designed to prevent at-risk youth from engaging in illegal or gang-related activities for students who attend elementary, middle, or high schools. To be eligible to attend one of these programs, a student must be enrolled in a public school in the relevant school division. State and local funds appropriated for educational purposes may be used to support such programs.

Patron - Miller

FSB1038 Data on convictions of certain crimes; public school contract employees. Requires school boards to obtain certification, from a contractor or employee of a contractor, that all employees who will have direct unsupervised contact with students (i) have not been convicted of a felony or any offense involving the sexual molestation or physical or sexual abuse or rape of a child; and (ii) have not been convicted of a misdemeanor involving actual or threatened harm to any person or property, or of any offense listed in subsection G of §16.1-260, prior to awarding a contract for services requiring direct unsupervised contact with students. The bill also provides that the requirement be waived in emergency situations where it is reasonably anticipated that the contractor or his employees will have no direct contact with students. This bill was incorporated into SB 1346.

Patron - O'Brien

FSB1075 Literary Fund; amount of loans. Increases the loan amount available to a school division that, in the interest of efficiency, consolidates two or more existing schools into one new school building. The division shall then be eligible for a separate loan for each school being consolidated.

Patron - Ruff

FSB1197 Board of Education regulations; eliminating trans fats. Requires the Superintendent of Public Instruction to develop guidelines with the goal of eliminating foods containing trans fatty acids from public schools. The gradual elimination shall begin with their elimination from vegetable oils used in school cafeterias. The final goal shall be to eliminate trans fats in all (i) foods sold as part of the official school breakfast and lunch programs, (ii) foods sold in vending machines on school grounds, and (iii) competitive foods sold during school hours.

Patron - Edwards

FSB1213 Standards of Quality; Standard 1; gifted education programs. Requires the identification of students in kindergarten and throughout the public school grades for enrollment in gifted education programs. Students who demonstrate exceptional intellectual aptitude, or specific aptitude in

mathematics, the sciences, English language, history or social studies, technical and practical arts, or visual or performing arts, in accordance with Board of Education standards, must be enrolled in gifted education programs. School boards must either meet or exceed the standards established by the Board.

Patron - Hanger

FSB1243 Composite index of ability to pay. Authorizes each locality whose K through 12 student membership growth has exceeded five percent for any two of the three most recently ended years to elect to have its composite index of local ability to pay reduced by 10% for the current year. The locality would receive its state share of basic aid based on the reduced composite index, and the additional amount required for the state share for basic aid would be paid from general funds of the Commonwealth that are not otherwise designated for public education.

Patron - Herring

FSB1276 Character education; humane education. Adds that humane education, including compassion and responsibility in the treatment of companion animals, may be covered in character education programs.

Patron - Whipple

FSB1338 Standards of Quality; Standard 1; gifted education programs. Requires local school boards to identify and enroll students gifted in general intellectual aptitude or specific academic aptitude in mathematics, the sciences, the English language, and history or the social sciences. This bill provides that school boards must determine whether to offer identification and enrollment of students gifted in general intellectual aptitude or students gifted in specific academic aptitude, or identification and programs for both groups of students. Further, the bill states that school boards may provide identification and differentiated instructional programs for students gifted in technical and practical arts, or visual or performing arts aptitude. For students in kindergarten and at every grade level through 12th grade, school boards are required to identify gifted students and enroll them in appropriate programs, in accordance with standards established by regulations of the Board of Education. School boards must either meet or exceed the standards established by the Board.

Patron - McDougale

FSB1419 Tuition Assistance Grant Program for Students with Disabilities; established. Establishes a tuition assistance grant program for students with disabilities. The program provides grants 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. The bill requires that in order to receive the grant the following conditions be satisfied: (i) the student has attended a public school in the Commonwealth and has received special education services for at least one year prior to the receipt of the grant; (ii) the parent has obtained acceptance for admission of the student to an eligible private school; (iii) the parent has requested the grant of the Superintendent of Public Instruction and notified the division superintendent of that request; and (iv) the parent has executed and submitted to the division superintendent a written statement asserting his dissatisfaction with the student's progress and acknowledging that the public school has offered or implemented an individualized educational program that is reasonably calculated to provide educational benefit. The Board of Education is required to promulgate regulations to administer the Grant Program within 280 days of enactment.

Patron - Stosch

Educational Institutions

Passed

HB1681 Two-Year College Transfer Grant Program. Establishes the Two-Year College Transfer Grant Program for the purpose of providing higher education grants of up to \$2,000 per year to domiciles of Virginia who have successfully completed an acceptable associate degree program at a public two-year institution of higher education. The State Council of Higher Education (SCHEV) must promulgate necessary and appropriate regulations for its administration. To be eligible to receive a grant, a student must (i) have received an associate degree at a Virginia two-year public institution of higher education, (ii) have enrolled in a Virginia four-year public or private institution of higher education by the fall following the award of the associate degree, (iii) have applied for financial aid, and (iv) have financial need. Eligibility is limited to three academic years or 70 credit hours. This bill is identical to SB 749.

Patron - Callahan

HB1740 Board of Visitors of the University of Virginia. Authorizes the board of visitors of the University of Virginia to invest and manage nongeneral fund reserves and balances as well as local funds of or held by the University. Exempts members of the board of visitors from personal liability for losses suffered by investment of nongeneral fund reserves and balances or local funds of or held by the University. The bill also exempts the investment and management of nongeneral fund reserves and balances and local funds of or held by the University from the Virginia Public Procurement Act. Finally, the bill allows the nongeneral fund reserves and balances and local funds of or held by the University to be invested or reinvested in derivatives, options, and financial securities. An enactment clause clarifies that the University shall not invest revenues from tuition and educational fees that are used or required for the day-to-day operations of the University in other than cash accounts and fixed income securities.

Patron - Fralin

HB1822 Reduced tuition; certain members of the military. Provides that any active duty members, activated guard or reservist members, or guard or reservist members mobilized or on temporary active orders for six months or more, that are either stationed or assigned by their military service to a work location in Virginia, and residing in Virginia, shall pay tuition to the public institution of higher education in which they are enrolled an amount no more than the amount covered by their military service Tuition Assistance program or the institution's in-state tuition rate, whichever is greater.

Patron - Suit

HB1996 In-state tuition; dependents of certain military personnel. Clarifies the eligibility for in-state tuition for dependents of certain military personnel.

Patron - Suit

HB2114 In-state tuition; reciprocity. Requires the governing board of the Virginia Community College System to grant in-state tuition to any person enrolled in one of the System's 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. This bill is identical to SB 755.

Patron - Carrico

HB2154 Higher Education; private and out-of-state institutions of higher education. Defines "continuing or professional education." This bill is identical to SB 1279.

Patron - Tata

HB2179 Virginia Military Survivors and Dependents Education Program. Revises the Virginia Military Survivors and Dependents Education Program to clarify that qualified survivors and dependents shall be admitted to any public institution of higher education or other public accredited postsecondary institution of higher education or other public accredited postsecondary institution granting a degree, diploma, or certificate in the Commonwealth of Virginia, free of tuition and all required fees. Establishes the Virginia Military Survivors and Dependents Education Fund to provide financial assistance for board and room charges, books and supplies, and other expenses. The State Council of Higher Education for Virginia is responsible for disbursing funds appropriated or otherwise made available to support the Fund. There are several technical amendments. This bill incorporates HB 2282 and HB 2630 and is identical to SB 1044.

Patron - Janis

HB2236 Radford University; board of visitors. Expands the number of members to be appointed by the Governor to the Radford University board of visitors from 11 to 15 and provides that appointments for the new seats are either three- or four-year terms, but that all successors must be appointed for four-year terms. The bill also removes obsolete language. This bill is identical to SB 1162.

Patron - Nutter

HB2342 The Miller School of Albemarle. Eliminates the provision of the Act that provides for members of the Board of Trustees of the Miller School to be appointed. All members shall now be elected by the Board according to its bylaws.

Patron - Abbitt

HB2408 Higher education; articulation agreements. Requires the State Council of Higher Education for Virginia to submit an annual report to the Senate Committee on Education and Health and the House Committee on Education specifying the total number of transfer students from the Virginia Community College System that each institution of higher education admitted, enrolled, and graduated.

Patron - Athey

HB2438 Eligibility for in-state tuition; dependents of active duty personnel. Expands the eligibility for in-state tuition to dependents of active duty military personnel assigned to a permanent duty station in a state contiguous to Virginia or the District of Columbia, but who reside in Virginia. This bill incorporates HB 1971.

Patron - Frederick

HB2513 Economic education and financial literacy programs at institutions of higher education. Expands the subjects that may be covered in student life skills programs to include savings and investments, predatory lending practices and interest rates, consumer fraud, and identity theft and protection.

Patron - Jones, D.C.

HB3018 Old Dominion University; Virginia Beach Higher Education Center. Authorizes the board of visitors of Old Dominion University to offer graduate, and lower and upper level undergraduate courses of study at the Virginia Beach Higher Education Center. The bill contains an emer-

agency enactment clause making the bill effective upon passage, and a sunset clause providing that the bill must expire July 1, 2007.

Patron - Tata

HB3021 Private institutions of higher education benefits consortium. Authorizes five or more private educational institutions to form a benefits consortium for the purpose of establishing a self-funded employee welfare benefit plan. The benefits consortium will be a nonstock corporation that will operate a benefits plan to be governed by and subject to the provisions of the federal Employee Retirement Income Security Act of 1974. The benefits consortium will be exempt from taxation and from insurance regulations.

Patron - Hamilton

HB3064 Institutions of higher education; policies. 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.

Patron - Eisenberg

SB749 Two-Year College Transfer Grant Program. Establishes the Two-Year College Transfer Grant Program for the purpose of providing higher education grants of up to \$2,000 per year to domiciles of Virginia who have successfully completed an acceptable associate degree program at a public two-year institution of higher education. The State Council of Higher Education (SCHEV) must promulgate necessary and appropriate regulations for its administration. To be eligible to receive a grant, a student must (i) have received an associate degree at a Virginia two-year public institution of higher education, (ii) have enrolled in a Virginia four-year public or private institution of higher education by the fall following the award of the associate degree, (iii) have applied for financial aid, and (iv) have financial need. Eligibility is limited to three academic years or 70 credit hours. This bill is identical to HB 1681.

Patron - Stosch

SB755 In-state tuition; reciprocity. Requires the governing board of the Virginia Community College System to grant in-state tuition to any person enrolled in one of the System's 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. This bill is identical to HB 2114.

Patron - Wampler

SB1044 Virginia Military Survivors and Dependents Education Program. Clarifies that qualified survivors and dependents who have been admitted to a public institution of higher education must be admitted free of tuition and all required fees. Establishes the Virginia Military Survivors and Dependents Education Fund to provide financial assistance for board and room charges, books and supplies, and other expenses. The State Council of Higher Education for Virginia is responsible for disbursing funds appropriated or otherwise made available to support the Fund. This bill is identical to HB 2179.

Patron - O'Brien

SB1162 Radford University; board of visitors. Expands the number of members to be appointed by the Governor to the Radford University board of visitors from 11 to 15 and provides that appointments for the new seats are either three or four year terms, but that all successors must be

appointed for four year terms. The bill also removes obsolete language.

Patron - Bell

SB1187 Waiver of tuition for children and spouses of certain public safety personnel. Includes the spouses and children of members of the Virginia National Guard or members of the Virginia State Defense Force killed in the line of duty among the beneficiaries entitled to free undergraduate tuition and the payment of required fees at any public institution of higher education in Virginia.

Patron - Blevins

SB1279 Higher education; private and out-of-state institutions of higher education. Defines "continuing or professional education." This bill is identical to HB 2154.

Patron - Whipple

SB1425 Hampton University; amending incorporation. Amends the Act of Assembly incorporating Hampton University to expand the purpose of the University.

Patron - Williams

Failed

HB1643 Higher education; intellectual diversity. Requires each public institution of higher education to annually report to the State Council of Higher Education for Virginia (SCHEV) the steps the institution is taking to ensure intellectual diversity and the free exchange of ideas. SCHEV must compile the information and report to the General Assembly by December 31 of each year.

Patron - Landes

HB1805 Higher education; access for Virginia domiciles. Requires that beginning with the first-time entering freshman class of the fall 2008 academic year, the governing body of a Virginia four-year public institution of higher education must give preference in admissions to Virginia domiciles when the Virginia domicile is equally qualified relative to non-resident applicants of states that have enacted legislation giving preference to the state's domiciles over equally qualified applicants from other states.

Patron - Poisson

HB1844 Virginia Early Graduation Incentive Grant Program. Establishes the Virginia Early Graduation Incentive Grant Program for the purpose of providing grants to Virginia students who (i) have received an undergraduate degree within three years from an accredited institution of higher education in Virginia, (ii) are enrolled in a graduate program preparing students for careers in professions having workforce shortages, and (iii) have agreed to work in Virginia upon receiving a graduate degree. The State Council of Higher Education for Virginia is designated as the administering agency for the program and must promulgate regulations for the disbursement of grants and the administration of the program. Before grants are awarded, recipients must sign a promissory note under which they agree (i) to begin employment in the Commonwealth within six months of receiving a graduate degree and (ii) to continue such employment in the Commonwealth for at least three years. Only students who maintain 3.0 grade point averages while enrolled as undergraduates are eligible to participate in the program. Eligibility is limited to two academic years or the equivalent number of credit hours.

Patron - Saxman

HB1872 Community College Transfer Scholarship Program. Establishes the Community College Transfer

Scholarship program, to be administered by the State Council of Higher Education for Virginia, for the purpose of providing higher education scholarships to Virginia domiciles who have successfully completed an acceptable associate degree program at a Virginia community college and have been admitted to an accredited nonprofit public or private institution of higher education in the Commonwealth. To be eligible to receive a scholarship under this program, students must be Virginia domiciles and must have maintained a cumulative grade point average of 3.0 or higher while enrolled in an associate degree program at a Virginia community college. Students may receive scholarships for up to three academic years or 70 credit hours. The amount of scholarships awarded is based on the difference between the cost of tuition and educational and general fees paid by the recipient at a community college and the average cost of such tuition and fees at a public institution of higher education, as determined by the State Council for Higher Education for Virginia. This bill was incorporated into HB 1681.

Patron - Caputo

HB1961 Admission of unlawful aliens to public institutions of higher education. Provides that an alien who is unlawfully present in the United States shall not be eligible for initial enrollment in any public institution of higher education in the Commonwealth. This bill was incorporated into HB 2623.

Patron - Hargrove

HB1971 Eligibility for in-state tuition; dependents of active duty personnel. Expands the eligibility for in-state tuition to dependents of active duty military personnel assigned to a permanent duty station outside Virginia, but who reside in Virginia. This bill was incorporated into HB 2438.

Patron - Amundson

HB2042 Private institutions of higher education benefits consortium. Authorizes five or more private educational institutions to form a benefits consortium for the purpose of establishing a self-funded employee welfare benefit plan. The benefits consortium will be a nonstock corporation that will operate a benefits plan that will be governed by and be subject to the provisions of the federal Employee Retirement Income Security Act of 1974. The benefits consortium will be exempt from taxation and from insurance regulations.

Patron - Hamilton

HB2130 Virginia Mathematics, Science, and Technology Education Grant Program. Creates the Virginia Mathematics, Science, and Technology Education Grant Program for the purpose of providing higher education grants to domiciles of Virginia who are enrolled in a qualified undergraduate or graduate degree program identified by the State Council of Higher Education for Virginia (SCHEV). SCHEV is designated as the administering agency for the program and is authorized to promulgate necessary and appropriate regulations for the disbursement of grants and the administration of the program. To receive a grant under this program, a person must (i) be a Virginia domicile; (ii) be enrolled in a qualified program approved by SCHEV; (iii) maintain a cumulative grade point average of at least 2.5; and (iv) sign a promissory note agreeing to begin employment in the Commonwealth in the area of mathematics, science, engineering, or technology within six months of receiving an undergraduate or graduate degree and to continue such employment in the Commonwealth for at least four years. The bill is contingent on funding in the appropriation act.

Patron - Hugo

HB2134 Admission of in-state students at public institutions of higher education. Provides that the board of

visitors or other governing body of each public institution of higher education must establish rules and regulations requiring that at least 75% of students admitted and enrolled at the institution be Virginia domiciles.

Patron - Hugo

HB2152 Virginia College Savings Program; annual report. Eliminates the requirement that the State Council of Higher Education must annually prepare a financial analysis of future higher education expenses for the Department of Taxation to distribute.

Patron - Tata

HB2168 Community College Transfer Grant program. Establishes the Community College Transfer Grant program, to be administered by the State Council of Higher Education for Virginia, for the purpose of providing higher education grants to domiciles of Virginia who have successfully completed an acceptable associate degree program at a Virginia community college or public two-year educational institution and have been admitted to an accredited nonprofit public or private institution of higher education in the Commonwealth. To be eligible to receive a grant under this program, students must be Virginia domiciles and must have maintained a cumulative grade point average of 3.0 or higher while enrolled in an associate degree program at a Virginia community college or public two-year educational institution. Students may receive grants for up to two academic years. The amount of grants awarded is based on the difference between the cost of tuition and educational and general fees paid by the recipient at a Virginia community college or public two-year educational institution and the average cost of such tuition and fees at a Virginia public institution of higher education, as determined by the State Council of Higher Education for Virginia. This bill was incorporated into HB 1681.

Patron - Cline

HB2169 In-state tuition and educational benefits for unlawful aliens. Provides that an alien who is unlawfully present in the United States shall not be eligible on the basis of residency within Virginia for any postsecondary educational benefit including, but not limited to, in-state tuition and state financial aid, unless citizens or nationals of the United States are eligible for such benefits in no less an amount, duration, and scope, without regard to whether such citizens or nationals are Virginia residents. This bill was incorporated into HB 2623.

Patron - Cline

HB2238 State Council of Higher Education for Virginia; creation of nonstock corporation to support academic research. Requires the State Council of Higher Education for Virginia to establish a nonprofit, nonstock corporation under Chapter 10 (§ 13.1-801 et seq.) of Title 13.1 as a public instrumentality exercising public and essential governmental functions to assist the Council in (i) supporting academic research in Virginia; (ii) encouraging research initiatives, with emphasis on biological systems and nanotechnology, to support Virginia industry; (iii) directing the disbursement of funds for such research initiatives based on established scientific criteria from the Academic Research Initiative Fund created pursuant to this section; and (iv) conducting or undertaking other activities useful in carrying out the provisions of this section. The Council shall require such corporation to report to it at least annually on its activities. The bill sets out the composition of the board of directors for such corporation.

Patron - Nutter

HB2282 Virginia Military Survivors and Dependents Education Program. Clarifies that qualified survivors

and dependents shall receive an education free of (i) tuition and all required fees; (ii) institutional charges; (iii) general or college fees, or any charges by whatever term referred to; (iv) board and room rent; and (v) charges for books and supplies at any public institution of higher education or other public accredited postsecondary institution granting a degree, diploma, or certificate in the Commonwealth of Virginia. This bill was incorporated into HB 2179.

Patron - Watts

HB2306 Public institutions of higher education; operational authority. Provides operational authority for public institutions of higher education in the areas of information technology and procurement pursuant to the Restructuring Act of 2005.

Patron - Callahan

HB2407 Community College Transfer Grant program. Establishes the Community College Transfer Grant program, to be administered by the State Council of Higher Education for Virginia, for the purpose of providing higher education grants to domiciles of Virginia who have successfully completed an acceptable associate degree program at a Virginia community college and have been admitted to a public institution of higher education in the Commonwealth. To be eligible to receive a grant under this program, students must be Virginia domiciles and must have maintained a cumulative grade point average of 3.0 or higher while enrolled in an associate degree program at a Virginia community college. Students may receive grants for up to two academic years. The amount of grants awarded is based on the difference between the cost of tuition and educational and general fees paid by the recipient at a community college and the cost of such tuition and fees at the public institution of higher education in which the student has been enrolled. As an incentive to institutions of higher education enrolling grant recipients, each such college or university will receive a grant of an amount specified in the appropriation act for each student it enrolls who receives a community college transfer grant. This bill was incorporated into HB 1681.

Patron - Athey

HB2436 Community College Transfer Grant program. Establishes the Community College Transfer Grant program, to be administered by the State Council of Higher Education for Virginia, for the purpose of providing higher education grants to domiciles of Virginia who have successfully completed an acceptable associate degree program at a Virginia community college and have been admitted to a public institution of higher education in the Commonwealth. To be eligible to receive a grant under this program, students must be Virginia domiciles and must have maintained a cumulative grade point average of 3.0 or higher while enrolled in an associate degree program at a Virginia community college. Students may receive grants for up to two academic years. The amount of grants awarded is based on the difference between the cost of tuition and educational and general fees paid by the recipient at a community college and the cost of such tuition and fees at the public institution of higher education in which the student has been enrolled. As an incentive to institutions of higher education enrolling grant recipients, each such college or university will receive a grant of an amount specified in the appropriation act for each student it enrolls who receives a community college transfer grant. This bill was incorporated into HB 1681.

Patron - Frederick

HB2509 College Partnership Laboratory Schools. Establishes college partnership laboratory schools for the purpose of stimulating the development of innovative public edu-

cation programs by providing opportunities for greater cooperation and coordination between institutions of higher education and K-12 education systems. The laboratory schools are created by a contract between the school and the Board of Education and operate much like public charter schools.

Patron - Jones, D.C.

HB2590 Tuition and fees waiver; military survivors and public safety personnel. Clarifies that qualified survivors and dependents shall receive an education free of (i) tuition and all required fees; (ii) institutional charges; (iii) general or college fees, or any charges by whatever term referred to; (iv) board and room rent; and (v) charges for books and supplies at any public institution of higher education or other public accredited postsecondary institution granting a degree, diploma, or certificate in the Commonwealth of Virginia.

Patron - Janis

HB2604 Waiver of tuition for children and spouses of certain public safety personnel. Amends the provisions of the Code allowing the spouse and children of certain deceased public safety personnel to attend a Virginia state-supported institution of higher education free of tuition and fees. If the spouse or children are entitled to benefits under the Line of Duty Act, then they are also entitled to the tuition waiver. The tuition waiver program is currently drawn more narrowly than the Line of Duty Act.

Patron - Jones, D.C.

HB2623 In-state tuition for aliens. Provides that an alien who is unlawfully present in the United States, and therefore ineligible to establish domicile pursuant to § 23-7.4, shall not be eligible on the basis of residency within Virginia for any postsecondary educational benefit, including in-state tuition, unless citizens or nationals of the United States are eligible for such benefits in no less an amount, duration, and scope without regard to whether such citizens or nationals are Virginia residents. This bill incorporates HB 1961, HB 2169, and HB 2935.

Patron - Reid

HB2630 Virginia Military Survivors and Dependents Education Program. Revises the Virginia Military Survivors and Dependents Education Program to clarify that qualified survivors and dependents shall be admitted to any public institution of higher education or other public accredited postsecondary institution of higher education granting a degree, diploma, or certificate in the Commonwealth of Virginia, free of tuition and all required fees. Establishes the Virginia Military Survivors and Dependents Education Fund to provide financial assistance for board and room charges, books and supplies, and other expenses. The State Council of Higher Education for Virginia is responsible for disbursing funds appropriated or otherwise made available to support the Fund. There are several technical amendments. This bill was incorporated into HB 2179.

Patron - Reid

HB2856 Community College Transfer Grant Program. Establishes the Community College Transfer Grant Program for the purpose of providing higher education grants to domiciles of Virginia who have successfully completed an acceptable associate degree program at a Virginia community college and have been admitted to an accredited nonprofit public or private institution of higher education in the Commonwealth. The State Council of Higher Education for Virginia (SCHEV) must promulgate necessary and appropriate regulations for its administration. To be eligible to receive a grant, the student must: (i) have maintained a cumulative grade point average of at least 3.0 on a scale of 4.0 or its equivalent while enrolled in an associate degree program at a Virginia commu-

nity college, (ii) have applied for financial aid, and (iii) have financial need, defined by having a family income of equal to or less than 150% of Virginia median family income, or 150% of the median family income of his home locality, whichever is greater. The amount of the award will be based on either the difference between the cost of tuition paid by the recipient at a Virginia community college and the cost of such tuition at the public four-year institution of higher education in which the student has been enrolled, or in the case of transfer to a private four-year college or university, the difference between the cost of tuition paid by the recipient at a Virginia community college and the average cost of such tuition at a Virginia public four-year institution of higher education. This bill was incorporated into HB 1681.

Patron - Moran

HB2935 In-state tuition and educational benefits for unlawful aliens. Provides that an alien who is unlawfully present in the United States shall not be eligible on the basis of residency within Virginia for any postsecondary educational benefit including, but not limited to, in-state tuition and state financial aid, unless citizens or nationals of the United States are eligible for such benefits in no less an amount, duration, and scope, without regard to whether such citizens or nationals are Virginia residents. This bill was incorporated into HB 2623.

Patron - Miller, J.H.

HB3020 Foster Care Scholarship Program. Creates the Foster Care Scholarship Program to provide scholarships for eligible students who are aging out of the foster care system. To be eligible, students must be (i) domiciled residents of Virginia, (ii) recipients of foster care services at the time of their graduation from high school, (iii) graduates from a public or private high school with a cumulative grade point average of at least 3.0 on a scale of 4.0, and (iv) good citizens, as defined by regulation of the State Council of Higher Education for Virginia.

Patron - Ward

HB3145 In-state tuition and fees. Provides a waiver of tuition and required fees for certain public safety personnel.

Patron - Poisson

HB3193 V. Earl Dickinson Tuition Assistance Grant Act. Renames and establishes the Tuition Assistance Grant (TAG) Act as the V. Earl Dickinson Tuition Assistance Grant Act in honor of the late former Delegate V. Earl Dickinson.

Patron - Hull

HB3201 Removal of students from classes. Requires parental notification when a student, including a student with an Individual Education Plan, has been denied instructional services as a result of being removed from class for two or more consecutive days.

Patron - Cox

SB786 Private College Enrollment Grant Program. Creates the Private College Enrollment Grant Program for the purpose of providing higher education grants on a per capita basis to private nonprofit institutions of higher education that agree, in the interest of providing access to higher education for Virginia's burgeoning student population, to enroll Virginia domiciles. The State Council of Higher Education for Virginia is designated as the administering agency of the program and is authorized to solicit or receive unsolicited grant proposals and enter into contracts with private nonprofit institutions of higher education having their main campus in Virginia to provide grants on a per capita basis to such institutions

on behalf of enrolled Virginia domiciles. The Council is also authorized to promulgate necessary and appropriate regulations to administer the program, including measures to ensure the reduction of out-of-pocket tuition costs to Virginia's student population. An enactment clause declares that the provisions of the act shall not become effective unless an appropriation of general funds effectuating the purposes of the act is included in the general appropriations act passed by the 2007 Session, which becomes law.

Patron - Stosch

SB891 Reduced in-state tuition rates for children of faculty and staff. Requires the board of visitors of each public two-year and four-year institution of higher education to provide reduced in-state tuition rates for the children of faculty and staff members employed by the institution, effective for the 2008-2009 academic year. This bill was incorporated into SB 982.

Patron - Deeds

SB892 Faculty representative to the State Council of Higher Education. Requires the Governor to appoint a non-voting faculty representative to the State Council of Higher Education who will act in an advisory capacity. The faculty representative must be employed in a full-time teaching position at a public institution of higher education in Virginia. The faculty representative may not be considered a member of the State Council for any purpose, including establishing a quorum and making official decisions, and may be excluded from executive sessions or closed meetings.

Patron - Deeds

SB893 Faculty representatives to the State Board for Community Colleges, local community college boards, and boards of visitors. Requires the State Board for Community Colleges, local community college boards, and boards of visitors of any public four-year institution of higher education to appoint one or more nonvoting, advisory faculty representatives to their respective boards. Currently, these appointments are at the discretion of each board.

Patron - Deeds

SB982 Partial tuition waiver; children of university and college faculty. Establishes the Dependent Children of University and College Faculty Reduced Tuition Program, to provide 50% tuition waivers for the children of current full-time faculty members who have been employed full-time by any one or more public Virginia college or university for an aggregate period of at least seven years. The tuition waivers shall be used for undergraduate education at any public institution of higher education in Virginia.

Patron - Edwards

SB983 Community College Scholarship Match Program. Establishes the Community College Scholarship Match Program to provide matching funds to community college foundations and the Virginia Foundation for Community College Education. Funds may be paid on the basis of one dollar state general fund appropriation for every one dollar donated by private individuals, foundations, or corporations beginning on July 1, 2007. These funds shall be used to award scholarships to students who (i) are domiciled residents of Virginia, (ii) graduated from a public or private Virginia high school, and (iii) are enrolled in a Virginia community college. The provisions of the bill are contingent upon an appropriation of general funds in the 2007 General Appropriation Act.

Patron - Edwards

SB1204 In-state tuition rates; prohibited for certain individuals. Prohibits the board of visitors or other gov-

erning body of a public institution of higher education in the Commonwealth from authorizing in-state tuition rates for individuals who are unlawfully present in the United States. The bill also provides that, notwithstanding the provisions regarding the governing bodies' mandates, any person shall be eligible for in-state tuition who: (i) has resided in Virginia while attending high school; (ii) has graduated from a public or private high school in Virginia or has received a General Education Development (GED) certificate in Virginia; (iii) has resided in the Commonwealth for at least three years on the date of high school graduation; (iv) has registered in an institution of higher education; (v) has provided an affidavit stating that he has filed an application to become a permanent resident of the United States and is actively pursuing such permanent residency or will do so as soon as he is eligible; and (vi) has submitted evidence that he or, in the case of a dependent student, at least one parent, guardian, or person standing in loco parentis, filed, unless exempted by state law, Virginia income tax returns for at least three years prior to the date of enrollment.

Patron - Hanger

FSB1280 Virginia College Savings Program; annual report. Eliminates the requirement that the State Council of Higher Education must annually prepare a financial analysis of future higher education expenses for the Department of Taxation to distribute.

Patron - Whipple

FSB1342 Public institutions of higher education; operational authority. Provides operational authority for public institutions of higher education pursuant to the Restructuring Act of 2005 in one of the following areas: (i) information technology, or (ii) procurement. The institution would have the choice of selecting the area of operational authority. The additional operational authority would also have to be provided in the appropriation act.

Patron - Houck

Elections

Passed

HB1625 Forfeiture of office for persons convicted of certain crimes. Provides that any person holding public office who is convicted of any offense that requires registration on the Sex Offender and Crimes Against Minors Registry, as defined in § 9.1-902, and for whom all rights of appeal under Virginia law have expired, shall forfeit the public office.

Patron - Ingram

HB1642 Elections; voter registration records. Clarifies the duties of local electoral boards, general registrars, and the State Board of Elections regarding voter registration records and exceptions from public inspection. Requires the State Board to provide general registrars with lists of registered voters and persons denied registration for public inspection. This bill incorporates HB 2202.

Patron - Alexander

HB1835 Knowingly communicate false information to registered voter; penalty. Makes it a Class 1 misdemeanor to knowingly communicate false information to a registered voter about the date, time, and place of the election or the voter's precinct, polling place, or voter registration status in order to impede his voting.

Patron - Amundson

HB1935 Elections; applications for absentee ballots. Requires that applications for absentee ballots contain the last four digits of the applicant's social security number.

Patron - Rapp

HB1977 Campaign finance; inaugural committees; final report and surplus funds. Provides that surplus inaugural committee funds shall be used only to return contributions to contributors or make charitable contributions. Applies to funds and receipts received by inaugural committees after July 1, 2007. Funds and receipts received before that date continue to be governed by prior law.

Patron - Fralin

HB2141 Elections; voter registration records; authorize matching with lists of other states; State Board of Elections to develop security policies and make annual report. Authorizes the State Board of Elections to furnish voter lists to other states with protections for privacy of voter social security numbers. Authorizes cancellation of voter registration based on information from registration officials of other states. Makes conforming changes to sections referring to social security numbers to prohibit disclosure of parts of numbers. Requires the State Board of Elections to (i) approve security procedures for transmitting voter lists to other states' Chief Election Officers, and (ii) monitor implementation with annual statistical reporting to the General Assembly starting July 1, 2008.

Patron - Brink

HB2287 Absentee voting; alternative procedures to expedite counting preparations. Authorizes the electoral board to give the general registrar the option to expedite preparations for counting optical scan absentee ballots returned by mail. The board can authorize verifying completion of the required affirmation, marking the pollbook, and inserting ballots in optical scan equipment in presence of officers of election representing both parties without initiating any vote counts. Prohibits persons present during the preparations from disclosing any information concerning the ballots. This bill is identical to SB 1334.

Patron - Watts

HB2354 Elections; recount procedures. Provides for the securing by the circuit court clerks of ballots and election materials after an election and pending a recount.

Patron - Cosgrove

HB2386 Campaign finance disclosure; filings of candidate reports. Requires the State Board of Elections to develop and implement a centralized system to accept reports from local office candidates by July 1, 2007. Local office candidates who file electronically with the State Board will not be required to file locally, and the State Board shall make the filings available promptly to the local electoral board. The bill takes effect only if adequate funding or programming is available to implement the centralized system for accepting the local reports. This bill is identical to SB 1015.

Patron - May

HB2650 Campaign finance disclosure; definitions; reporting requirements. Codifies the "express advocacy" standard. The Virginia Supreme Court held in *Virginia Society for Human Life, Inc. v. Caldwell*, 256 Va. 151, 500 S.E.2d 814 (1998), that Virginia's campaign finance disclosure laws apply only to "express advocacy" and that the phrase "for the purpose of influencing the outcome of an election" will be interpreted to mean "express advocacy." This bill reflects a recommendation of the task force that assisted the State Board of Elections

in conducting a review in 2005 of the Campaign Finance Disclosure Act pursuant to House Joint Resolution 667 (2005).

Patron - Jones, S.C.

HB2707 Election procedures; voting equipment requirements; recounts. Prohibits future purchases of direct recording electronic (DRE) devices; and provides for the phase out of DRE devices as the devices now in operation wear out. Prohibits any form of wireless communication to or from voting or counting devices while polls are open on election day. Requires localities to provide accessible equipment for disabled voters. The bill deletes obsolete references to mechanical voting equipment and punchcard devices. The bill as passed is identical to SB 840 and incorporates HBs 2077 and 2734.

Patron - Hugo

HB2740 Campaign finance; deadline for reports of independent expenditures; filings by political action and political party committees. Requires filing independent expenditure reports by earlier of 24 hours after (i) making expenditure, or (ii) publishing or publicly broadcasting materials to influence voting for or against an identified candidate. Requires that independent expenditure reports filed by a political action committee or political party committee that has not yet filed a statement of organization provide the information required on a statement of organization. Current law allows a committee 10 days after it is organized to file its statement of organization. This bill requires a political action committee or political party committee that makes an independent expenditure during this 10-day period or any period during which the committee has not filed a statement of organization to file a report with complete information within 24 hours of spending funds or publishing or publicly broadcasting candidate related materials.

Patron - Englin

HB2780 House of Delegates districts. Makes a technical adjustment in the boundary line between the Ninety-seventh and Ninety-eighth districts within King William County in order that all of the town of West Point will be within the Ninety-eighth district.

Patron - Morgan

HB2818 Elections; polling place activities and restrictions; pollwatchers. Allows officers of election discretion to permit up to three representatives of each party or candidate to remain in the polling place to observe the election in all cases. Present law requires allowing presence of at least one representative per party or candidate or, if the pollbook is divided into sections, one representative per section not to exceed three representatives per party or candidate at the same time.

Patron - Sickles

HB2852 Campaign finance; special registration provisions for certain committees. Provides that the State Board of Elections shall not accept the statement of organization from or register a political action committee unless the PAC states that its primary purpose is to influence the outcome of nonfederal elections in Virginia. Makes conforming changes in the definitions pertaining to campaign finance. Defines "primary purpose" as meaning 50% or more of overall contributions made by a committee are made to Virginia registered campaigns and committees, excluding administrative expenses and transfers among affiliates. Applies to expenditures of funds received on or after July 1, 2007.

Patron - Moran

HB3025 Elections; voter participation; information provided by State Board of Elections. Requires the State

Board of Elections to continue its current practice of providing elections results and statistical information on its website. Requires calculation and report on voter turnout to exclude voters assigned to inactive status. Voters are assigned to inactive status pursuant to §§ 24.2-428 and 24.2-428.1 if they fail to respond within 30 days to a notice issued by general registrar or other specified events.

Patron - Cox

HB3168 Elections; persons not listed in pollbook; application for registration and provisional ballot. Requires officers of election to provide persons offering to vote not listed in pollbook an application for registration along with a provisional ballot. Allows counting the provisional ballot if the voter or State Board of Elections proves that a timely registration application was submitted to another state-designated registration agency and the registrar determines the voter is qualified based on the application provided when he offered to vote.

Patron - Dance

SB736 State Board of Elections. Prohibits a board member from running for an elected office, serving as a political party committee chairman, or being a paid worker for a candidate campaigning for elected office. This bill is identical to SB 775.

Patron - Martin

SB840 Election procedures; voting equipment requirements; recounts. Prohibits future purchases of direct recording electronic (DRE) devices; and provides for the phase out of DRE devices as the devices now in operation wear out. Prohibits any form of wireless communication to or from voting or counting devices while polls are open on election day. Requires localities to provide accessible equipment for disabled voters. The bill deletes obsolete references to mechanical voting equipment and punchcard devices. This bill is identical to HB 2707 as passed and incorporates SB 878.

Patron - Devolites Davis

SB1015 Campaign finance disclosure; filings of candidate reports. Requires the State Board of Elections to develop and implement a centralized system to accept reports from local office candidates by July 1, 2007. Local office candidates who file electronically with the State Board will not be required to file locally, and the State Board shall make the filings available promptly to the local electoral board. The bill takes effect only if adequate funding or programming is available to implement the centralized system for accepting the local reports. This bill is identical to HB 2386.

Patron - Norment

SB1034 Elections; challenges to voters at the polls. Provides that a person challenging a person's right to vote at the polls shall complete a form and indicate the reason for his challenge. Expands grounds for challenge to include that the person (i) is not who he represents himself to be, or (ii) has already voted. Corrects affirmation required of challenged voter to include town residency for town elections.

Patron - O'Brien

SB1226 Electronic voting equipment; security. Requires local electoral boards to develop plans and procedures to ensure the security of electronic voting systems. Requires the general registrar and State Board of Elections to provide assistance in the development of these plans, upon request. The bill also requires vendors of electronic voting systems to provide written best practices about the secure use of

the systems when applying for certification in the Commonwealth and to annually update these practices once certified.

Patron - Howell

SB1232 Page County School Board; referendum. Provides for a referendum in the County at the November 2007 election on the question of whether the chairman of the school board should be elected by the County at large.

Patron - Obenshain

SB1307 Senatorial districts. Makes a technical adjustment between the Fifteenth and Twenty-third districts in Amherst County so as to eliminate a split precinct.

Patron - Newman

SB1334 Absentee voting; alternative procedures to expedite counting preparations. Authorizes electoral board to give general registrar the option to expedite preparations for counting optical scan absentee ballots returned by mail. The board can authorize verifying completion of the required affirmation, marking the pollbook, and inserting ballots in optical scan equipment in presence of officers of election representing both parties without initiating any vote counts. Prohibits persons present during the preparations from disclosing any information concerning the ballots. This bill is identical to HB 2287.

Patron - Reynolds

Failed

HB1629 Redistricting process. Provides a new method for the preparation of state legislative and congressional redistricting plans; spells out standards for developing plans; precludes consideration of incumbency and political data in developing plans; assigns responsibility to the Division of Legislative Services to prepare plans for submission to the General Assembly; and establishes a temporary redistricting advisory commission to advise the Division, disseminate information on plans, and hold hearings for public reaction to plans. This bill is patterned after the Iowa redistricting process.

Patron - Shuler

HB1769 Elections; polling places; prohibited activities. Provides that the prohibitions on exhibiting campaign materials in or near polling places shall not be construed to apply to voters wearing a shirt, hat, or other apparel or a sticker or button attached to his apparel on which a candidate's name or a political slogan appears.

Patron - Brink

HB2069 Elections; absentee voting and absentee ballot applications. Provides that any person who will be commuting to perform volunteer service on election day may vote absentee if his commute and service time equals 11 or more hours of the 13 hours that the polls are open.

Patron - Brink

HB2070 Redistricting process. Creates a new Citizen Advisory Redistricting Board within the State Board of Elections to have responsibility to prepare and recommend state legislative and congressional redistricting plans for consideration and enactment by the General Assembly. The Chief Justice of the Supreme Court designates a special master who is chair. The Governor appoints four members from recommendations (three each) of the majority and minority leaders in each house. The remaining Board members are appointed by the Governor after considering recommendations of the state party committee chairs of parties with candidates receiving at least 25% of the vote in the last gubernatorial election; thus,

the Governor initially would appoint six members. Adopts apportionment standards of federal and state law (currently, population equality, compactness, and contiguity). Allows local governing bodies to make recommendations when a proposed plan would divide a county, city, or town. This bill is patterned after the Vermont redistricting process adapted for Virginia's election schedule and district structure. The bill provides for continuation of the Joint Reapportionment Committee to facilitate development of proposed plans by the Citizen Advisory Redistricting Board and the General Assembly's enactment of plans under Article II, §6 of the Constitution.

Patron - Brink

HB2072 Absentee voting; persons eligible to vote absentee. Adds women who are pregnant at the time of applying to vote absentee to the list of persons eligible to vote absentee.

Patron - Brink

HB2077 Election procedures; voting equipment requirements; recount procedures. Beginning January 1, 2009, requires vendors seeking State Board of Elections certification of direct recording electronic (DRE) devices to equip them to produce a paper record of each vote that can be verified by the voter and provides for use of paper records in recounts. Allows use of currently certified DRE machines without voter-verified paper record capacity. Requires localities to provide voting equipment accessible to disabled voters and when required by the Voting Rights Act of 1965, the capacity for alternative languages. Repeals outdated authorization for mechanical voting devices and outdated references to punchcards and mechanical voting devices. This bill was incorporated into HB 2707.

Patron - Armstrong

HB2083 Elections; voter registration lists and applications; victims of domestic violence. Provides that victims of domestic violence may provide a post office box address, in lieu of a residence address, to be shown on any public list of registered voters. The bill takes effect January 1, 2008.

Patron - Eisenberg

HB2202 Elections; voter registration records. Clarifies the duties of local electoral boards, general registrars, and the State Board of Elections regarding voter registration records and exceptions from public inspection. This bill was incorporated into HB 1642.

Patron - Wardrup

HB2574 Elections; absentee voting. Provides that qualified voters may vote absentee for any reason. The bill eliminates the present statutory list of specific reasons entitling a voter to cast an absentee ballot. Several special provisions concerning military and overseas absentee voters and disabled voters are consolidated in one new provision. This bill is identical to HB 3001.

Patron - Shannon

HB2599 Virginia Advisory Redistricting Commission. Creates an advisory commission to draw plans to redistrict General Assembly and congressional districts in the year 2011 and every tenth year thereafter. The General Assembly has power to adopt or amend commission plans. The bill spells out the standards to be followed by the commission in drawing plans and provides for the expiration of the commission following implementation of the decennial redistricting plans.

Patron - Plum

HB2696 Election procedures; voting equipment requirements. Requires vendors seeking State Board of Elections certification of direct recording electronic (DRE) devices to (i) have current federal certification and (ii) equip them to produce a paper record of each vote that can be verified by the voter. Provides that the voter-verified paper record takes precedence in a recount. Requires that all DREs produce a voter-verifiable paper record. The bill takes effect January 1, 2009.

Patron - Hugo

HB2697 Election procedures; recounts. Requires recount officials as part of the recount proceedings to randomly audit three percent of voting machines using State Board of Elections standards for hand recounts. A discrepancy exceeding one tenth of one percent (0.1%) requires extending the audit to all precincts. The bill is effective January 1, 2009, and it deletes obsolete references to mechanical voting equipment and punchcards.

Patron - Hugo

HB2734 Election procedures; voting equipment requirements; recount procedures. Requires localities to provide voting equipment accessible to disabled voters and, when required by the Voting Rights Act of 1965, the capacity for alternative languages. Repeals outdated authorization for mechanical voting devices and outdated references to punchcards and mechanical voting devices. This bill was incorporated into HB 2707.

Patron - Englin

HB2737 Election procedures; postelection audits of vote-counting machines. Requires State Board of Elections to develop procedures to enable local electoral boards to conduct postelection audits of at least two percent of machines in jurisdictions with at least 50,000 voters and at least five percent of machines in jurisdictions with under 50,000 voters. Requires the random selection for auditing of a representative sample of vote-counting machines within 48 hours of public announcement of initial vote counts and prohibits certifying results until audits are completed. Provides that paper records control in the event of a significant discrepancy, defined as over 0.1% difference between the hand counted total and the initial machine tally. Requires local electoral board to publicly announce comparative results. The bill is effective January 1, 2009.

Patron - Hugo

HB2742 Presidential elections; National Popular Vote Compact. Enters Virginia into an interstate compact known as the Agreement Among the States to Elect the President by National Popular Vote. Article II of the United States Constitution gives the states exclusive and plenary authority to decide the manner of awarding their electoral votes. Under the compact, the state agrees to award its electoral votes to the presidential ticket that receives the most popular votes in all 50 states and the District of Columbia. The compact goes into effect when states cumulatively possessing a majority of the electoral votes have joined the compact. A state may withdraw from the compact; however, a withdrawal occurring six months or less before the end of a President's term shall not become effective until a President or a Vice President has qualified to serve the next term. This bill is identical to SB 864.

Patron - Englin

HB2891 Early voting. Provides that any registered voter qualified to vote in an election may vote in person from 30 to three days before the election at specified times and at the sites provided in the locality. The provisions for absentee voting remain in effect except that the provisions for in-person

absentee voting are superseded by the early voting process during the early voting period. The bill takes effect January 1, 2008.

Patron - Phillips

HB2892 House of Delegates districts. Makes technical adjustments in the boundary line between the Second and Third House of Delegates districts within Russell County in order to reduce split precincts and more closely follow current voter precinct lines.

Patron - Phillips

HB2901 Early voting. Provides that any registered voter qualified to vote in the election may vote in person from 17 to three days before the election at specified times and at the sites provided in the locality. The provisions for absentee voting remain in effect except that the provisions for in-person absentee voting are superseded by the early voting process during the early voting period. The bill takes effect January 1, 2008.

Patron - Spruill

HB2911 Elections; absentee voting and absentee ballot applications. Provides that any person who will be age 65 or older on the election day may vote absentee.

Patron - Spruill

HB2995 Campaign finance; civil penalty. Adds a requirement for campaign committees, political committees, and out-of-state political committees to report the name and address of any controlling individual with an ownership interest exceeding 50% in any contributor that is a corporation, partnership, business, or other like entity. Prohibits making or receiving contributions without required disclosure and imposes a civil penalty equal to the greater of \$500 or the amount of the contribution.

Patron - Scott, J.M.

HB2996 Campaign Finance Disclosure Act of 2006. Provides a procedure for review of campaign finance reports for candidates for Governor, Lieutenant Governor, and Attorney General and for candidates in a random sample of General Assembly districts. Focuses on reconciling the balance in the campaign depository with campaign finance reports, mathematical accuracy, and completeness. Retains existing record retention requirements in § 24.2-947.3.

Patron - Scott, J.M.

HB2999 Electoral College. Provides that the Commonwealth's votes in the Electoral College shall be allocated by the popular vote statewide and in each congressional district. The candidates for President and Vice President who win the popular statewide vote will receive the votes of the two at-large statewide electors and the candidate who wins the popular vote in each congressional district will receive the vote of that district's elector. Maine and Nebraska allocate electoral college votes in this manner.

Patron - Scott, J.M.

HB3001 Elections; absentee voting. Provides that qualified voters may vote absentee for any reason. The bill eliminates the present statutory list of specific reasons entitling a voter to cast an absentee ballot. Several special provisions concerning military and overseas absentee voters and disabled voters are consolidated in one new provision. This bill is identical to HB 2574.

Patron - Scott, J.M.

HB3012 Campaign finance; certain prohibited contributions to local governing body members. Prohibits

any governing body member from soliciting or accepting a campaign contribution from a person with a personal interest in a transaction pending before the governing body while the matter is pending before the governing body or for 90 days after action on the matter. Prohibits any person with a personal interest in a transaction pending before the governing body from making or promising to make a campaign contribution to a member of the governing body while the matter is pending before the governing body or for 90 days after action on the matter. Includes special disclosure requirements, definitions, and civil penalties for violations.

Patron - Frederick

FHB3052 Elections; officers of election; high school interns as officers. Provides for the appointment of high school students age 16 or older and in good academic standing to serve as officer of election interns. Interns shall perform the duties of officers of election and receive the same compensation and training as officers of election.

Patron - Alexander

FHB3100 Voter registration list. Clarifies persons who may obtain lists of persons voting at primaries and elections

Patron - O'Bannon

FHB3101 Campaign finance disclosure; reports of independent expenditures. Narrows disclosure requirements by providing that the requirement to file reports of independent expenditures shall apply to any "political action committee" rather than to any "political committee." The definition of "political committee" covers "any political action committee, political party committee, referendum committee, or inaugural committee."

Patron - O'Bannon

FHB3150 Campaign finance; prohibited activities during regular sessions of the General Assembly. Prohibits General Assembly members and the Governor, Lieutenant Governor, and Attorney General from attending political party committee fundraisers during regular sessions of the General Assembly.

Patron - Saxman

FHB3157 Elections; candidate filing requirements. Requires independent and primary candidates to pay a filing fee for expenses equal to the greater of \$50 or two percent of one year's minimum annual salary for the office unless a candidate provides an affidavit that he is indigent. Provides a formula for calculating signatures required on candidate petitions for the General Assembly and local elections of 0.25% of registered voters or 50 registered voters, whichever is greater. Retains exceptions for certain small towns and soil and water conservation districts.

Patron - Wardrup

FHB3200 Elections; duties of registrars; voter registration residence requirements; certain presumptions. Creates a presumption that the address given by a full-time student at a Virginia institution of higher education is his proper address for registering to vote whether it is the address where he lives while attending school or the address in Virginia where he lives when not attending school.

Patron - Rapp

FSB775 State Board of Elections. Prohibits a board member from running for an elected office, serving as a political party committee chairman, or being a paid worker for a

candidate campaigning for elected office. This bill is identical to SB 736.

Patron - Cuccinelli

FSB864 Presidential elections; National Popular Vote Compact. Enters Virginia into an interstate compact known as the Agreement Among the States to Elect the President by National Popular Vote. Article II of the United States Constitution gives the states exclusive and plenary authority to decide the manner of awarding their electoral votes. Under the compact, the state agrees to award its electoral votes to the presidential ticket that receives the most popular votes in all 50 states and the District of Columbia. The compact goes into effect when states cumulatively possessing a majority of the electoral votes have joined the compact. A state may withdraw from the compact; however, a withdrawal occurring six months or less before the end of a President's term shall not become effective until a President or a Vice President has qualified to serve the next term. This bill is identical to HB 2742.

Patron - Miller

FSB878 Elections; recount procedures. Requires hard copy optical scan ballots to be rerun through appropriately programmed tabulators in recount proceedings. Present law provides that the tabulator printout will be sufficient unless it is unclear or the court orders the ballots to be rerun. This bill was incorporated into SB 840 as passed the Senate.

Patron - Deeds

FSB916 Voter registration procedures; applications and receipts. Requires the state form for the application to register to vote to contain a receipt that will be given to the applicant by any person accepting the application. The receipt states the name of the office or person accepting the application, the date accepted, and a phone number that the applicant may call to verify that he is registered. The requirements pertaining to the receipt are inapplicable when the applicant mails his application directly to a general registrar, State Board of Elections, or other government agent authorized by law to accept the application.

Patron - Howell

FSB920 Elections; absentee voting. Provides that qualified voters may vote absentee in person without providing an excuse or reason for not being able to vote in person on election day. The bill retains the present statutory list of specific reasons entitling a voter to cast an absentee ballot for those persons who vote absentee by mail.

Patron - Howell

FSB940 Elections; voter registration lists and applications; victims of domestic violence. Provides that victims of domestic violence reported to law-enforcement officers may provide a post office box address, in lieu of a residence address, to be shown on any public list of registered voters. The bill takes effect January 1, 2008.

Patron - Ticer

FSB986 Elections; absentee voting. Extends to persons with any disability or illness, rather than only a "physical" disability or illness, the ability to obtain an absentee ballot; and provides a definition for "person with a disability."

Patron - Deeds

FSB1095 Elections; authorized voting equipment. Adds to the requirements for certification of voting equipment that the equipment be designed to assure, to the extent practicable, that the voter reviews each candidate and question on the ballot for the election.

Patron - Puckett

SB1274 Elections; absentee voting by individuals with disabilities or other medical conditions and caregivers. Establishes a right to vote absentee for duly registered voters with medical conditions making them unable to go to polls on election day and their caregivers. Provides a definition of "disability."

Patron - Whipple

SB1382 Elections; voting procedures at polling places. Eliminates the requirement that the name and address of the voter be repeated by an officer of election so that it may be heard by persons present in the polling place.

Patron - Ticer

Eminent Domain

Passed

HB1800 Condemnation cases; jury selection. Provides that jury selection in condemnation cases shall conform to the procedures established in Chapter 11 (§ 8.01-336 et seq.) of Title 8.01 and makes conforming changes to § 25.1-229. Five persons from a panel of not fewer than 13 jurors shall constitute a condemnation jury. This bill also provides that jury commissioners shall determine the freeholder status of all qualified jurors. As introduced the bill was a recommendation of the Judicial Council. This bill is identical to SB 1068.

Patron - Cosgrove

HB3199 Costs in a condemnation action; written appraisal report. Requires the owner to provide a condemning party a written report of appraisal, provided it is the same type of report furnished to the owner and that complies with the requirements of the Uniform Standards of Professional Practice, in order to obtain costs and fees under § 25.1-245 and creates § 24.1-417.1 whereby a property owner can receive a partial reimbursement of costs of a written appraisal report if no agreement can be reached when the offer made by the Department of Transportation exceeds \$250,000 or the owner contends that just compensation exceeds \$250,000. In order to be entitled to reimbursement, the owner must submit the appraisal report, which appraisal is equal to or greater than \$250,000, at least 60 days prior to trial. The court may, in its discretion, allow reimbursement in cases when the appraisal is less than \$250,000.

Patron - Athey

SB1068 Condemnation cases; jury selection. Provides that jury selection in condemnation cases shall conform to the procedures established in Chapter 11 (§ 8.01-336 et seq.) of Title 8.01 and makes conforming changes to § 25.1-229. Five persons from a panel of not fewer than 13 jurors shall constitute a condemnation jury. This bill also provides that jury commissioners shall determine the freeholder status of all qualified jurors. As introduced the bill was a recommendation of the Judicial Council. This bill is identical to HB 1800.

Patron - McDougle

Failed

HB1819 Definition of public uses; no takings for purpose of conservation. Prohibits the taking of private land for the purpose of conservation.

Patron - Suit

HB2397 Burden of establishing public use; condemnor. Places a burden on the condemnor to prove by a preponderance of the evidence that the public use being relied upon in the taking is a public use that benefits the community in proximity to the property that is the subject of the condemnation action.

Patron - Athey

HB3115 Eminent domain; compensation for damage to viewshed. Allows for just compensation to be provided for properties within 2,000 feet of the property to be taken or damaged in an eminent domain proceeding, if the viewshed of such other properties will be damaged by reason of such taking and use.

Patron - May

SB1096 Eminent domain; definition of public uses. Provides a definition of the term "public uses" mentioned in Article I, Section 11 of the Constitution of Virginia and specifies certain exceptions to this definition, including when the taking of land is for the primary purpose of (i) conferring financial gain on a private person, (ii) enhancing tax revenues, or (iii) furthering economic development or employment. The bill also clarifies that if the property to be taken is used in connection with the operation of a business, any business losses incurred must be included in determining just compensation and any damages for the landowner. The bill also provides that the power of eminent domain can only be used to take property to eliminate blight if the property in question is in fact blighted and serves to endanger the public health, safety, or welfare. The bill also provides that a landowner may be awarded reasonable costs, including attorney and appraisal fees, if the amount of just compensation and damages awarded to a landowner exceeds the amount of the final written offer made by the petitioner. Current law only permits an award of reasonable costs if the amount of just compensation and damages is 30% more than the amount of the final written offer and does not permit an award of attorney fees. This bill was incorporated into SB 781.

Patron - Obenshain

SB1297 Costs in a condemnation action; written appraisal report. Requires an owner to provide a condemning party a written report of appraisal that complies with the requirements of the Uniform Standards of Professional Appraisal Practice to obtain costs and fees under § 25.1-245.

Patron - Norment

SB1304 Eminent domain; definition of public uses. Provides a definition of public uses as embracing only the ownership, possession, occupation, and enjoyment of land by the public or public agencies, and public corporations and public service companies. The bill states that public benefits or potential public benefits including economic development or private development, an increase in the tax base, tax revenues, employment, or general economic health and welfare shall not be considered when determining whether a use constitutes a public use. This bill was incorporated into SB 1296.

Patron - Newman

Fiduciaries Generally

Passed

HB2767 Fiduciaries; presumption of prudence. Clarifies when fiduciaries will receive the presumption of prudence.

dence in investing and extends the presumption to custodians and custodial trustees. The bill provides that the presumption of prudence in investing only applies to a fiduciary (i) in a calendar year in which the value of the intangible personal property under his management does not exceed \$100,000 at the beginning of the year, or (ii) who has obtained express authorization from a court with jurisdiction that the presumption of prudence in investing applies.

Patron - Hurt

Failed

HB2846 Expenses and commissions allowed by fiduciaries; review by commissioners. Clarifies that the compensation for a fiduciary fixed by the instrument shall not be challenged unless it is shown to be unreasonable and clarifies that if the instrument references a standard published fee schedule that the commissioner's ability to alter the fee will be limited.

Patron - Carrico

Fire Protection

Passed

HB2048 Statewide Fire Prevention Code; enforcement. Prohibits the State Fire Marshal from charging a fee for permits issued for the inspection of schools operated or conducted under the auspices of a religious institution. The bill has a two year sunset provision.

Patron - McQuigg

Fisheries and Habitat of the Tidal Waters

Passed

HB1720 Recreational gold mining. Exempts recreational gold miners from having to obtain a permit from the Virginia Marine Resources Commission if they meet certain conditions.

Patron - Morgan

HB1855 Aquaculture. Requires the Marine Resources Commission to develop a general permit for the placement of temporary shellfish enclosures in state waters. The general permit will include provisions to ensure that enclosures may be easily located and removed if (i) a threat to navigation arises, (ii) the enclosure is idle, or (iii) the lease conditions are otherwise violated. This bill is identical to SB 1333.

Patron - Wittman

HB1868 Agent's fee for saltwater fishing licenses. Sets the commission fee for license agents who sell the saltwater recreational fishing license and the special combined sport-fishing license at an amount equivalent to the amount established by the Board of Game and Inland Fisheries for agents who sell licenses by electronic or computerized means. The bill clarifies that license agents' fees are to be deducted from the saltwater recreational fishing license fees. The bill

also removes some administrative procedures required when seeking a reissued license for a second boat.

Patron - Wittman

HB1993 Oyster measures. Shifts the measurement of oysters from the point of sale to the point of landing for the purpose of enforcing that the catches are sold by the full bushel or half-bushel.

Patron - Wittman

HB2082 Harvest quota on menhaden; penalty. Establishes an annual menhaden harvest quota of 109,020 metric tons for the Virginia portion of the Chesapeake Bay. Fisheries shall receive a credit to be applied in the following year if the actual harvest does not meet the harvest quota and a deduction if the actual harvest exceeds the harvest quota. Orders by the Secretary of Natural Resources setting a date of closure for the fishery will be exempt from the requirements of the Administrative Process Act. Any person harvesting menhaden for reduction purposes after receiving notice that the quota has been met shall be guilty of a Class 1 misdemeanor. This bill incorporates HB 1624.

Patron - Wittman

HB2203 Conveyance of subaqueous lands. Clarifies that the three parties who were authorized to receive conveyances of parcels of subaqueous lands located in the City of Norfolk in 2006 will not have to pay fair market value for these properties. The bill exempts them from having to pay fair market value because they have paid local real estate taxes on these parcels along with the adjacent upland properties since they have owned the properties.

Patron - Wardrup

HB2642 Conveyance of state-owned bottomlands in Hampton. Authorizes the Marine Resources Commission to convey, for fair market value, three parcels of state-owned land consisting of 1,200 square feet, 10,900 square feet, and 22,400 square feet to private parties. The terms and conditions of the conveyance shall be approved by the Governor and the conveyance shall be in a form approved by the Attorney General. This bill is identical to SB 1367.

Patron - Gear

HB2782 Conveyance of state-owned bottomlands. Clarifies that it shall be the policy of the Commonwealth to convey only limited interests to state-owned bottomlands covered by state waters and to convey state-owned bottomlands covered by fill provided that such lands were lawfully filled. The provisions of this act become effective on July 1, 2008, and shall not affect any litigation pending on the effective date.

Patron - Morgan

HB2990 Conveyance of subaqueous land. Authorizes the Marine Resources Commission to convey a parcel of subaqueous land in the Elizabeth River in Norfolk to a private corporation at fair market value. The terms and conditions of the conveyance shall be approved by the Governor and the conveyance shall be in a form approved by the Attorney General.

Patron - Melvin

HB3005 Property conveyance. Authorizes the Virginia Marine Resources Commission to grant easements and rights-of-way to Virginia Natural Gas, Inc., across the beds of the James River/Hampton Roads Harbor and the Elizabeth River Reach for the construction of a natural gas pipeline. This bill contains an emergency clause.

Patron - Jones, S.C.

HB3037 Potomac River Fisheries Commission.

Raises the daily compensation and reimbursement of Commissioners from \$25 to \$250; grants Commission retirees eligibility to participate in health and related insurances available to state employees; and extends the regulatory jurisdiction of the Commission to the leasing of bottomlands and water columns in the Potomac River. The bill does not become effective until Maryland enacts similar provisions and the Governors of both states declare the respective acts effective.

Patron - Wittman

SB900 Virginia Beach Police Department Marine Patrol and Virginia Marine Police; enforcement of federal security and safety zones and federal restricted areas.

Authorizes the Virginia Beach Police Department Marine Patrol to enforce federal security zones, federal safety zones, and federal restricted areas within the tidal waters in the Virginia Beach Police Department's jurisdiction. The bill also makes technical amendments to the Virginia Marine Police's existing authority to patrol and enforce these federal zones.

Patron - Rerras

SB1333 Aquaculture. Requires the Marine Resources Commission to develop a general permit for the placement of temporary shellfish enclosures in state waters. The general permit will include provisions to ensure that enclosures may be easily located and removed if (i) a threat to navigation arises, (ii) the enclosure is idle, or (iii) the lease conditions are otherwise violated. This bill is identical to HB 1855.

Patron - Chichester

SB1367 Conveyance of state-owned bottomlands in Hampton. Authorizes the Marine Resources Commission to convey, for fair market value, three parcels of state-owned land consisting of 1,200 square feet, 10,900 square feet, and 22,400 square feet to private parties. The terms and conditions of the conveyance shall be approved by the Governor and the conveyance shall be in a form approved by the Attorney General. This bill is identical to HB 2642.

Patron - Williams

Failed

HB1624 Harvest quota on menhaden; penalty.

Establishes an annual menhaden harvest quota of 109,020 metric tons and allows for a credit to be applied in the following year if the actual harvest does not meet the harvest quota. Any violation of the harvest quota shall be a Class 1 misdemeanor, which is consistent with violations of other menhaden-related provisions in Chapter 4. This bill was incorporated into HB 2082.

Patron - Cosgrove

Game, Inland Fisheries and Boating

Passed

HB1627 Mandatory boating safety education; civil penalty.

Makes it \$100 civil penalty for anyone to operate a motorboat with a motor of 10 horsepower or greater without having successfully completed an approved boating safety education course. The education requirement is phased-in so that by July 1, 2016, all motorboat operators will have been

required to complete and pass the course or an equivalency exam. The Board is directed to develop and administer the boating safety education program through the promulgation of regulations, taking into account comments from the public. There are a number of ways a person can comply with the law other than successfully completing an approved course, such as passing an equivalency examination, possessing a valid license issued to maritime personnel, being registered as a commercial fisherman, etc. This bill is identical to SB 1241.

Patron - Byron

HB1867 Game wardens. Replaces the term "game warden" with "conservation police officer" throughout the Code of Virginia.

Patron - Wittman

HB1981 Hunting fees for nonresidents. Authorizes the Board of Game and Inland Fisheries to increase or decrease the hunting license fees for nonresidents up to \$50 every three years.

Patron - Lohr

HB2019 Waterfowl blind licenses. Allows for the electronic transmission of applications for waterfowl blind licenses directly to the Department of Game and Inland Fisheries.

Patron - Shuler

HB2020 National Forest Stamp. Changes the term of the National Forest Stamp from January 1 to December 31 to one year from the date of purchase. This change is necessary with the implementation of the automated point-of-sale licensing system in which all licenses are now valid for one year from their date of purchase.

Patron - Shuler

HB2021 Crossbow license. Adds the crossbow license to those licenses that are covered by the two combination licenses: the youth resident and nonresident combination hunting license and the sportsman's hunting and fishing license.

Patron - Shuler

HB2031 Regulation of parasail operations.

Requires the Board of Game and Inland Fisheries to promulgate regulations applicable to the commercial operations of parasail operators on waters of the Commonwealth.

Patron - Cosgrove

HB2308 Model firearms hunting ordinances.

Requires the Board of Game and Inland Fisheries to develop, through regulations, model ordinances for hunting with firearms. The ordinances developed by the Board are to address such items as the caliber of the firearm, the type of firearm, and the type of ammunition. A county or city may adopt any of the model ordinances developed by the Board.

Patron - Lingamfelter

HB2309 Use of shotguns. Authorizes the Board of Game and Inland Fisheries to change the shotgun shell capacity through regulations. This bill also conforms the hours a person can hunt with a pistol, muzzle-loading pistol or revolver to the hours allowed to hunt with other weapons.

Patron - Lingamfelter

HB2313 Duck stamp. Changes the term of the Virginia Migratory Waterfowl Conservation Stamp to the fiscal year (July 1-June 30).

Patron - Lingamfelter

HB2695 Liability for owners of low-head dams. Provides that owners of low-head dams who use signs and buoys to warn the public of the hazards of swimming, fishing, and boating activities near low-head dams will have met the duty of care for warning the public of hazards posed by the dam.

Patron - Cline

SB882 Loss of hunting lands. Establishes a policy that there will be no net loss of public lands on which hunting occurs.

Patron - Deeds

SB1241 Mandatory boating safety education; civil penalty. Makes it \$100 civil penalty for anyone to operate a motorboat with a motor of 10 horsepower or greater without having successfully completed an approved boating safety education course. The education requirement is phased-in so that by July 1, 2016, all motorboat operators will have been required to complete and pass the course or an equivalency exam. The Board is directed to develop and administer the boating safety education program through the promulgation of regulations, taking into account comments from the public. There are a number of ways a person can comply with the law other than successfully completing an approved course, such as passing an equivalency examination, possessing a valid license issued to maritime personnel, being registered as a commercial fisherman, etc. This bill is identical to HB 1627.

Patron - Newman

SB1314 Boating under the influence. Makes the blood or breath testing protocol for boating under the influence (BUI) consistent with that used for driving under the influence (DUI).

Patron - Reynolds

Failed

HB1639 Hunting on Sundays. Allows hunting on Sunday from noon to one-half hour after sunset.

Patron - Marshall, D.W.

HB2018 Hunting license fees. Grants the Board of Game and Inland Fisheries the authority to revise nonresident license fees by as much as \$100 and the lifetime hunting and fishing license fees by as much as \$50.

Patron - Shuler

HB2250 Exemption from licensing. Exempts the siblings of a landowner from having to obtain any hunting, fishing or trapping license when engaging in these activities within the boundaries of their brother's or sister's property.

Patron - Hogan

HB2303 Hunting on Sundays. Allows landowners to hunt on their own property on Sundays. Also allows persons who have the written permission of the landowner to hunt on the landowner's property on Sundays.

Patron - Cole

HB2373 Speed limits on certain lakes. Establishes a maximum speed limit of 35 miles per hour on Smith Mountain Lake between sunset and sunrise. Anyone who exceeds this limit is subject to a fine of up to \$250.

Patron - Dudley

HB2374 Mandatory boating safety education; penalty. Makes it a Class 4 misdemeanor for anyone to operate a motorboat without having successfully completed an

approved boating safety education course. The education requirement is phased-in so that by July 1, 2016, all motorboat operators will have been required to complete and pass the course or an equivalency exam. The Board is directed to develop and administer the mandatory boating safety education program through the promulgation of regulations, taking into account comments from the public. There are a number of ways a person can comply with the law other than successfully completing an approved course, such as passing an equivalency examination and possessing a valid license issued to maritime personnel.

Patron - Dudley

HB3169 Special lifetime hunting and fishing license. Allows resident veterans who have a service-connected disability to purchase a lifetime hunting and fishing license for \$5. Currently, this license is available to veterans who have a permanent and total service-connected disability.

Patron - Barlow

SB950 Muzzle-loading rifle ordinances. Removes the authority of localities to adopt ordinances that permit the use of muzzle-loading rifles during prescribed open seasons.

Patron - Quayle

SB1076 Exemptions for disabled persons. Authorizes the Department of Forestry and the Board of Game and Inland Fisheries to adopt regulations that allow disabled persons increased access to hunting, fishing, and trapping opportunities.

Patron - Ruff

General Assembly

Passed

HB1623 Code Commission; obsolete provisions and evaluation of unfunded laws. Requires the Code Commission's review and reporting for the amendment or repeal of obsolete provisions in the Code of Virginia and the Virginia Acts of Assembly to occur at least every four years. Makes technical changes to the Commission's reporting requirements for recommending the repeal of certain unfunded provisions identified during the title revision process.

Patron - Landes

HB1796 General Assembly; prefilng of legislation. Clarifies that following an election, legislation may be prefiled only by members and members-elect of the next regular session of the General Assembly. Current law allows a member of the General Assembly who is retiring or who was not re-elected to prefile legislation until the convening of the next regular session of the General Assembly when his or her term of office expires.

Patron - Griffith

HB1936 General Assembly Conflicts of Interests Act; disclosure form. Modifies the reporting requirements in the Statement of Economic Interests for payments and reimbursements for attending meetings and creates a separate schedule to show payments and reimbursements by the Commonwealth for attending meetings outside the Commonwealth.

Patron - Rapp

HB2040 Advisory Council on Career and Technical Education; sunset. Extends the sunset for the Advisory Council on Career and Technical Education until July 1, 2012.

The bill repeals the second enactment clause of the Act creating the Council that set the original sunset date of July 1, 2007.

Patron - Hamilton

HB2051 Virginia Disability Commission Sunset. Extends the sunset provision for the Virginia Disability Commission to 2012. This bill is a recommendation of the Disability Commission.

Patron - McQuigg

HB2065 The General Assembly Conflicts of Interests Act; disclosure form. Modifies the form to clarify that the reporting of information on payments received for representing businesses before state agencies is treated separately from the reporting of information on payments received from businesses for other types of services.

Patron - Nixon

HB2101 Elections, referenda. Requires legislation authorizing statewide bond referendum to include information about the referendum for distribution to voters. The information must include a neutral explanation about the proposed ballot question, or a fiscal impact statement for any bond referendum, presented in plain English. The fiscal impact statement must include descriptions of the need for and anticipated uses of the bond proceeds. The Division of Legislative Services, with the assistance of the Office of the Attorney General, must prepare the neutral explanation. The staffs of the House Committee on Appropriations and the Senate Committee Finance are directed to each prepare a fiscal impact statement for any bond referendum and assist the Division of Legislative Services in preparing the explanation. The State Board of Elections is required to publish the information by paid advertisement in daily newspapers with an average daily circulation of more than 50K in Virginia once during the week preceding the referendum.

Patron - Orrock

HB2923 Legislative Commission to study human trafficking. Creates a legislative Commission for the purpose of developing and implementing a State Plan for the Prevention of Human Trafficking.

Patron - Ebbin

SB756 Public-Private Partnership Advisory Commission. Establishes the Public-Private Partnership Advisory Commission to review and advise responsible public entities that are agencies or institutions of the Commonwealth on detailed proposals for qualifying projects under the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-5575.1 et seq.). The bill also requires all responsible public entities to adopt guidelines to guide the selection of projects under the Public-Private Education Facilities and Infrastructure Act containing certain specified provisions. For responsible public entities that are not agencies or institutions of the Commonwealth, the guidelines must include a mechanism for the appropriating body to review the proposed comprehensive agreement prior to execution under certain circumstances.

Patron - Stosch

SB1284 Auditor of Public Accounts. Provides that the searchable database of state agency expenditures and revenues shall not include activity of private gifts, including endowment funds and unrestricted gifts received by state-supported institutions of higher education. The bill clarifies that all appropriated funds and other sources under the control of a state-supported institution of higher education shall be included in the database and that the exclusion of the private

gifts activity shall not affect the public access to such records unless otherwise specifically exempted by law.

Patron - Stosch

SB1386 Joint Legislative Audit and Review Commission; analysis of state agency budget submissions. Requires the Joint Legislative Audit and Review Commission to conduct a pilot program to analyze and evaluate estimates submitted by state agencies and provided to the Chairmen of the Senate Committee on Finance and the House Committee on Appropriations for the biennial budget to ascertain that sums requested are appropriated based on the missions, operations, practices, and duties of such agencies. The Commission must report the results of the pilot program to the General Assembly in 2009.

Patron - Stolle

Failed

HB1619 Virginia Budget Office. Establishes in the legislative branch a Virginia Budget Office.

Patron - Frederick

HB1846 Joint Commission on Oversight and Government Reform. Creates the Joint Commission on Oversight and Government Reform in the legislative branch of state government. The purpose of the Commission is to review the operations of state agencies and state-funded programs with a view toward the reduction of nonessential programs and expenditures. The Commission shall consist of 10 members of the House of Delegates appointed by the Speaker thereof, of whom at least five shall be members of the House Appropriations Committee, and five members from the Senate appointed by the Privileges and Elections Committee of the Senate, of whom at least two shall be members of the Finance Committee, and the Auditor of Public Accounts, ex officio, who shall have no voting privileges.

Patron - Saxman

HB1946 Reporting total new state government positions created. Directs the staff of the House Appropriations Committee to report to the members of the House of Delegates the total number of new positions created by appropriations acts each year, along with a cumulative total every second year.

Patron - Purkey

HB2273 Study; Virginia Commission on Deregulation. Creates the 15-member Virginia Commission on Deregulation to study sectors of Virginia's economy that could be deregulated. The Commission expires on July 1, 2010.

Patron - Purkey

HB2560 Constitutional amendments; procedure. Makes the second joint resolution approving a constitutional amendment the vehicle for submitting a proposed amendment to voters and requires approval of a neutral explanation for voters as part of the General Assembly's consideration of the second joint resolution.

Patron - Brink

HB2670 Bills required to be introduced by first day of a session. Repeals the provisions requiring the following types of bills to be filed no later than the first day of a legislative session: charter, claims, optional county form of government, corrections impact, local fiscal impact, sales tax exemption, and Virginia Retirement System.

Patron - Griffith

HB2867 Legislative agencies reports. Requires the Clerk of the House of Delegates, the Clerk of the Senate, and all legislative agencies, including legislative statutory commissions, councils, and collegial bodies authorized to employ personnel, to report annually to the General Assembly the number of persons employed and appointed categorized by race, gender, and national origin. Under this bill, information pertaining to race, gender, and national origin will be compiled for statistical purposes and will be based on self-identification after employment or appointment. Records and data containing personally identifiable information are confidential and exempt from disclosure under the Freedom of Information Act. The provisions of this bill parallel the current requirements that apply to the executive branch of state government pursuant to § 2.2-406 of the Code.

Patron - McEachin

HB2921 Legislative efficiency review program. Directs the Joint Legislative Audit and Review Commission (JLARC) to quadrennially review the operations of each house and all agencies in the legislative branch to develop recommendations for improving efficiency. JLARC is required to report to the General Assembly by the first day of the 2008 Regular Session, and include in its first report a recommendation concerning the allowance of a per diem for pro forma sessions. The bill authorizes JLARC to contract for services to perform the review and report through a competitive procurement process complying with the Virginia Public Procurement Act.

Patron - Shannon

SB809 Virginia Commission on the Bicentennial of Abraham Lincoln's birth. Establishes the Virginia Commission on the Bicentennial of Abraham Lincoln to prepare for and lead the Commonwealth in the national commemoration of the 200th anniversary of his birth. The Commission consists of a total membership of 15 members, which includes eight legislators, four nonlegislative citizen members, and the Superintendent of Public Instruction, the Executive Director of the State Council of Higher Education, and the Chancellor of the Virginia Community College System or their designees. The Commission, among other things, must develop, plan, and coordinate the implementation of statewide programs, events, and activities appropriate to the commemoration of the 200th anniversary of the birth of Abraham Lincoln. Also, the Commission must work with state and local entities and diverse groups, including the federal Abraham Lincoln Bicentennial Commission, in planning and coordinating commemorative events. The provisions of this bill expire on July 1, 2010.

Patron - Marsh

SB810 Legislative agencies reports. Requires the Clerk of the House of Delegates, the Clerk of the Senate, and all legislative agencies, including legislative statutory commissions, councils, and collegial bodies authorized to employ personnel, to report annually to the General Assembly the number of persons employed and appointed categorized by race, gender, and national origin. Under this bill, information pertaining to race, gender, and national origin will be compiled for statistical purposes and will be based on self-identification after employment or appointment. Records and data containing personally identifiable information are confidential and exempt from disclosure under the Freedom of Information Act. The provisions of this bill parallel the current requirements that apply to the executive branch of state government pursuant to § 2.2-406 of the Code.

Patron - Marsh

SB1123 Auditor of Public Accounts; review security of governmental databases containing personal information. Provides that the Auditor of Public Accounts shall periodically review the security of any database or information system maintained or operated by any agency or other governmental entity of the Commonwealth that contains personal information regarding any individual to ensure that appropriate measures are in place to prevent unauthorized or unlawful access to this information. On an annual basis, the Auditor shall report the results of the review to the General Assembly and make recommendations for new or revised security measures, if needed.

Patron - Cuccinelli

SB1427 Senate of Virginia; surplus property. Provides for the sale of surplus laptop computers to current members of the Senate.

Patron - Cuccinelli

General Provisions of Virginia Code

Passed

HB2431 Reversion of federal lands to the Commonwealth. Authorizes the Commonwealth to take title to federal lands located within the Northern Virginia Planning District that contain environmental contamination if the United States enters into a written agreement with the Commonwealth, in a form to be approved by the Attorney General, to indemnify the Commonwealth for associated liabilities and clean-up costs or otherwise provides satisfactory assurances that all corrective action necessary to protect human health and the environment will be taken at the sole expense of the United States. The bill further provides that in addition, such transfer or reversion shall not occur unless and until the United States has agreed, and provides assurances satisfactory to the Commonwealth, to provide all transportation infrastructure improvements required to accommodate the development of any property contiguous or adjacent to the property subject to the transfer or reversion.

Patron - Albo

HB2954 Public uses; eminent domain. Defines the term "public uses" as embracing only the acquisition of property where (i) the land is taken for the possession, occupation and enjoyment by the public or a public corporation; (ii) the land is taken for construction, maintenance and operation of public facilities by public corporations or by private entities provided that there is a written agreement with a public corporation providing for the use of the facility by the public; (iii) the land is taken for the creation or functioning of a public service corporation, public service company, or railroad; (iv) the land is taken for the provision of utility services by a government utility corporation; (v) the land taken is blighted and is taken for the elimination of blight; and (vi) the property is taken in a redevelopment or conservation area that is abandoned or the acquisition is needed to clear title where one of the owners agrees to such acquisition. The bill also states that property can only be taken when the public interest dominates the private gain and the primary purpose is not private financial gain, private benefit, an increase in tax base or revenues, or an increase in employment, except if the property is taken for the creation or functioning of a public service corporation, public service company, or railroad, or for the provision of authorized utility services by a government utility corporation. The bill

defines the terms "blighted property," "government utility corporation," "public corporation," and "public facilities." The bill also provides that a property owner may challenge that a taking is a pretext for an unauthorized use. A former property owner, or his successors, may also request to repurchase the taken property upon the completion or abandonment of the stated public use. The bill does not apply to the forfeiture of property in connection with criminal act or real property that is subject to a certificate of take or deposit recorded prior to July 1, 2007. The bill also does not affect the ability of a redevelopment and housing authority to acquire property under a plan adopted prior to January 1, 2007 until July 1, 2010. This bill is identical to SB 781 and SB 1296.

Patron - Bell

HB3076 State festival. Designates the Virginia Covered Bridge Festival held in Patrick County as the official covered bridge festival of the Commonwealth. This bill is identical to SB 1375.

Patron - Armstrong

SB781 Public uses; eminent domain. Defines the term "public uses" as embracing only the acquisition of property where (i) the land is taken for the possession, occupation and enjoyment by the public or a public corporation; (ii) the land is taken for construction, maintenance and operation of public facilities by public corporations or by private entities provided that there is a written agreement with a public corporation providing for the use of the facility by the public; (iii) the land is taken for the creation or functioning of a public service corporation, public service company, or railroad; (iv) the land is taken for the provision of utility services by a government utility corporation; (v) the land taken is blighted and is taken for the elimination of blight; and (vi) the property is taken in a redevelopment or conservation area that is abandoned or the acquisition is needed to clear title where one of the owners agrees to such acquisition. The bill also states that property can only be taken when the public interest dominates the private gain and the primary purpose is not private financial gain, private benefit, an increase in tax base or revenues, or an increase in employment, except if the property is taken for the creation or functioning of a public service corporation, public service company, or railroad, or for the provision of authorized utility services by a government utility corporation. The bill defines the terms "blighted property," "government utility corporation," "public corporation," and "public facilities." The bill also provides that a property owner may challenge that a taking is a pretext for an unauthorized use. A former property owner, or his successors, may also request to repurchase the taken property upon the completion or abandonment of the stated public use. The bill does not apply to the forfeiture of property in connection with criminal act or real property that is subject to a certificate of take or deposit recorded prior to July 1, 2007. The bill also does not affect the ability of a redevelopment and housing authority to acquire property under a plan adopted prior to January 1, 2007 until July 1, 2010. This bill incorporates SB 1037 and SB 1096 and is identical to SB 1296 and HB 2954.

Patron - Cuccinelli

SB1255 Courthouse; posting of notices. Provides that whenever notices, summonses, orders, and other official documents are required to be posted on or at the front door of a courthouse or on a public bulletin board at the courthouse, this requirement can be met if such documents are posted at or near the principal public entrance to the courthouse in a conspicuous location that has been approved by the chief judge of the circuit in which the courthouse is situated.

Patron - Herring

SB1296 Public uses; eminent domain. Defines the term "public uses" as embracing only the acquisition of property where (i) the land is taken for the possession, occupation and enjoyment by the public or a public corporation; (ii) the land is taken for construction, maintenance and operation of public facilities by public corporations or by private entities provided that there is a written agreement with a public corporation providing for the use of the facility by the public; (iii) the land is taken for the creation or functioning of a public service corporation, public service company, or railroad; (iv) the land is taken for the provision of utility services by a government utility corporation; (v) the land taken is blighted and is taken for the elimination of blight; and (vi) the property is taken in a redevelopment or conservation area that is abandoned or the acquisition is needed to clear title where one of the owners agrees to such acquisition. The bill also states that property can only be taken when the public interest dominates the private gain and the primary purpose is not private financial gain, private benefit, an increase in tax base or revenues, or an increase in employment, except if the property is taken for the creation or functioning of a public service corporation, public service company, or railroad, or for the provision of authorized utility services by a government utility corporation. The bill defines the terms "blighted property," "government utility corporation," "public corporation," and "public facilities." The bill also provides that a property owner may challenge that a taking is a pretext for an unauthorized use. A former property owner, or his successors, may also request to repurchase the taken property upon the completion or abandonment of the stated public use. The bill does not apply to the forfeiture of property in connection with criminal act or real property that is subject to a certificate of take or deposit recorded prior to July 1, 2007. The bill also does not affect the ability of a redevelopment and housing authority to acquire property under a plan adopted prior to January 1, 2007 until July 1, 2010. This bill incorporates SB 1304 and SB 1390. This bill is identical to SB 781 and HB 2954.

Patron - Norment

SB1375 State festival. Designates the Virginia Covered Bridge Festival held in Patrick County as the official covered bridge festival of the Commonwealth. This bill is identical to HB 3076.

Patron - Reynolds

Failed

HB1837 Official fruit. Designates the Ginger Gold Apple as the official fruit of Virginia.

Patron - Amundson

HB2629 Use of Matricula Consular cards. Declares that a Matricula Consular identification card shall not constitute evidence, and shall not be used in the Commonwealth by any individual as a means of establishing that the individual to whom such card was issued is a lawful resident of the Commonwealth or otherwise is an individual whose presence in the Commonwealth is in compliance with the laws of the United States.

Patron - Reid

HB2662 State Song. Designates "Virginia, Ever Enshrined" as the state song of the Commonwealth.

Patron - Marsden

HB2797 Constitutional right to enjoyment of life. Provides that "the right to enjoyment of life" guaranteed by Article 1, § 1 of the Constitution of Virginia is vested in each

born and preborn human being from the moment of fertilization.

Patron - Marshall, R.G.

HB2914 State song. Designates "Cradle of Liberty," by Thomas L. DeBusk, as the official state song.

Patron - Bowling

HB3185 State Song. Designates "Virginia" as the state song of the Commonwealth.

Patron - Crockett-Stark

SB779 Official fruit. Designates the apple as the official fruit of Virginia.

Patron - Puller

Guardian and Ward

Passed

HB2831 Transfers to minors act; custodial trusts. The bill enables the custodian of a trust benefiting a minor to transfer property, after the minor has reached age 21, to a qualified minor's trust. Such a transfer has the effect of terminating the custodianship to the extent of the property transferred.

Patron - Gilbert

Failed

HB2741 Guardians and conservators; use of real estate professionals. Provides that guardians and conservators of the estates of incapacitated persons or minors shall use a real estate professional licensed under Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1 to conduct any sale of real estate in connection with the management of the estates.

Patron - Englin

Health

Passed

HB1630 Certain certificates of public need for nursing facility or extended care services. Adjusts the previously amended certificate of public need authorization for three continuing care facilities that are established for the care of retired military personnel and their spouses or widows or widowers to extend the deadline for discontinuing the admission of private-pay patients who are not contract holders from July 1, 2008, to July 1, 2013, if the facility's contract holder occupancy rate is less than 85%.

Patron - Poisson

HB1690 Worksite health promotion grants program. Repeals § 32.1-11.4, relating to the worksite health promotion grants program. This bill is a recommendation of the Virginia Code Commission.

Patron - Landes

HB1691 Transition to elimination of medical care facilities certificate of public need. Repeals § 32.1-102.13, relating to the transition to elimination of medical care facili-

ties certificate of public need. This bill is a recommendation of the Virginia Code Commission.

Patron - Landes

HB1949 Onsite Sewage Indemnification Fund; increased indemnification claim time. Requires that the Commissioner shall, at the end of each fiscal year, certify that no expenses were paid from the Fund to support the program for training and recognition of authorized onsite soil evaluators in lieu of payment to any owner or owners qualified to receive payment from the Fund.

Patron - Morgan

HB1965 Assisted living facilities; certain hospices exempt. Defines "hospice facility." Exempts hospice facilities with 16 or fewer beds from Certificate of Public Need laws and regulations. Provides that hospice facilities shall be licensed by the Department of Health and that regulations promulgated by the Board shall include standards for the care, treatment, health, safety, welfare and comfort of patients and their families served by the program. Eliminates existing provisions authorizing an entity licensed as a hospice to concurrently hold a license to operate as an assisted living facility and authorizing an entity licensed as an assisted living facility to concurrently hold a license as a hospice.

Patron - O'Bannon

HB1992 Certificate of public need; relocation of nursing home beds. Authorizes issuance of certificates of public need for the relocation of nursing home beds under certain circumstances, but also provides an exception to regulation pursuant to § 32.1-102.1.

Patron - Wittman

HB2035 Required vaccinations; adds human papillomavirus vaccine. Requires females to receive three properly spaced doses of human papillomavirus (HPV) vaccine. The first dose shall be administered before the child enters the sixth grade. After having reviewed materials describing the link between the human papillomavirus and cervical cancer approved for such use by the Board of Health, a parent or guardian may elect for his daughter not to receive this vaccine. This bill contains a delayed effective date of October 1, 2008. This bill incorporates HB 1914 and is identical to SB 1230.

Patron - Hamilton

HB2102 Prohibition on construction of private wells. Prohibits the construction of private wells within 50 feet of the property line adjacent to agricultural property unless the owner of the adjacent property grants written permission for construction within 50 feet of the property line or the owner of the property provides certification that no other site on the property complies with the Board's regulations for the construction of a private well. Requires the Department of Health to accept private site evaluations and designs by a licensed professional engineer in consultation with an authorized onsite soil evaluator or by an authorized onsite soil evaluator. Requires the Department to obtain written affirmation from the applicant that a well construction site is in compliance with the provisions of this bill before issuing a permit.

Patron - Orrock

HB2161 Statewide emergency medical care system. Adds provisions for additional performance improvement measures. Adds requirement that the statewide Trauma Triage Plan be updated triennially.

Patron - O'Bannon

HB2210 Investigation of deaths; medical examiner fee. Clarifies that the county or city of which the deceased

was a legal resident shall be responsible for the medical examiner fee up to \$20.

Patron - O'Bannon

HB2211 Virginia Emergency Medical Services (EMS) Registry and Virginia Statewide Trauma Registry. Creates the Virginia EMS Registry within the Emergency Medical Services Patient Care Information System to collect data previously collected by the prehospital patient care reporting procedure. Creates the Virginia Statewide Trauma Registry within the Emergency Medical Services Patient Care Information System to collect information on trauma injuries in the Commonwealth.

Patron - O'Bannon

HB2218 Donations of food to charitable organizations; deemed exempt from food service regulations. Exempts charitable organizations that engage in food distribution to the needy from state and local regulations and ordinances that govern food service and preparation. Includes nonprofit homeless shelters and hunger prevention programs under the definition of "charitable organizations" for purposes of the exemption. Permits the Board of Health to issue advisory standards for food preparation, handling, protection, and preservation. The bill contains an emergency clause and will take effect upon passage. This bill incorporates HB 2258 and is identical to SB 806.

Patron - Amundson

HB2290 Certified Nursing Facility Education Initiative; use of funds. Requires the Director of the Department of Medical Assistance Services to establish a Nursing Facility Quality Improvement Program. This program shall replace the role of nonprofit organizations in using civil monetary penalty funds collected by the Department to improve the health, safety, and welfare of residents in nursing facilities. Requires that the Director shall provide a strategic plan and progress report to the Governor and the Chairmen of the House Committees on Health, Welfare and Institutions, and Appropriations; the Senate Committees on Education and Health, and Finance; and the Joint Commission on Health Care no later than October 1, 2007.

Patron - Watts

HB2299 FAMIS Program; reporting requirements. Eliminates the requirement that the Department of Medical Assistance Services provide quarterly reports on Family Access to Medical Insurance Security Plan enrollment, policies affecting enrollment, outreach efforts, and other topics.

Patron - Brink

HB2345 Sex offender registry; nursing homes and assisted living facilities. Requires nursing homes, certified nursing facilities, and assisted living facilities to register with the Department of State Police to receive automatic notification of the registration of sex offenders within the same or a contiguous zip code area as the home or facility. The bill also requires such entities to ascertain, before admission, whether a potential admittee is a registered sex offender if it is anticipated that the admittee will stay for more than three days or if the admittee does in fact stay for more than three days. This bill is identical to SB 1229.

Patron - Bell

HB2346 Sex offender registry notification; nursing homes and assisted living facilities. Requires nursing homes and assisted living facilities, at the time a resident is admitted and during his stay, to provide the resident with notice of Virginia's sex offender registry, and how to access the registry on the State Police's website. The language is simi-

lar to the requirement in the Virginia Residential Property Disclosure Act. This bill is identical to SB 1228.

Patron - Bell

HB2366 Water systems; chronically noncompliant systems. Defines "chronically noncompliant waterworks." Authorizes localities to acquire chronically noncompliant waterworks. Requires the Board of Health to promulgate regulations for the implementation of a program to (i) identify chronically noncompliant water systems and (ii) create mechanisms or enforcement options for eliminating underperforming systems. This bill is identical to SB 998.

Patron - Scott, E.T.

HB2367 Health care data reporting; repeals sunset. Repeals the July 1, 2008, sunset provision on health care data reporting. This bill is identical to SB 1112.

Patron - Hamilton

HB2378 Health Commissioner; goals of licensure. Requires the Commissioner to ensure, in the licensure of health care facilities, that quality of care, patient safety, and patient privacy are the overriding goals of such licensure and related enforcement efforts, to coordinate with the Department of Health's emergency preparedness and response efforts, and to ensure that prevention of disease and protection of public health remain the Department's overriding goals. This bill is identical to SB 1240.

Patron - Hamilton

HB2393 Medical Examiner's reports and findings. Requires that all Medical Examiner's reports shall be confidential and not available for discovery except as provided and creates additional exceptions for reports concerning the death of a prisoner committed to the custody of any local correctional facility. The bill also eliminates allowance for any form of disclosure other than aggregate or statistical form of disclosure.

Patron - Nixon

HB2520 Health records privacy; exceptions. Creates an exception to an individual's right of privacy in the content of his health records so that health care entities may disclose records to law-enforcement officers for the purpose of identifying or locating a suspect, fugitive, person required to register with the Sex Offender and Crimes Against Minors Registry, material witness, or missing person. Specifies the type of information that may be disclosed.

Patron - Iaquinto

HB2523 Child Fatality Review Team to obtain presentence reports. Authorizes the Chief Medical Examiner to obtain and review presentence reports of any person convicted of a crime that led to the death of a child investigated by the Child Fatality Review Team.

Patron - Iaquinto

HB2546 Definition of projects that require certificate of public need. Increases the amount of a capital expenditure not subject to the certificate of public need requirements from \$5 million to \$15 million. Also requires annual revision of this amount to reflect inflation beginning July 1, 2008.

Patron - Hogan

HB2567 Human research review committees; publication of results. Provides that each human research review committee of an institution or agency shall ensure that the approved human research projects and the results of such projects are made public on the institution's or agency's web-

site unless otherwise exempt from disclosure under the Virginia Freedom of Information Act.

Patron - Shannon

HB2684 Revised Uniform Anatomical Gift Act (UAGA). Replaces current provisions in the Virginia Code with this Act, which was adopted, in substantial part, by the National Conference of Commissioners on Uniform State Laws (NCCUSL) in July of 2006. The original UAGA was promulgated by NCCUSL in 1968 and enacted by all states. In 1987, the UAGA was revised and updated, but only Virginia and 25 other states adopted that version. Since 1987, many states have adopted nonuniform amendments to their anatomical gift acts. This Act clarifies current law in Virginia, addresses the lack of uniformity among states, and brings the law into harmony with federal laws applicable to organ, tissue and eye donation. The revised Act addresses each step in the donation process and establishes rules of decision to resolve uncertainties and ambiguities that have arisen under prior versions of the UAGA. It ensures that if an individual wishes to make an anatomical gift or to refuse to make such a gift, those wishes will be respected without exception. It preserves the right of other persons to make an anatomical gift if the decedent did not make a gift during life, and clarifies how, to whom, and for what purpose, the gift may be made. The Act facilitates donation by expanding the list of persons who can make an anatomical gift and by establishing the priority and circumstances under which such persons may make a gift, including when they will be considered available to exercise their right to consent to, or refuse, an anatomical gift. There are numerous default rules for the interpretation of a document of gift that lacks specificity. The Act affirms that procurement organizations will have access to documents of gift in donor registries, medical records, and DMV records. It also provides that taking measures to preserve the viability of organs, tissues and eyes for their donative purpose is not inconsistent with a health-care directive requesting the withholding or withdrawal of life support systems. Other provisions address the relationship between the medical examiner and procurement organizations to ensure, to the maximum extent possible, that anatomical gifts are made from decedents under the jurisdiction of the medical examiner. The revised Act creates a new crime of falsification of a gift document and continues to prohibit the sale of bodies or body parts and increases the criminal penalty from a Class 6 to a Class 4 felony. This bill is identical to SB 918.

Patron - Frederick

HB2691 Environmental Health Education and Training Fund; civil penalties. Establishes the Environmental Health Education and Training Fund to support, train, educate, and recognize public- and private-sector individuals in all areas of environmental health. This bill directs the Board of Health to establish a schedule of civil penalties for violations of regulations governing onsite sewage systems, which shall be credited to the Fund. It also establishes a reinspection fee of \$250 for noncompliant onsite sewage systems, which fee shall be credited to the Fund.

Patron - Suit

HB2692 Onsite Sewage Indemnification Fund; limitations. Limits the amount that owners of permitted onsite sewage systems can receive from the fund to the cost of replacing the system or the costs of labor and equipment required to repair the system, with a total of not more than \$30,000. This bill also specifies the procedure for filing a claim and requires all claims to be filed within one year of the date the system or components thereof failed.

Patron - Suit

HB2730 Hospital regulations; authorized visitor designation for hospital visitation. Requires the Department of Health to establish regulations requiring each licensed hospital to include in its visitation policy a provision allowing each adult patient to receive visits from any individual from whom the patient desires to receive visits, subject to certain restrictions.

Patron - Englin

HB2845 Emergency preparedness; orders of isolation and quarantine. Makes several revisions to the procedures related to orders of quarantine and isolation. The bill also authorizes persons who are otherwise not authorized by law to administer or dispense all necessary drugs when the Governor has declared a disaster or a state of emergency and allows for electronic legal filings in order to protect the public from communicable diseases. The bill is identical to SB 1108.

Patron - O'Bannon

HB2969 Supervised training programs for medical students; prohibition of unauthorized pelvic exams. Prohibits students participating in a course of professional instruction or clinical training program from performing a pelvic examination on an anesthetized or unconscious female patient unless the patient or her authorized agent gives informed consent to such examination, the performance of such examination is within the scope of care ordered for the patient, or in the case of a patient incapable of giving informed consent, the examination is necessary for diagnosis or treatment of such patient.

Patron - Bell

HB3043 Health Commissioner; minority health. Requires the Commissioner to designate a senior staff member of the Department of Health, who shall be a licensed physician, to oversee minority health efforts of the Department.

Patron - Spruill

HB3111 Tobacco Settlement Foundation; securitization of payments. Authorizes the Governor to sell up to 10% of the revenues derived from the Master Settlement Agreement. Proceeds from the sale shall be deposited into the Tobacco Settlement Foundation Endowment.

Patron - Janis

HB3134 Onsite sewage systems; operation and maintenance program. Requires the Board of Health to establish a program for the operation and maintenance of alternative onsite sewage systems. Requires the owner of an alternative onsite sewage system to have the system operated by a licensed operator and visited by the operator as specified in the operation permit. Requires the Board to promulgate regulations to establish licensure requirements for operators of alternative onsite sewage systems. Establishes a statewide web-based reporting system to track the operation, monitoring, and maintenance requirements of each system, including its components, and requires reports on the results of site visits utilizing the web-based system. Creates a special fund to cover the costs of the program. Requires licensure, by the Board of Waterworks and Wastewater Works and Onsite Sewage System Professionals, of operators of alternative onsite sewage systems.

Patron - Morgan

HB3138 Department of Medical Assistance Services; third party payments. Conforms the Department of Medical Assistance Service's recovery of third party liability payments to the requirements of the federal Deficit Reduction Act of 2005.

Patron - Hall

HB3167 Lead poisoning prevention. Requires the Board of Health to promulgate regulations to require physicians to make available to parents information on the dangers of lead poisoning, along with a list of available resources, as part of regular well check visits for all children.

Patron - Ebbin

HB3183 Pregnant Women Support Act. Provides that, as a routine component of prenatal care, every licensed practitioner who renders prenatal care may provide information and support services to patients receiving a positive test diagnosis for Down Syndrome or other prenatally diagnosed conditions. This bill also creates the Virginia Pregnant Women Support Fund as a special nonreverting fund to be administered by the Board of Health to support women and families who are facing an unplanned pregnancy.

Patron - Armstrong

HB3188 Electronic payment of Medicaid providers. Requires the Department of Medical Assistance Services to utilize, to the extent practicable, electronic funds transfer technology for reimbursement to contractors and enrolled providers for the provision of health care services under Medicaid and FAMIS.

Patron - Sickles

SB740 Certain certificate of public need for nursing facility or extended care services. Adjusts the previously amended certificate of public need authorization for three continuing care facilities that are established for the care of retired military personnel and their spouses or widows or widowers to extend the deadline for discontinuing the admission of private-pay patients who are not contract holders from July 1, 2008, to July 1, 2013, if the facility's contract holder occupancy rate is less than 85%. This bill is identical to HB 1630.

Patron - Herring

SB806 Donations of food to charitable organizations; deemed exempt from food service regulations. Exempts charitable organizations that engage in food distribution to the needy from state and local regulations and ordinances that govern food service and preparation. Includes nonprofit homeless shelters and hunger prevention programs under the definition of "charitable organizations" for purposes of the exemption. Permits the Board of Health to issue advisory standards for food preparation, handling, protection, and preservation. The bill contains an emergency clause and will take effect upon passage. In addition, this bill incorporates SB 917 and SB 1125 and is identical to HB 2218.

Patron - Puller

SB918 Revised Uniform Anatomical Gift Act (UAGA). Replaces current provisions in the Virginia Code with this Act, which was adopted, in substantial part, by the National Conference of Commissioners on Uniform State Laws (NCCUSL) in July of 2006. The original UAGA was promulgated by NCCUSL in 1968 and enacted by all states. In 1987, the UAGA was revised and updated, but only Virginia and 25 other states adopted that version. Since 1987, many states have adopted nonuniform amendments to their anatomical gift acts. This Act clarifies current law in Virginia, addresses the lack of uniformity among states, and brings the law into harmony with federal laws applicable to organ, tissue and eye donation. The revised Act addresses each step in the donation process and establishes rules of decision to resolve uncertainties and ambiguities that have arisen under prior versions of the UAGA. It ensures that if an individual wishes to make an anatomical gift or to refuse to make such a gift, those wishes will be respected without exception. It preserves the

right of other persons to make an anatomical gift if the decedent did not make a gift during life, and clarifies how, to whom, and for what purpose, the gift may be made. The Act facilitates donation by expanding the list of persons who can make an anatomical gift and by establishing the priority and circumstances under which such persons may make a gift, including when they will be considered available to exercise their right to consent to, or refuse, an anatomical gift. There are numerous default rules for the interpretation of a document of gift that lacks specificity. The Act affirms that procurement organizations will have access to documents of gift in donor registries, medical records, and DMV records. It also provides that taking measures to preserve the viability of organs, tissues and eyes for their donative purpose is not inconsistent with a health-care directive requesting the withholding or withdrawal of life support systems. Other provisions address the relationship between the medical examiner and procurement organizations to ensure, to the maximum extent possible, that anatomical gifts are made from decedents under the jurisdiction of the medical examiner. The revised Act creates a new crime of falsification of a gift document and continues to prohibit the sale of bodies or body parts and increases the criminal penalty from a Class 6 to a Class 4 felony. This bill is identical to HB 2684.

Patron - Howell

SB998 Water systems; chronically noncompliant systems. Defines "chronically noncompliant waterworks" as a waterworks that is unable to provide pure water for any of several enumerated reasons. Requires the Board of Health to promulgate regulations for the implementation of a program to (i) identify chronically noncompliant waterworks and (ii) create mechanisms or enforcement options for eliminating underperforming systems. Provides that, out of such funds as may be appropriated, the Commissioner of Health, with the assistance of the Office of the Attorney General, is authorized to enter into contracts for (a) the design of a program for the identification of noncompliant waterworks and (b) the development of enforcement options to carry out the provisions of this act. This bill is identical to HB 2366.

Patron - Houck

SB1088 Pregnant Women Support Act. Requires that, as a routine component of prenatal care, every licensed practitioner who renders prenatal care shall provide information and support services to patients receiving a positive test diagnosis for Down Syndrome or other prenatally diagnosed conditions. This bill also creates the Virginia Pregnant Women Support Fund as a special nonreverting fund to be administered by the Board of Health to support women and families who are facing an unplanned pregnancy.

Patron - Puckett

SB1108 Emergency preparedness; orders of isolation and quarantine. Makes several revisions to the procedures related to orders of quarantine and isolation. The bill also authorizes persons who are otherwise not authorized by law to administer or dispense all necessary drugs when the Governor has declared a disaster or a state of emergency and allows for electronic legal filings in order to protect the public from communicable diseases. This bill is identical to HB 2845.

Patron - Wampler

SB1112 Health care data reporting; repeals sunset. Repeals the July 1, 2008, sunset provision on health care data reporting. This bill is identical to HB 2367.

Patron - Houck

SB1225 Health Commissioner; women's health. Requires the Health Commissioner to designate a senior offi-

cial of the Department, who shall be a licensed physician or nurse practitioner, to coordinate all women's health efforts in the Department.

Patron - Howell

SB1228 Sex offender registry notification; nursing homes and assisted living facilities. Requires nursing homes and assisted living facilities, at the time a resident is admitted and during his stay, to provide the resident with notice of Virginia's sex offender registry, and how to access the registry on the State Police's website. The language is similar to the requirement in the Virginia Residential Property Disclosure Act. This bill is identical to HB 2346.

Patron - Howell

SB1229 Sex offender registry; nursing homes and assisted living facilities. Requires nursing homes, certified nursing facilities, and assisted living facilities to register with the Department of State Police to receive automatic notification of the registration of sex offenders within the same or a contiguous zip code area as the home or facility. The bill also requires such entities to ascertain, before admission, whether a potential admittee is a registered sex offender if it is anticipated that the admittee will stay for more than three days or if the admittee does in fact stay for more than three days. This bill is identical to HB 2345.

Patron - Howell

SB1230 Required vaccinations; adds human papillomavirus vaccine. Requires females to receive three properly spaced doses of human papillomavirus (HPV) vaccine. The first dose shall be administered before the child enters the sixth grade. After having reviewed materials describing the link between the human papillomavirus and cervical cancer approved for such use by the Board of Health, a parent or guardian may elect for his daughter not to receive this vaccine. This bill contains a delayed effective date of October 1, 2008. This bill is identical to HB 2035.

Patron - Howell

SB1240 Health Commissioner; goals of licensure. Requires the Commissioner to ensure, in the licensure of health care facilities, that quality of care, patient safety, and patient privacy are the overriding goals of such licensure and related enforcement efforts, to coordinate with the Department of Health's emergency preparedness and response efforts, and to ensure that prevention of disease and protection of public health remain the Department's overriding goals. This bill is identical to HB 2378.

Patron - Quayle

SB1270 Sewage disposal; certification of certain workers. Grants the Board of Health supervision and control over the maintenance, inspection and reuse of alternative onsite sewage systems. Requires the Board of Health to promulgate regulations governing the maintenance, inspection and use of alternative onsite sewage systems and the requirements for maintaining alternative onsite sewage systems. Re-establishes the Board for Waterworks and Wastewater Works Operators as the Board for Waterworks and Wastewater Works Operators and Onsite Sewage Systems Professionals, and expands the membership of the Board from seven to 11 members. Requires the Board to establish a program for licensing individuals as onsite soil evaluators, onsite sewage system installers, and onsite sewage system operators and to, in consultation with the Board of Health, adopt regulations for the licensure of certification of onsite soil evaluators, installers of alternative onsite sewage systems, and operators of alternative onsite sewage systems.

Patron - Herring

Failed

FHB1743 Disease prevention and control; Lyme disease. Adds Lyme disease to the list of diseases required to be reported to the Department of Health.

Patron - Marshall, R.G.

FHB1768 Stem cell research authorized; requirements. Authorizes stem cell research involving the derivation and use of human embryonic stem cells, human embryonic germ cells, and human adult stem cells from any source if approved by the Stem Cell Research Oversight Committee. Requires each institution to establish a Stem Cell Research Oversight Committee specifically for the purpose of evaluating and approving such proposals and projects. Additionally, the bill requires that for embryonic stem cells to be eligible for research in the Commonwealth they must meet each of the following requirements: (i) the stem cells must have been donated from in vitro fertilization clinics and must have been created for the purposes of fertility treatment; (ii) the stem cells must have been in excess of the needs of the individuals seeking such treatment and would otherwise be discarded (as determined in consultation with the individuals seeking fertility treatment); and (iii) the stem cells must have been donated by such individuals with written informed consent and without any financial or other inducements.

Patron - Shuler

FHB1883 Licensure of abortion clinics. Requires all abortion clinics, defined as any facility other than a hospital or an ambulatory surgery center in which 25 or more first trimester abortions are performed in any 12-month period, to be licensed and to comply with the requirements currently in place for ambulatory surgery centers except the requirement for a certificate of public need. The Board of Health may also waive certain structural requirements.

Patron - Marshall, R.G.

FHB1914 Required vaccinations; adds human papillomavirus vaccine. Requires females to receive three properly spaced doses of human papillomavirus (HPV) vaccine. The first dose shall be administered on or after the child's eleventh birthday. After having reviewed materials describing the link between the human papillomavirus and cervical cancer approved for such use by the Board of Health, a parent or guardian may elect for his daughter not to receive this vaccine. This bill contains a delayed effective date of September 1, 2008. This bill was incorporated into HB 2035.

Patron - Ward

FHB1950 Professional engineering design of onsite treatment works. Requires the State Board of Health, the Commissioner of Health, and the Department of Health to accept private site evaluations and treatment works designs from licensed professional engineers. Establishes the procedure for submission and review of evaluations and designs.

Patron - Morgan

FHB1951 Traditional onsite sewage system; definition. Adds the definition of traditional onsite sewage system to Chapter 6 of Title 32.1.

Patron - Morgan

FHB1952 Virginia Indoor Clean Air Act; smoking in restaurants; civil penalties. Moves the law restricting smoking in buildings and other enclosed areas from the title relating to local government (15.2) to the title relating to health (32.1) and prohibits smoking indoors in most buildings or enclosed areas frequented by the public. Exceptions are pro-

vided for (i) private homes, private residences, and private automobiles, and home-based businesses, unless used in conjunction with a licensed child care, adult day care, or health care facility; (ii) certain private functions held in public facilities; (iii) hotel or motel rooms not clearly designated as "non-smoking" rooms that are offered for lease or rent to the public; (iv) specialty tobacco stores; and (v) tobacco manufacturers. Signs stating "Warning: Smoking Permitted" must be posted by the proprietor of any exempt building or area when smoking is allowed. Any person who continues to smoke in an area in which smoking is prohibited will be subject to a civil penalty of not more than \$100 for the first offense, and \$250 for subsequent offenses. Failure to comply with the smoking restrictions will subject proprietors to a \$200 civil penalty for the first offense and \$500 for subsequent offenses.

Patron - Morgan

HB2005 Virginia Indoor Clean Air Act; smoking in restaurants; civil penalties. Moves the law restricting smoking in buildings and other enclosed areas from the title relating to local government (15.2) to the title relating to health (32.1) and prohibits smoking indoors in most buildings or enclosed areas frequented by the public. Exceptions are provided for (i) private homes, private residences, and private automobiles, and home-based businesses, unless used in conjunction with a licensed child care, adult day care, or health care facility; (ii) certain private functions held in public facilities; (iii) hotel or motel rooms not clearly designated as "non-smoking" rooms that are offered for lease or rent to the public; (iv) specialty tobacco stores; and (v) tobacco manufacturers. Signs stating "Warning: Smoking Permitted" must be posted by the proprietor of any exempt building or area when smoking is allowed. Any person who continues to smoke in an area in which smoking is prohibited will be subject to a civil penalty of not more than \$100 for the first offense, and \$250 for subsequent offenses. Failure to comply with the smoking restrictions will subject proprietors to a \$200 civil penalty for the first offense and \$500 for subsequent offenses.

Patron - Callahan

HB2038 State medical assistance plan; DMAS to contract with DMHMRSAS for mental health services. Creates a carve-out from the state medical assistance plan and requires DMAS to contract directly with DMHMRSAS for the provision of mental health services in underserved areas, as defined by the State Board of Health.

Patron - Hamilton

HB2045 Health professions; authority to send laboratory results directly to patient. Allows any doctor of medicine, osteopathy, chiropractic, podiatry, dentistry, optometry, or any licensed nurse practitioner as authorized pursuant to his practice protocol or licensed physicians assistant acting under the supervision of a licensed physician who orders a laboratory test of any person to request, in writing, that a copy of the report of the results of the test be provided by the laboratory directly to the subject of the test. The subject of the test shall then be considered authorized to receive the report for the purposes of the federal Clinical Laboratory Improvement Amendments. This bill was incorporated into HB 3061.

Patron - McQuigg

HB2123 Fertility treatments; disclosure required of egg donors. Requires physicians to disclose to any woman donating ova for use by another person all known risks of such donation, including (i) risks associated with the administration of ovulation stimulation drugs and (ii) risks associated with the harvesting of the ova. Also prohibits the anonymous donation of gametes for use in the treatment of infertility.

Patron - Marshall, R.G.

HB2155 Certificate of Public Need. Eliminates regional health planning agencies from the Certificate of Public Need (COPN) review process; exempts all equipment valued at less than \$500,000 from the requirement of a COPN; increases the review threshold for capital expenditures; streamlines the approval process by increasing the number of facilities and services for which the Commissioner may issue COPNs in response to a request for applications only; creates a reporting requirement in § 32.1-102.4, requiring facilities holding a certificate to report specified information related to patient and charity care volumes, expenditures, and revenues and establishes penalties for failure to report; allows the Department to refuse to accept an application that is not complete for a current review cycle; and makes other changes to streamline the COPN review and approval process.

Patron - O'Bannon

HB2158 Adult Fatality Review Team; duties; membership; confidentiality; penalties; report; etc. Requires the Commissioner of the Department of Health and the Chief Medical Examiner to develop an Adult Fatality Review Team (Team) to review suspicious deaths of adults in order to create a body of information to help prevent similar fatalities. The Team is charged with reviewing the death of any incapacitated adult of age 18 or older, and any adult of age 60 or older (i) who was the subject of an adult protective services investigation, or (ii) whose death was due to abuse or neglect or acts that suggest abuse or neglect, or (iii) whose death came under the jurisdiction of the Office of the Chief Medical Examiner pursuant to § 32.1-283. The bill sets forth duties, membership, confidentiality, reporting, and other requirements for the Team. The bill also exempts any information acquired during a review from the Virginia Freedom of Information Act.

Patron - O'Bannon

HB2245 Virginia Indoor Clean Air Act; smoking in restaurants; civil penalties. Moves the law restricting smoking in buildings and other enclosed areas from the title relating to local government (15.2) to the title relating to health (32.1) and prohibits smoking indoors in most buildings or enclosed areas frequented by the public. Exceptions are provided for (i) private homes, private residences, and private automobiles, and home-based businesses, unless used in conjunction with a licensed child care, adult day care, or health care facility; (ii) certain private functions held in public facilities; (iii) hotel or motel rooms not clearly designated as "non-smoking" rooms that are offered for lease or rent to the public; (iv) specialty tobacco stores; and (v) tobacco manufacturers. Signs stating "Warning: Smoking Permitted" must be posted by the proprietor of any exempt building or area when smoking is allowed. Any person who continues to smoke in an area in which smoking is prohibited will be subject to a civil penalty of not more than \$100 for the first offense, and \$250 for subsequent offenses. Failure to comply with the smoking restrictions will subject proprietors to a \$200 civil penalty for the first offense and \$500 for subsequent offenses.

Patron - Howell, A.T.

HB2256 Christopher Reeve Stem Cell Research Fund; human embryonic stem cells. Allows the Fund to be used for research involving human embryonic stem cells.

Patron - Waddell

HB2258 Donations of food to charitable causes; exception to food services regulations. Exempts charitable organizations that engage in food distribution to the needy from both state and local food handling and preparation regulations with respect to requirements for commercial-grade kitchens and equipment. Includes nonprofit homeless shelters,

homeless and hunger prevention programs, and any volunteer who prepares food for such organizations under the definition of "charitable organizations" for purposes of this exception. This bill will take effect at the time of its passage due to the nature of its subject. This bill was incorporated into HB 2218.

Patron - Rust

HB2274 Certificate of public need; deregulation of health care facilities. Establishes a three-phase, three year plan for the repeal of the certificate of public need (COPN) program. Requires that providers of services COPN-deregulated services shall comply with licensure requirements promulgated and administered by the Board of Health, consistent with appropriate existing, nationally recognized accreditation standards and shall report claims data, certain quality outcome information for selected high risk procedures, and annual financial information on indigent care. Calls for studies of the effects of the deregulation and various related health care issues at each phase of the deregulation.

Patron - Purkey

HB2276 Certificate of public need. Establishes a two part review process for contested and uncontested applications; reduces review period for contested applications to 90 days and uncontested applications to 60 days. Reduces fees for certificates of public need to a maximum of \$10,000 for contested applications and \$5,000 for uncontested applications. Establishes requirement that final and complete certificate of public need applications may be no more than 20 pages in length. Applies provisions concerning personal interests in transactions to members of regional health planning agencies and requires members of regional health planning agencies to file personal disclosure statements.

Patron - Purkey

HB2277 Certificates of Public Need. Eliminates regional health planning agencies from the Certificate of Public Need review process.

Patron - Purkey

HB2583 Health records; surgical complications reporting. Requires physicians to report complications resulting from elective outpatient surgical procedures. The report shall not contain any identifying information. Willful failure to report shall constitute a Class 1 misdemeanor.

Patron - Janis

HB2607 Regulations; nursing home staffing standards. Requires the Board of Health to establish staffing standards in nursing homes regarding minimum hours of direct care services to include mandatory reporting of direct care service hours to the Department beginning July 1, 2009, and an increased minimum requirement by July 1, 2012. Provides that nursing homes which do not meet the new standards by July 1, 2014, shall not accept new patients. Requires the Board to adopt regulations to define direct care services and set procedures for quarterly reporting.

Patron - Watts

HB2689 Virginia Indoor Clean Air Act; smoking in restaurants; civil penalties. Moves the law restricting smoking in buildings and other enclosed areas from the title relating to local government (15.2) to the title relating to health (32.1) and prohibits smoking indoors in most buildings or enclosed areas frequented by the public. Exceptions are provided for (i) private homes, private residences, and private automobiles, and home-based businesses, unless used in conjunction with a licensed child care, adult day care, or health care facility; (ii) certain private functions held in public facilities; (iii) hotel or motel rooms not clearly designated as "non-

smoking" rooms that are offered for lease or rent to the public; (iv) specialty tobacco stores; and (v) tobacco manufacturers. Signs stating "Warning: Smoking Permitted" must be posted by the proprietor of any exempt building or area when smoking is allowed. Any person who continues to smoke in an area in which smoking is prohibited will be subject to a civil penalty of not more than \$100 for the first offense, and \$250 for subsequent offenses. Failure to comply with the smoking restrictions will subject proprietors to a \$200 civil penalty for the first offense and \$500 for subsequent offenses.

Patron - Oder

HB2717 Acknowledgments of paternity; certified copies. Provides that the State Registrar of vital records shall provide certified copies of sworn statements or acknowledgments of paternity filed pursuant to § 20-49.1, 32-257, or 63.2-1914 upon the request of either party who executed the statement or acknowledgment or upon the request of the appropriate local Department of Social Services if it is providing services to the child who is the subject of the statement or acknowledgment.

Patron - Barlow

HB2722 Medical assistance services; burial expenses disregard. Increases the disregard from countable resources when calculating Medicaid eligibility from \$3,500 to \$5,000. This bill was incorporated into HB 1953.

Patron - Nixon

HB2801 Land application of sewage sludge. Requires that the local government certify as part of the state permit application to land apply sewage sludge that the site of the proposed spreading of sewage sludge is in compliance with all local ordinances. The bill also gives localities the authority to adopt an ordinance that reasonably restricts the land application of sewage sludge to certain areas or parcels based on public health, welfare, or safety criteria. The Department of Environmental Quality or the Department of Health permit application filled out by the person applying the sewage sludge is not considered complete until there is such local certification.

Patron - Byron

HB2815 Commonwealth to purchase lowest cost appropriate medical products and services. Requires the Commonwealth to purchase the lowest cost appropriate medical products and services available, including reprocessed devices.

Patron - Sickles

HB2820 Virginia Biotechnology Company Seed and Early-Stage Investment Fund. Creates a seed and early-stage investment fund for Virginia biotechnology companies. Moneys in the Fund come from appropriations, gifts, grants and donations. It will be administered by the Virginia Biotechnology Research Partnership Authority for early-stage biotech companies. The maximum amount awarded to any company shall not exceed \$500,000 per year.

Patron - Sickles

HB2843 Health professions; authority to send laboratory results directly to patient. Allows a licensed physician who orders a laboratory test or other examination of the physical or mental condition of any person to request, in writing, that a copy of the report of the results of the test or examination be provided by the person conducting the test or examination directly to the subject of the test or examination. The subject of the test or examination shall then be considered authorized to receive the report or result for the purposes of the

federal Clinical Laboratory Improvement Amendments. This bill was incorporated into HB 3061.

Patron - Hall

HB2857 Stem cell research authorized; requirements. Authorizes stem cell research involving the derivation and use of human embryonic stem cells, human embryonic germ cells, and human adult stem cells from any source if approved by the Stem Cell Research Oversight Committee. Requires each institution to utilize a Stem Cell Research Oversight Committee specifically for the purpose of evaluating and approving such proposals and projects. Additionally, the bill requires that for embryonic stem cells to be eligible for research in the Commonwealth they must meet each of the following requirements: (i) the stem cells must have been donated from in vitro fertilization clinics and must have been created for the purposes of fertility treatment; (ii) the stem cells must have been in excess of the needs of the individuals seeking such treatment and would otherwise be discarded (as determined in consultation with the individuals seeking fertility treatment); and (iii) the stem cells must have been donated by such individuals with written informed consent and without any financial or other inducements. This bill was incorporated into HB 1768.

Patron - Moran

HB2937 Eligibility of certain aliens for state and local public benefits. Provides that no state or local funds shall be awarded or otherwise disbursed to any organization when the award or disbursement is made with the intent of circumventing the provisions of this section by enabling such organization to provide the type of benefits or assistance to persons who are otherwise ineligible. Further provides that no organization receiving state or local funds shall use the funds to provide the type of benefits or assistance to persons who are otherwise ineligible for them.

Patron - Miller, J.H.

HB3080 Investigation of deaths by medical examiner. Specifies that a medical examiner shall make an in-person investigation on the scene or at the morgue into the cause and manner of death.

Patron - Bell

HB3136 Land application of sewage sludge. Prohibits the land application of sewage sludge beginning January 1, 2008, unless the sewage sludge is applied in the same locality in which it is generated. The departments that have oversight of the spreading of sewage sludge, the Health Department and the Department of Environmental Quality, are required to certify that the sewage sludge is being applied in a manner that protects human health and the environment, and the Department of Conservation and Recreation is to certify that the nutrient management plan for applying the sewage sludge protects water quality.

Patron - Abbitt

HB3156 Plan for provision of medical assistance services; intensity based modulated radiation therapy (IMRT). Requires the state plan to include provision for payment of medical assistance for IMRT to treat certain cancers and tumors under specified circumstances.

Patron - Wittman

HB3166 Adult Fatality Review Team; duties; membership; confidentiality; penalties; report; etc. Requires the Commissioner of the Department of Health and the Chief Medical Examiner to develop an Adult Fatality Review Team (Team) to review suspicious deaths of adults in order to create a body of information to help prevent similar

fatalities. The Team is charged with reviewing the death of any incapacitated adult age 18 or older, and any adult age 60 or older (i) who was the subject of an adult protective services investigation or (ii) whose death was due to abuse or neglect or acts that suggest abuse or neglect or (iii) whose death came under the jurisdiction of the Office of the Chief Medical Examiner pursuant to § 32.1-283. The bill sets forth duties, membership, confidentiality, reporting, and other requirements for the Team. The bill also exempts any information acquired during a review from the Virginia Freedom of Information Act.

Patron - Ebbin

HB3170 Sewage sludge applications. Requires a person seeking permits to apply sewage sludge to land to identify the specific sites where it will be applied. The bill also institutes a \$5,000 Health Department permit fee if an existing permit is amended to include additional acreage that is (i) greater than the acreage in the original permit and (ii) not contiguous to the sites identified in the original permit. Similarly, for permits issued by the Department of Environmental Quality, the addition of acreage greater than the acreage in the original permit would require an amendment to the permit and would be considered a major modification. As a major modification to the permit, the fee would be 50% of the fee charged for the original permit. This bill was incorporated into HB 2802.

Patron - Cline

SB839 Vital records; issuance of social security numbers. Requires the use of the Social Security Administration's Enumeration at Birth Program for the issuance of a social security number in conjunction with all live births occurring in the Commonwealth.

Patron - Devolites Davis

SB958 Emergency service providers; advanced life support procedures. Requires the Board of Health to promulgate regulations to allow certified advanced life support providers, in emergency situations where a second emergency provider who is at least a certified emergency medical technician is not available, to perform advanced life support procedures with whatever support may be available. In such situations, the certified advanced life support provider shall not be held liable, provided his actions are otherwise in compliance with all applicable laws and regulations.

Patron - Quayle

SB995 Medicaid eligibility; young adults transitioning from foster care. Requires the Department of Medical Assistance Services to amend the state plan to provide for the payment of medical assistance, pursuant to The Foster Care Independence Act of 1999, for any individual who (i) was receiving foster care services on his eighteenth birthday, (ii) continues to receive independent living services pursuant to § 63.2-905.1, and (iii) has not yet reached his twenty-first birthday. Such individuals shall not be subject to Medicaid income limits. This bill is dependent upon an appropriation of general funds in the 2007 General Assembly session.

Patron - Blevins

SB1161 Virginia Smoke Free Air Act; smoking in restaurants; civil penalties. Moves the law restricting smoking in buildings and other enclosed areas from the title relating to local government (15.2) to the title relating to health (32.1) and prohibits smoking indoors in most buildings or enclosed areas frequented by the public. Exceptions are provided for (i) private homes, private residences, and private automobiles, and home-based businesses, unless used in conjunction with a licensed child care, adult day care, or health care facility; (ii) certain private functions held in public facilities; (iii) hotel or

motel rooms not clearly designated as "nonsmoking" rooms that are offered for lease or rent to the public; (iv) specialty tobacco stores; and (v) tobacco manufacturers. Signs stating "Warning: Smoking Permitted" must be posted by the proprietor of any exempt building or area when smoking is allowed. Any person who continues to smoke in an area in which smoking is prohibited will be subject to a civil penalty of not more than \$100 for the first offense, and \$250 for subsequent offenses. Failure to comply with the smoking restrictions will subject proprietors to a \$200 civil penalty for the first offense and \$500 for subsequent offenses.

Patron - Bell

FSB1210 National criminal records background check to prevent sex offender access to children and others; costs and penalties. Provides that any business or organization required to conduct a national criminal background check also must bear the costs, unless it recoups such costs from the applicant. Assesses a civil penalty of up to \$500 for knowing, willful failure to comply with background check requirements and may impose additional statutory measures to revoke the licensure of facilities or other entities.

Patron - Hanger

FSB1325 Medical assistance services; medically needy. Requires the state plan for medical assistance services to include a provision for payment of medical assistance for aged and disabled individuals with incomes up to 100% of the federal poverty guideline as permitted by federal law. An enactment clause provides that the provisions of this act will not become effective unless an appropriation of general funds to carry out its purposes is included in a 2007 general appropriation act.

Patron - Reynolds

FSB1423 Mobile camps for railroad employees. Establishes standards for a mobile camp provided by a railroad company for maintenance of way employees. The Board of Health is required to adopt regulations concerning mobile camps.

Patron - Lucas

Highways, Bridges and Ferries

Passed

PHB1685 Primary system highway construction funds. Allows the Commonwealth Transportation Board to allocate primary system highway construction funds to highway construction projects maintained or to be maintained by municipalities, provided such construction projects involve components of the National Highway System and the funds are derived from allocations to the highway construction district in which the project is located.

Patron - Toscano

PHB1722 Road to Revolution Heritage Trail. Establishes the Road to Revolution heritage trail to highlight and celebrate Patrick Henry's leading role in liberating Virginia from Colonial rule to independence.

Patron - Peace

PHB1746 Virginia Department of Rail and Public Transportation; inventory. Requires the Virginia Department of Rail and Public Transportation to compile and maintain an

up-to-date inventory of all railroad corridors in the Commonwealth abandoned after January 1, 1970.

Patron - Marshall, R.G.

PHB2105 Charles B. Morris Memorial Bridge. Designates the Interstate 77 bridge over U.S. Route 58 in Carroll County the "Charles B. Morris Memorial Bridge."

Patron - Carrico

PHB2128 Adjustment or relocation of billboard signs. Provides that the owner of a billboard situated on land acquired due to widening, construction, or reconstruction by purchase or by exercise of eminent domain may relocate the billboard to another location as close as practicable on the same property and may adjust the height or angle of the billboard.

Patron - Hugo

PHB2165 Monacan Parkway. Designates that portion of U.S. Route 29 between its intersection with U.S. Route 29 (business) in the Town of Amherst and its intersection with U.S. Route 460 in Campbell County the "Monacan Parkway."

Patron - Valentine

PHB2228 Powers of CTC; highway access management standards. Requires the Commonwealth Transportation Commissioner (CTC) to develop and implement comprehensive highway access management standards for managing access to and preserving and improving the efficient operation of the state systems of highways.

Patron - Wardrup

PHB2314 Tolls on Interstate Highway System components. 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 the Commonwealth, with the proceeds to be deposited into the Transportation Trust Fund and allocated by the Board.

Patron - Lingamfelter

PHB2538 Right of CTC to enter on land to ascertain its suitability for transportation purposes; damages. Revises the procedures according to which the Commonwealth Transportation Commissioner (CTC), through his duly authorized agents, may enter upon any land in the Commonwealth for the purposes of determining its suitability for highway and other transportation purposes.

Patron - Landes

PHB2540 Lance Corporal Jason Redifer Memorial Bridge. Designates the Virginia Route 608 bridge over Interstate Route 64 in Augusta County at Fishersville the "Lance Corporal Jason Redifer Memorial Bridge."

Patron - Landes

PHB2541 Lance Corporal Daniel Scott Resner Bubb Memorial Bridge. Designates the Virginia Route 256 bridge over Interstate Route 81 in Augusta County at Weyers Cave as the "Lance Corporal Daniel Scott Resner Bubb Memorial Bridge."

Patron - Landes

PHB2781 Transfer of highways, etc., by CTB to control of public access authorities. Allows the Commonwealth Transportation Board (CTB), upon the request of a public access authority, to transfer to the authority any and all rights and interests of the Board in highways, highway rights-

of-way, and landings without first abandoning or discontinuing them.

Patron - Morgan

HB2785 Allocation of highway funds; additional allocation to certain port cities. Provides that the Commonwealth Transportation Board, from funds appropriated for such purpose in the general appropriation act, is to allocate additional funds to the Cities of Newport News, Norfolk, and Portsmouth, and the County of Warren for use in addressing highway maintenance and repair needs created by or associated with port operations in those localities.

Patron - Joannou

HB2838 Biennial report by VDOT on maintaining and operating existing transportation infrastructure. Requires the Virginia Department of Transportation, no later than September 15 of each odd-numbered year, to submit to the Governor, the Joint Legislative Audit and Review Commission, and the Commonwealth Transportation Board a report on the condition and needs for maintaining and operating the existing transportation infrastructure in the Commonwealth for all asset management and maintenance, based on an asset management methodology.

Patron - Amundson

HB2854 Financial reports by VDOT and VDRPT. Requires the preparation and dissemination of additional financial information by the Virginia Department of Transportation (VDOT) and the Virginia Department of Rail and Public Transportation (VDRPT).

Patron - Moran

HB2951 Tolls on U.S. Route 17 in Chesapeake. Requires VDOT to impose and collect tolls for use of U.S. Route 17 in Chesapeake.

Patron - Cosgrove

HB3094 Virginia Coal Heritage Trail. Designates 95 highway segments in Southwest Virginia as the "Virginia Coal Heritage Trail" and declares them all to be Virginia byways.

Patron - Phillips

HB3202 Transportation funding and reform. Provides (i) statewide funding of transportation projects through current funds and additional funds, (ii) authority to localities in Northern Virginia and Hampton Roads to impose additional fees for transportation, and (iii) several administrative and efficiency reforms impacting transportation. The bill also authorizes the Commonwealth Transportation Board to issue bonds in an aggregate amount not to exceed \$2.5 billion for statewide transportation funding with the debt service on such bonds to be paid from a portion of the annual revenues from the state recordation tax.

Patron - Howell, W.J.

SB829 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 - Devolites Davis

SB887 Primary system highway construction funds. Allows the Commonwealth Transportation Board to allocate primary system highway construction funds to highway construction projects maintained or to be maintained by

municipalities, provided such construction projects involve components of the National Highway System and the funds are derived from allocations to the highway construction district in which the project is located.

Patron - Deeds

SB1059 Allocation of construction funds within the secondary system. Provides that in counties having elected to manage the construction program for the secondary system, payments may be made in equal amounts, one in each quarter of the fiscal year. The bill also states that the amount shall be reduced by the amount of federal-aid construction funds credited to each county and by the amount of funds forecast to be expended for any construction project or any other financial obligations. In addition, the chief administrative officer of such counties shall make annual reports of expenditures to the Department of Transportation.

Patron - Watkins

SB1092 American Former Prisoners of War Memorial Highway. Designates the portion of U.S. Route 19 in Russell County between Virginia Route 80 at Rosedale and the Russell/Tazewell County boundary the "American Former Prisoners of War Memorial Highway."

Patron - Puckett

SB1128 Biennial report by VDOT on maintaining and operating existing transportation infrastructure. Requires the Virginia Department of Transportation, no later than September 15 of each odd-numbered year, to submit to the Governor, the Joint Legislative Audit and Review Commission, and the Commonwealth Transportation Board a report on the condition and needs for maintaining and operating the existing transportation infrastructure in the Commonwealth for all asset management and maintenance, based on an asset management methodology.

Patron - Norment

SB1181 Taking subdivision streets into state secondary highway system. Allows local governing bodies of any counties that have not withdrawn from the state secondary highway system to request the Commonwealth Transportation Board, by resolution, to take any new subdivision street into the state secondary highway system for maintenance if such subdivision street has been developed and constructed in accordance with the Board's subdivision street requirements. Only those subdivision streets constructed in compliance with the Board's subdivision street requirements are to be taken into the state secondary highway system for maintenance. The Board is further required to promulgate regulations establishing such subdivision street requirements. Regulations initially promulgated by the Board are to be exempt from provisions of the Administrative Process Act, but this exemption does not apply to subsequent regulations or amendments thereto.

Patron - Williams

SB1194 Contracts awarded by the Commonwealth Transportation Board or the Commissioner; submission of claims. Changes the claim submission time for contractors from the date of notification of the Department's final estimate to the date of the final estimate itself, which shall be set forth in a certified letter from the Department. Also provides that the written claim must be delivered to the Department.

Patron - Reynolds

SB1200 Local highway improvement projects; VDOT fees. Limits fees charged by VDOT for review of local

highway improvement applications, plans, and plats to no more than \$1,000 for each review.

Patron - Houck

SB1312 Powers of CTC; highway access management standards. Requires the Commonwealth Transportation Commissioner (CTC) to develop and implement comprehensive highway access management standards for managing access to and preserving and improving the efficient operation of the state systems of highways.

Patron - Hawkins

SB1370 Trooper Ricky Marshall McCoy Memorial Bridge. Designates the Virginia Route 635 bridge over Interstate Route 81 in the City of Salem the "Trooper Ricky Marshall McCoy Memorial Bridge."

Patron - Bell

Failed

HB1666 Statewide transportation impact fees. Provides that the Commonwealth Transportation Board shall 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 has become, or which is to become, part of the primary system of state highways. Such impact fees shall be used to pay all or a part of the cost of reasonable road improvements that are (i) attributable in substantial part to the new development or new subdivision and (ii) necessary to render that access road which has become, or which is to become, part of the primary system of state highways operable at the Level of Service, as that term is described in the Highway Capacity Manual, that existed as of January 1, 2007.

Patron - Marshall, R.G.

HB1667 Impact fees for Loudoun County. Provides that the Commonwealth Transportation Board shall assess and impose reasonable impact fees to be collected by the Virginia Department of Transportation on new development or new subdivisions that abut, are adjacent to, or are alongside U.S. Route 50 in Loudoun County between U.S. Route 15 and the Fairfax County line. Such impact fees shall be used to pay all or a part of the cost of reasonable road improvements that are (i) attributable in substantial part to the new development or new subdivision and (ii) necessary to render such portion of U.S. Route 50 operable at the Level of Service, as that term is described in the Highway Capacity Manual, that existed as of January 1, 2007. No impact fees shall be assessed or imposed upon a development or subdivision if (a) the subdivider or developer has proffered conditions for off-site road improvements and the proffered conditions have been accepted by the local government or (b) Loudoun County has assessed and imposed impact fees upon such development or subdivision.

Patron - Marshall, R.G.

HB1668 Impact fees in Loudoun County. Provides that the Commonwealth Transportation Board shall assess and impose reasonable impact fees, to be collected by the Virginia Department of Transportation, on new development or new subdivisions that abut, are adjacent to, or are alongside U.S. Route 50 in Loudoun County between U.S. Route 15 and the Fairfax County line. Such impact fees shall be used to pay all or part of the cost of reasonable road improvements that are (i) attributable in substantial part to the new development or new subdivision and (ii) necessary to render such portion of U.S. Route 50 operable at the Level of Service, as that term is

described in the Highway Capacity Manual that existed as of January 1, 2007.

Patron - Marshall, R.G.

HB1675 Revenue-sharing funds for certain counties, cities, and towns. Provides that revenue-sharing funds may be used to construct, maintain, or improve a highway system located between two or more localities. The bill also removes certain language setting priorities for distribution of revenue-sharing funds: (i) the requirement that the governing body commit more than \$1 million in general funds and (ii) the requirement that the project be administered by the city, county, or town. In addition, the bill specifies that if proffers are accepted, they shall not be used to finance the activities or improvements for which the proffer was accepted and a permit issued but used to finance construction, maintenance, or improvement to highway systems within the locality under the revenue-sharing program. Lastly, the bill provides that the Commonwealth Transportation Board shall allocate \$50 million each fiscal year to satisfy all requests for matching funds under the revenue-sharing program.

Patron - Scott, E.T.

HB1700 Virginia Defense Facility and Transportation Improvement Fund and Program. Establishes the Virginia Defense Facility and Transportation Improvement Fund and Program. The Fund is to consist of \$36 million of annual collections of state recordation taxes. Its proceeds are to be allocated by the Commonwealth Transportation Board to highway construction districts wherein federal defense facilities or bases are expanded as the result of actions of the Base Realignment and Closure Commission, and are to be used for transportation infrastructure improvements. The bill requires that matching funds be provided by the locality or localities in which a project will be located as a prerequisite to allocations from the Fund. The provisions of the bill would expire on July 1, 2011.

Patron - Lingamfelter

HB1701 Primary and secondary highway construction funds allocations. Revises the formulas used to allocate primary and secondary highway construction funds so that such funds are allocated on the basis of population.

Patron - Lingamfelter

HB1716 Fees on trucks. Requires the Commonwealth Transportation Board to impose a fee on trucks and combination vehicles for use in maintaining state highways. The Board is to calculate, impose, and collect a fee for damage done to highways by certain vehicles. The amount of the fee is to be based on the difference between the amount received annually by the Commonwealth from the federal government for highway maintenance and the annual cost to the Commonwealth of repairing damage done to the highways of the Commonwealth by vehicles subject to the fee. The amount of the fee and the method of payment are to be determined by the Board. The fee is to be imposed on a vehicle-by-vehicle basis, and no vehicle upon which a fee is assessed is to be operated on any highway of the Commonwealth if the fee is not paid in full on or before the date upon which payment of the fee is due.

Patron - Marshall, R.G.

HB1718 Transportation Trust Fund; funding in connection with rezoning application; 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. The bill also provides that the Department of Transportation shall collect cash payments, in lieu of cash payments or prof-

fers accepted by a locality, in an amount equal to that which a locality could accept pursuant to its ability to accept proffers if the inadequacy of the existing and future transportation network that would serve the proposed development, as determined by such locality, gives rise to the need for such cash payments or proffers.

Patron - Marshall, R.G.

FHB1736 Littering; penalty. Creates a civil penalty of \$250 for littering. The bill also creates a Litter Awareness Fund where the money will be deposited and used by the Department of Environmental Quality to create and implement a public awareness campaign to educate the public of the harmful effects of litter on the environment and that cigarette butts are litter.

Patron - Fralin

FHB1741 Construction and improvement of primary or secondary highways by counties. Eliminates the requirement that primary and secondary highway improvement projects undertaken by counties be subject to approval of project plans and specifications by VDOT, provided that the county warrants and certifies that the projects were built in conformity with state standards and specifications. The bill also eliminates the ability of VDOT to recover from counties VDOT's costs of administering contracts for such projects.

Patron - Fralin

FHB1742 Secondary system highways. Prohibits taking additional streets into the state secondary highway system on or after January 1, 2008, unless they are within an area subject to control by a homeowners association. This bill was incorporated into HB 2227.

Patron - Marshall, R.G.

FHB1747 Emergency Evacuation Response Routes; Eighth Planning District. Designates portions of certain highways within the Eighth Planning District as Emergency Response Evacuation Routes and prohibits impediments not approved by the Manual on Uniform Traffic Control Devices from being placed on those portions of highways.

Patron - Marshall, R.G.

FHB1748 Virginia Route 606. Designates Virginia Route 606 in Loudoun County between U.S. Route 50 and Virginia Route 28 a component of the state primary highway system.

Patron - Marshall, R.G.

FHB1749 Dulles Toll Road; tolls. Imposes certain conditions on the increase and use of tolls on the Dulles Toll Road.

Patron - Marshall, R.G.

FHB1753 Virginia Route 606. Designates Virginia Route 606 in Loudoun County between U.S. Route 50 and Virginia Route 28 a component of the state primary highway system.

Patron - Marshall, R.G.

FHB1754 Publication of transportation funds. Requires the Virginia Department of Transportation to publish annually in hard copy and in electronic format on its website a list of all funds used in the Commonwealth for transportation purposes and the source of such funds, including federal, state, and local sources.

Patron - Marshall, R.G.

FHB1760 Consolidation of VDOT maintenance facilities. Requires the Commonwealth Transportation Board,

Commonwealth Transportation Commissioner, and the Virginia Department of Transportation forthwith to suspend any and all activities and plans relating in any way to consolidation of the Department's maintenance facilities and their personnel and equipment.

Patron - Kilgore

FHB1783 Traffic warning systems. Requires the Virginia Department of Transportation, as quickly as practicable, to implement traffic warning systems, operated by private sector businesses, that will provide subscribers, via personal digital assistant devices and other wireless telecommunications technologies, with real-time information concerning traffic congestion, incidents, and other information necessary or convenient to users of the highways of the Commonwealth.

Patron - Cosgrove

FHB1807 Access to certain highways. Prohibits the Virginia Department of Transportation from closing or otherwise impeding ingress to or egress from Cedar Green Road and Virginia Route 28 North in Loudoun County until all planned improvements on the Virginia Route 625 and Virginia Route 846 interchanges have been completed and Shaw Road between its intersection with Cedar Green Road and Virginia Route 846 (Sterling Boulevard) is widened from two travel lanes to four travel lanes exclusive of any turn lanes and in no case sooner than November 1, 2007.

Patron - Poisson

FHB1842 Dumping on highway, right-of-way or private property; penalty. Allows, in the event of dumping from a motor vehicle, the court, in lieu of confinement, to suspend the convicted person's driving privileges for up to 12 months and assign such person to clean up litter on roadways or streams or to work in recycling for up to 250 hours of community service.

Patron - Kilgore

FHB1869 Littering on highways; community service; penalty. Requires any person convicted of littering on any highway to perform a mandatory minimum of 30 hours of community service, administered by the local law-enforcement agency, picking up litter/trash while wearing a blaze orange vest with the phrase "I AM A LITTERBUG." Unsuccessful completion shall result in a misdemeanor conviction of up to 12 months in jail and/or a fine of \$2,500.

Patron - Wittman

FHB1886 Secondary system highways. Prohibits taking additional streets into the state secondary highway system on or after July 1, 2007, unless they are within an area subject to control by a homeowners' association. This bill was incorporated into HB 2227.

Patron - Marshall, R.G.

FHB1893 Federal "transportation enhancement" grants; distribution. Provides that the Commonwealth Transportation Board shall allocate and apportion such funds among the nine construction districts on the basis of population.

Patron - Albo

FHB1999 Hampton Roads Bridge and Tunnel Authority. Establishes the Hampton Roads Bridge and Tunnel Authority and transfers from VDOT to the Authority control of and responsibility for the James River Bridge, the Monitor-Merrimac Memorial Bridge-Tunnel (Interstate Route 664 bridge-tunnel across/beneath Hampton Roads between Newport News and Suffolk), the Hampton Roads Bridge-Tunnel (Interstate Route 64 and U.S. Route 60 bridge-tunnel across/beneath Hampton Roads between Hampton and Norfolk), the

Midtown Tunnel (U.S. Route 58 tunnel beneath the Elizabeth River between Norfolk and Portsmouth), the Downtown Tunnel (Interstate Route 264 tunnel beneath the Elizabeth River between Norfolk and Portsmouth), the Interstate Route 64 bridge over the Elizabeth River in Chesapeake, and the Chesapeake Bay Bridge-Tunnel (U.S. Route 13 bridge-tunnel across/beneath the Chesapeake Bay between Virginia Beach and Northampton County). The bill allows the Authority to impose and collect tolls for the use of these facilities. The Authority's creation is subject to an affirmative vote of six or more of the local governing bodies of localities embraced by the Authority. Any local governing body that has not voted on participation in the Authority by January 1, 2008, will be deemed to have voted in favor of participation. The bill also provides that nothing in the measure is to be construed to authorize the Authority to impose or collect any tax or fee except for the authorized tolls, nor are the bill's provisions to be construed as permitting the imposition and collection of any tax or fee for the benefit of the Authority by any local government represented on the Authority. The bill additionally provides that on or before July 1, 2008, every agency of the Commonwealth or any political subdivision or instrumentality thereof having control of or day-to-day responsibility for the operation of any toll facility in the Commonwealth shall take all necessary actions to ensure that every toll facility under its control is capable of fully automated electronic operation.

Patron - Suit

FHB2049 Annual VDOT report on secondary highway system maintenance. Requires the Virginia Department of Transportation to study and annually prepare and disseminate a report on maintenance of the state secondary highway system and treatment of secondary highway system components in the Department's asset management system.

Patron - McQuigg

FHB2164 TransDominion Express Commission. Establishes the TransDominion Express Commission to be responsible, within the TransDominion Corridor, for identifying needed construction, reconstruction, improvements of or repairs to railroads and their facilities and equipment to provide enhanced passenger rail service coordinated with freight rail opportunities within the Corridor.

Patron - Valentine

FHB2187 High-occupancy vehicle lanes; penalties. Increases fines for drivers in the Hampton Roads Planning District in violation of HOV lane restrictions; mirrors fines for the Eighth Planning District.

Patron - Miller, P.J.

FHB2205 Commonwealth Transportation Board; Commonwealth Transportation Commissioner. Provides for election of the non-at-large members of the Commonwealth Transportation Board by majority vote of the members elected to each house of the General Assembly. The bill also provides for election of the Commonwealth Transportation Commissioner by the Commonwealth Transportation Board, with the consent of the Governor, for a term of four years. In the event of a vacancy, an Acting Commissioner would be appointed by the Governor until the vacancy is filled by the Commonwealth Transportation Board. The salary of the Commonwealth Transportation Commissioner would be fixed by the Commonwealth Transportation Board, unless it is set by the General Assembly in the appropriation act.

Patron - Wardrup

FHB2207 Toll facility technologies. Requires that, beginning July 1, 2008, every agency of the Commonwealth or any of its political subdivisions or instrumentalities that have

control of or day-to-day responsibility for the operation of any toll facility take all necessary actions to ensure that every newly constructed toll facility or toll lane under its control is capable of fully automated electronic operation, employing technologies and procedures that permit the collection of tolls from users of the facility without requiring vehicles using the facility to reduce their speed below the speed of traffic approaching the facility. An entity operating a toll facility that substantially upgrades its equipment or substantially renovates its facility after July 1, 2008, must comply with the provisions of this bill. The provisions of this bill also apply to any non-governmental or quasi-governmental entities operating a toll facility under a comprehensive agreement entered into, pursuant to the Public-Private Transportation Act of 1995, on or after January 1, 2008. The bill also requires that the Virginia Department of Transportation, on or before January 1, 2008, submit a written report to the General Assembly on its plans to create opportunities to enhance mobility and free-flowing traffic on Department-controlled toll facilities by embracing technological advances.

Patron - Wardrup

FHB2208 Transfer of control of certain toll facilities. Provides that no agreement or contract to transfer responsibility from an agency or institution of the Commonwealth for control, maintenance, and/or operation of any toll facility controlled, maintained and/or operated by such agency or institution of the Commonwealth to any other public or private entity shall be entered into by the Commonwealth or any agency, instrumentality, or political subdivision thereof without prior legislative authorization from the General Assembly.

Patron - Wardrup

FHB2209 Reassignment of components of state primary, secondary, and urban highway systems. Requires that the Virginia Department of Transportation, with the advice and consent of the Commonwealth Transportation Board, on or before January 1, 2008, to reconsider and reassign the various highways, bridges, and other facilities comprising the state primary, secondary, and urban highway systems so that the assignment of components to such systems is based, to the maximum degree practicable, solely upon the components' functional classification.

Patron - Wardrup

FHB2222 Agreements between localities for construction and operation of toll facilities. Provides that a single county may construct a toll road within its borders and also provides that counties, cities, and towns connected by bodies of water are considered to be contiguous.

Patron - Wardrup

FHB2223 Components of state highway systems. Requires that the Virginia Department of Transportation, with the advice and consent of the Commonwealth Transportation Board, on or before January 1, 2008, reconsider and reassign the various highways, bridges, and other facilities comprising the state primary, secondary, and urban highway systems so that the assignment of components to such systems is based, to the maximum degree practicable, solely upon the components' functional classification.

Patron - Wardrup

FHB2227 Taking subdivision streets into state secondary highway system. Allows local governing bodies of any counties that have not withdrawn from the state secondary highway system to request the Commonwealth Transportation Board, by resolution, to take any new subdivision street into the state secondary highway system for maintenance if such subdivision street has been developed and constructed in

accordance with the Board's subdivision street requirements. Only those subdivision streets constructed in compliance with the Board's subdivision street requirements are to be taken into the state secondary highway system for maintenance. The Board is further required to promulgate regulations establishing such subdivision street requirements. Regulations initially promulgated by the Board are to be exempt from provisions of the Administrative Process Act, but this exemption does not apply to subsequent regulations or amendments thereto.

Patron - Wardrup

FHB2232 Rail Enhancement Fund; local contribution. Provides that for any funds to be expended, the local governing body of each locality within which the project is located shall contribute 1% of the total cost of the project.

Patron - Nutter

FHB2233 Expenditures from the Rail Enhancement Fund. Provides that a resolution from each local governing body of each locality within which a portion of a project is located approving the project must be received before funds may be expended.

Patron - Nutter

FHB2234 Rail Enhancement Fund; creation of a five-year plan. Directs the Director of the Department of Rail and Public Transportation to create a five-year plan outlining expenditures from the Fund. The plan shall be submitted and updated at least once every two years for approval by the General Assembly.

Patron - Nutter

FHB2280 Primary system highway construction funds allocation. Allocates primary system highway construction funds among the nine highway construction districts on the basis of the ratio of vehicle miles traveled on primary highways divided by the lane miles of primary highways in each highway construction district, weighted 90%, and a need factor, weighted 10%.

Patron - Watts

FHB2281 Highway maintenance allocations. Provides for allocation of highway maintenance funds among the primary, secondary, and urban systems in the same manner as allocations of construction funds.

Patron - Watts

FHB2288 VDOT regulations. Requires that no regulation of the Virginia Department of Transportation, the Commonwealth Transportation Commissioner, or the Commonwealth Transportation Board can require separate "as-built" permits for every utility located within a newly dedicated highway right-of-way of any component of the primary or secondary highway system or the Interstate Highway System. At the option of the Department's district administrator, developers must be permitted to submit recorded composite plats that contain all necessary utility information, coded as required for clarity, and shown for the individual plats of the composite, as opposed to individual plats.

Patron - Watts

FHB2310 State funding for portions of certain local transportation projects. Provides that the Commonwealth Transportation Board shall make an allocation to any locality, not to exceed the lesser of \$25 million or 33% of the cost of the project, to be used by the locality for a transportation project, provided that (i) the locality has issued or will issue bonds for transportation purposes in the fiscal year in which the allocation is sought in an amount that exceeds the amount of the state allocation; (ii) the locality has sufficient local funds, which,

together with the state allocation, will complete the project; and (iii) the transportation project for which the allocation is sought is determined by the Commonwealth Transportation Board, compared with other requests for such allocations, to be more likely to relieve severe traffic congestion, according to criteria and procedures for making application for funds that shall be developed by the Commonwealth Transportation Board. Total state funds allocated by the Board for this program shall not exceed \$50 million in any one fiscal year

Patron - Lingamfelter

FHB2340 Highway signs in memory of DUI victims. Requires the Commonwealth Transportation Board to provide for installation and maintenance of official highway signs in memory of persons killed in accidents involving intoxicated drivers.

Patron - Abbitt

FHB2379 Pavement markings indicating school bus stops. Provides that local governing bodies may and VDOT, upon the written request of a local governing body, must mark the pavement of highways to indicate school bus stops. Whenever such pavements are so marked, access to these areas must be kept clear, and must not be obstructed as the result of snow removal operations.

Patron - May

FHB2411 Highway "revenue-sharing" funds. Requires that, from annual allocations of state funds for the maintenance, improvement, construction, or reconstruction of the systems of state highways, the Commonwealth Transportation Board make an equivalent matching allocation to any county, city, or town for designations by the governing body of no less than \$1 million in county, city, or town general funds for use by the county, city, or town to construct, maintain, or improve the highways. The bill further eliminates the first and second priorities for funding under the "revenue-sharing" program and provides that allocations will be made first to the acceleration of an existing project in the Six-Year Improvement Program or the locality's capital plans; and then, from any funds remaining, to any other request that has a matching allocation from the governing body. Finally, the measure converts the present annual \$50 million "cap" on the "revenue-sharing" program to a floor.

Patron - Athey

FHB2440 Commonwealth Transportation Investment Fund. Creates the Commonwealth Transportation Investment Fund and dedicates to it one-third of all insurance license tax revenues, to be used for transportation projects throughout the Commonwealth. The Commonwealth Transportation Board is authorized to issue revenue bonds provided that the total face amount of bonds issued in any fiscal year shall not exceed two-thirds of the amount of insurance license tax revenues estimated to be dedicated in that year. The proceeds of the bonds shall be allocated among various transportation modes according to the formula under current law. All other revenues in the Fund not needed to pay debt service on the bonds are allocated for transportation construction projects among the several highway systems of the Commonwealth according to the formula under current law. The particular transportation projects to be funded shall be determined by the Commonwealth Transportation Board. The bill also increases from \$800 million to \$1.2 billion the amount of Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes that were authorized in 2000 and dedicated to transportation projects, and makes other changes to transportation projects that were authorized in 2000.

Patron - Frederick

HB2441 High-occupancy vehicle lanes hours of operation. Establishes hours of operation for HOV lanes along I-95 and I-395 in Northern Virginia.

Patron - Frederick

HB2444 HOV lanes. Requires the Commonwealth Transportation Commissioner, for HOV lanes designated by the Commonwealth Transportation Board, to develop and implement a process whereby (i) the times of day during which HOV restrictions are in place may be applicable either earlier or later on any day when traffic volume on the affected facility increases markedly either prior to or after the hours when HOV restrictions would otherwise apply and (ii) the direction of traffic flow on HOV facilities with reversible lanes may be reversed at any time when so doing would expedite the movement of traffic on parallel lanes not subject to HOV restrictions.

Patron - Frederick

HB2461 HOT lanes. Revises the procedures and penalties involved with HOT lane enforcement.

Patron - Rust

HB2472 Statewide Transportation Plan. Requires that the plan promote economic development and include quantifiable and achievable goals relating to congestion reduction and safety, transit and high-occupancy vehicle facility use, job-to-housing ratios, job and housing access to transit and pedestrian facilities, air quality, and vehicle miles traveled. The bill further requires that the Commonwealth Transportation Board consider such goals in evaluating and selecting transportation improvement projects.

Patron - Wardrup

HB2475 Highway Revenue-Sharing Funds. Eliminates the four-tier priority system for distributions of so-called Revenue-Sharing Funds to localities. The bill also eliminates the requirement that, for contracts administered by VDOT, payment of the local match requirement within 30 days of written notice from VDOT of its intent to proceed. The bill eliminates the requirement that no more than one-half of a locality's match may take the form of proffers. The bill requires that the Commonwealth Transportation Board annually allocate at least \$50 million to this program.

Patron - Crockett-Stark

HB2476 Secondary highway system; rural additions. Allows any road in Wythe County to be taken into the secondary system as a rural addition if such road was recorded in the Wythe County Circuit Court Clerk's Office prior to November 1, 1999. This bill was incorporated into HB 2227.

Patron - Crockett-Stark

HB2496 Transportation; supplemental funding for Northern Virginia. Permits any city or county that is within the Northern Virginia Transportation Authority (Authority), to impose two additional local fees and taxes to go to the Authority, and also have the Authority receive the revenue from three additional state taxes imposed in the region. The bill assures that none of the additional revenues shall be used to calculate or reduce transportation funding or be used to calculate or reduce any other funding to the applicable localities, including funding for education. The bill also repeals the authority for any locality imposing the two additional local fees and taxes to impose a local income tax. The two additional local fees or taxes are (i) a rental car transportation impact fee of 2% and (ii) a transportation impact commercial real property tax of 0.3%. The three additional state regional taxes are (a) a fee of \$100 on the initial issuance of a driver's license on resi-

dents of Northern Virginia, (b) a hotel/motel transportation impact fee of 2% for rooms in Northern Virginia, and (c) a congestion relief fee on the seller for each deed for real estate recorded in Northern Virginia at the rate of \$0.40 for each \$100 of value. The three state regional taxes are imposed only in those localities that impose the two additional local fees or taxes. The Northern Virginia Transportation Authority shall determine the transportation projects to be funded and shall use the additional revenues for the primary benefit of those counties and cities that are imposing the two new local fees and taxes as follows: 1. Pay any debt service due on bonds issued by the Authority from the additional regional state fees imposed by the bill; 2. The next \$50 million received in each fiscal year shall be distributed to the Washington Metropolitan Area Transit Authority (WMATA) to provide funds to the Authority as may be required under federal law for the payment of certain federal funds to WMATA for capital improvements. The Authority shall make such annual distribution from such revenues (1) only to the extent required under federal law for the payment of federal funds to WMATA; (2) only if the matching federal funds are exclusive of, and in addition to, the amount of other federal funds appropriated to the Commonwealth for transportation; and (3) only if such other federal funds are in an amount not less than the amount of such funds appropriated to the Commonwealth in the fiscal year ending June 30, 2007. For each year after 2018 this \$50 million shall be used for the expansion of Metro or other rail service into Prince William County; 3. The next \$30 million received in each fiscal year shall be distributed to the Virginia Railway Express for capital improvements including, but not limited to, construction of parking, dedicated rail on the Fredericksburg line, rolling stock, expanded service to Prince William, and service as may be needed as a result of the Base Realignment and Closure Commission regarding Fort Belvoir; 4. At least 25% of the remaining revenues each year shall be dedicated for use on urban and secondary road construction and improvement. Such funds shall be distributed on a pro rata basis with each locality's share being the total taxes and fees newly authorized in the bill generated or attributable to the locality divided by the total taxes and fees newly authorized in the bill generated or attributable to all localities embraced by the Northern Virginia Transportation Authority; 5. At least 20% of the remaining revenues each year shall be distributed to the localities embraced by the Northern Virginia Transportation Authority on a pro rata basis with each locality's share being the total taxes and fees newly authorized in the bill generated or attributable to the locality divided by the total taxes and fees newly authorized in the bill generated or attributable to all localities embraced by the Northern Virginia Transportation Authority. The revenues distributed shall be used solely for transportation capital improvements and public transportation purposes as determined solely by the applicable locality. None of this revenue may be used to repay debt issued before January 1, 2008. At the request of any county embraced by the Authority, all state secondary road construction funding due such county shall be transferred to such county, provided that the county assumes full responsibility for planning and constructing its secondary roads. Each locality shall provide annually to the Northern Virginia Transportation Authority sufficient documentation as required by the Authority showing that the funds were used as required; 6. Beginning at the time that phase two of the Dulles Rail project is constructed, at least \$20 million shall be dedicated annually for the Dulles Rail project; and 7. To construct transportation projects in the localities that are members of the Authority that are imposing the new local fees authorized by the bill, as may be determined by the Authority in consultation with members of the governing bodies of the localities embraced by the Authority, and members of the General Assembly representing any locality embraced by the Authority. Localities that are not imposing the

two new local fees authorized by the bill may not participate in determining the services and projects to be funded. The Northern Virginia Transportation Authority is authorized to issue bonds provided that the debt service does not exceed the amount of revenue provided by the three new regional state taxes.

Patron - Albo

HB2655 Highway maintenance payments to counties that have withdrawn or may withdraw from the state secondary highway system. Revises maintenance payments to counties that have withdrawn from the state secondary highway system prior to January 1, 2007, and provides for similar payments to counties that withdraw in the future.

Patron - Lingamfelter

HB2682 Local Partnership Programs. Provides that when Local Partnership Programs are established and fully funded by the General Assembly in the general appropriation act, the Department of Transportation must ensure that Departmental funds are transmitted periodically to the locality with such frequency and on dates and in amounts that at no time will the locality be obligated to fund any portion of the project, pending reimbursement by the Department.

Patron - Frederick

HB2706 Insurance license tax revenue; dedicated for transportation. Dedicates all state insurance license tax revenue for transportation projects in each highway construction district throughout the Commonwealth on a pro rata basis pursuant to the amount of the recordation tax attributable to the localities in each such district. The bill also creates a transportation program for each highway construction district (similar to the Northern Virginia Transportation Program) as the vehicle by which the revenues are distributed. In addition, the revenues may be used to issue bonds annually with a face value up to two-thirds of the amount of revenue estimated to be dedicated for each respective fiscal year, with the bond proceeds distributed to each transportation program on the same pro rata basis. For all the transportation programs other than that for Northern Virginia and that for Hampton Roads, the Commonwealth Transportation Board shall determine the transportation projects to be funded. The transportation projects to be funded in Northern Virginia shall be as determined by the Northern Virginia Transportation Authority. The transportation projects to be funded in Hampton Roads shall be as determined by the Hampton Roads Metropolitan Planning Organization with the advise and consent of the members of the House Appropriations and Senate Finance Committees residing in Planning District 23.

Patron - Hugo

HB2779 Virginia Department of Transportation to repair dam. Directs the Virginia Department of Transportation to repair the Haley's Mill Pond Dam and that portion of Virginia Route 629 thereon in Middlesex County.

Patron - Morgan

HB2795 Subdivision streets. Provides that on and after July 1, 2007, no street in any county will 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 will be classified by the Department as local subdivision roads and will not be taken into the state secondary highway system unless they are within an established urban development area. This bill was incorporated into HB 2227.

Patron - Marshall, R.G.

HB2813 Transportation Trust Fund; dedication of certain surplus revenue. Dedicates to the Transportation Trust Fund 50% of any annual general fund surplus revenues remaining after any required deposits to the Revenue Stabilization Fund and to the Virginia Water Quality Improvement Fund. This bill was incorporated into HB 3202.

Patron - Sickles

HB2881 Insurance license tax revenue; dedication to Priority Transportation Fund. Dedicates the revenues from the motor vehicle insurance license tax in each fiscal year to the Priority Transportation Fund and repeals the current dedication to the Fund of one-third of the estimated revenues from all insurance license taxes. This bill was incorporated into HB 3202.

Patron - Phillips

HB2886 Leland Branham Memorial Bridge. Designates the Virginia Route 72 bridge over Tom's Creek near Bondtown in Scott County the "Leland Branham Memorial Bridge."

Patron - Phillips

HB2888 "Revenue-sharing" funds. Repeals provision for use of so-called "revenue-sharing" funding of certain highway projects.

Patron - Phillips

HB2922 Annual VDOT statistical report. Requires the Virginia Department of Transportation to prepare and disseminate an annual statistical report containing highway and arterial roadway levels of service; the total number of vehicle miles traveled and the rate of growth in vehicle miles traveled; vehicle miles traveled per capita and the rate of change in vehicle miles traveled per capita; vehicle trips made and the rate of growth in vehicle trips made; vehicle trips made per capita and the rate of change in vehicle trips made per capita; emissions of nitrogen oxide, volatile organic compounds, and particulate matter; modal shares of total trips made for driving, transit, carpooling, telecommuting, walking, and bicycling; and the number of jobs and residences within one-quarter and one-half mile of locations where transit service is available at least every 15 minutes during peak travel hours. These data are to be reported for each planning district and/or region embraced within a metropolitan planning organization and on a statewide basis. Reports summarizing the data shall be disseminated to the General Assembly and to the Commonwealth Transportation Board in September of each year and be posted on the Department's website.

Patron - Shannon

HB2941 Components of state highway systems. Requires that the Virginia Department of Transportation, with the advice and consent of the Commonwealth Transportation Board, on or before January 1, 2008, reconsider and reassign the various highways, bridges, and other facilities comprising the state primary, secondary, and urban highway systems so that the assignment of components to such systems is based, to the maximum degree practicable, solely upon the components' functional classification. This bill was incorporated into HB 2223.

Patron - Miller, J.H.

HB2944 Powers of CTC. Requires the Commonwealth Transportation Commissioner (CTC), in order to achieve efficiency, to outsource or privatize any of VDOT's functions that might reasonably be provided by the private sector. This bill was incorporated into HB 2209.

Patron - Miller, J.H.

HB3057 HOV lanes. Extends until July 1, 2008, the sunset on use of HOV facilities by vehicles bearing clean special fuel license plates. This bill does not change the treatment of clean special fuel vehicles using I-95 and I-395. This bill was incorporated into HB 2132.

Patron - Plum

HB3074 Certain signage on interstates. Directs the Department of Transportation to erect attraction signs on interstates directing travelers to the attraction using a connecting interstate when the distance to the attraction using the connecting interstate is within 15 miles of the attraction sign.

Patron - Fralin

HB3106 Composition of RMA Board. Revises the composition of the Board of Directors of the Richmond Metropolitan Authority (RMA).

Patron - Nixon

HB3142 Tolls; motorcycles. Allows motorcycles toll-free use of VDOT-controlled toll facilities.

Patron - Reid

HB3159 Secondary highway system maintenance; creation of urban transportation service districts; impact fees. 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. The money received by a locality shall come from a dedicated percentage of the state sales tax collected in the locality. The boundaries of urban transportation service districts are to be agreed upon by both the local governing body of the locality and by the Virginia Department of Transportation. Provision is also made for transferring VDOT equipment and employees to localities that adopt such districts. In addition, localities that establish an urban transportation service district shall have expanded impact fee authority that includes roads, schools and other public facilities. However, such authority may only be exercised in areas outside of urban transportation service districts and on parcels that have previously been rezoned for by-right residential development. 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. This bill was incorporated into HB 3197.

Patron - Frederick

HB3173 Commonwealth Transportation Board; display of the United States flag on interstate highways. Requires the Commonwealth Transportation Board to establish rules and regulations providing for the display of the flag of the United States along interstate highways in the Commonwealth by military veterans' organizations. These rules and regulations shall include, but not be limited to, provisions relating to the (i) size of the flag to be displayed, (ii) proper illumination, and (iii) the manner of placement of the display so as to ensure proper respect for the flag and to prevent any road hazard or distraction to vehicular traffic.

Patron - Hugo

HB3179 Toll facilities in Hampton Roads. Provides for imposition and collection of tolls for use of the Hampton Roads Bridge Tunnel, the Midtown Tunnel, the Downtown Tunnel, and US 460 from, roughly, New Bohemia to Bowers Hill.

Patron - Gear

SB752 Commonwealth Transportation Commissioner. Provides for election of the Commonwealth Transportation Commissioner by the Commonwealth Transportation Board with the consent of the Governor for a term of four years. In the event of a vacancy, an Acting Commissioner would be appointed by the Governor until the vacancy is filled by the Commonwealth Transportation Board. The salary of the Commonwealth Transportation Commissioner would be fixed by the Commonwealth Transportation Board.

Patron - Williams

SB753 Commonwealth Transportation Board. Provides for election of the non-at-large members of the Commonwealth Transportation Board by majority vote of the members elected to each house of the General Assembly.

Patron - Williams

SB761 Secondary highway maintenance payments to Henrico County. Beginning with the fiscal year starting July 1, 2007, increases to \$7,201 per lane-mile the secondary highway maintenance payments made to Henrico County. The increase would fix the secondary highway maintenance base payments to Henrico County at the same level as such payments to Arlington County.

Patron - Stosch

SB792 Road maintenance payments to Henrico County. Fixes maintenance payments to Henrico County for the 2007-2008 fiscal year at the same amount paid to Arlington County for maintenance in such year.

Patron - Stosch

SB812 "Revenue-sharing" funds for highway systems in certain counties, cities, and towns. Provides that, from additional revenues made available by the General Assembly after January 1, 2007, and appropriated for the improvement, construction, or reconstruction of the systems of state highways, the Commonwealth Transportation Board must make an equivalent matching allocation to any county, city, or town for designations by the governing body of up to \$1 million in county, city, or town general funds for use by the county, city, or town to construct or improve the highway systems within such county, city, or town. After adopting a resolution supporting the action, the governing body may request revenue-sharing funds to construct or improve a highway system located in another locality, between two or more localities, or to bring subdivision streets, used as such prior to July 1, 1992, up to standards sufficient to qualify them for inclusion in the state primary and secondary system of highways. All requests for funding shall be accompanied by a prioritized listing of specific projects. In allocating these funds, the Board must give priority (i) first when such project is administered by the county, city, or town, either directly or by contract with another entity, (ii) second when such county, city, or town commits more local funding than the amount of revenue-sharing funding requested; and (iii) third when the allocation will accelerate an existing project in the Six-Year Improvement Program or the locality's capital plans. Any funds remaining may be applied to any other project that requires an equivalent matching allocation from the governing body. Regardless of implementation, funds allocated under this program must be utilized within two subsequent fiscal years of allocation, or

earlier. Any revenue-sharing funds remaining after two subsequent fiscal years of allocation may be reallocated at the discretion of the Commonwealth Transportation Board.

Patron - Ruff

FSB901 Highway safety corridor; U.S. Route 13. Directs the Commissioner of the Department of Transportation to designate U.S. Route 13 in Northampton and Accomack Counties a highway safety corridor.

Patron - Rerras

FSB941 Annual maintenance reports by the Virginia Department of Transportation. Directs the Virginia Department of Transportation to prepare and disseminate annual reports projecting a three-year maintenance schedule for each planning district. This bill was incorporated into SB 1128.

Patron - Ticer

FSB1008 HOT lanes. Revises the procedures and penalties involved with HOT lane enforcement.

Patron - Saslaw

FSB1026 State secondary highway system; local-option retail sales taxes on motor fuels. Requires counties with populations of 50,000 or more, according to the last preceding U.S. census, to take over from VDOT responsibility for planning, construction, operation, and maintenance of state secondary highway system components within their boundaries prior to July 1, 2012. This would apply to the Counties of Campbell, Washington, Fauquier, York, Henry, Frederick, Bedford, Pittsylvania, Augusta, Rockingham, Albemarle, Montgomery, Roanoke, Hanover, Spotsylvania, Stafford, Loudoun, Chesterfield, Prince William, and Fairfax. Additionally, the bill provides, on a local-option basis, for a two percent retail sales tax on motor fuels in counties that take over responsibilities for state secondary highways, the proceeds of which would be used for secondary highway planning, construction, operation, and maintenance.

Patron - O'Brien

FSB1028 Commonwealth Transportation Board; display of the United States flag on interstate highways. Requires the Commonwealth Transportation Board to establish rules and regulations providing for the display of the flag of the United States along interstate highways in the Commonwealth by military veterans' organizations. These rules and regulations shall include, but not be limited to, provisions relating to the (i) size of the flag to be displayed, (ii) proper illumination, and (iii) the manner of placement of the display so as to ensure proper respect for the flag and to prevent any road hazard or distraction to vehicular traffic.

Patron - O'Brien

FSB1086 Revenue-sharing funds for systems in certain counties, cities, and towns. Eliminates language in present law setting priorities for distribution of revenue-sharing funds. The bill also provides that the Commonwealth Transportation Board shall allocate at least \$50 million each fiscal year to satisfy all requests by localities for matching funds. This bill was incorporated into SB 812.

Patron - Puckett

FSB1101 Hampton Roads Toll Facility Authority. Establishes the Hampton Roads Toll Facility Authority and transfers from VDOT to the Authority control of and responsibility for eight specifically named facilities in Hampton Roads and allows the Authority to impose and collect tolls for use of those facilities.

Patron - Williams

FSB1102 Adjustment or relocation of billboard signs. Provides that the owner of a billboard situated on land acquired due to widening, construction, or reconstruction by purchase or by exercise of eminent domain may relocate the billboard to another location on the same property and may adjust the height or angle of the billboard.

Patron - Williams

FSB1163 Transportation Trust Fund; additional sources of revenues. Dedicates for transportation purposes all insurance license tax revenues relating to automobile insurance policies. The bill also creates a new source of revenue for the transportation. Upon conviction of certain dangerous driving offenses and traffic infractions for which the Department of Motor Vehicles assigns six demerit points, a court shall order the offender to make a payment into the Transportation Trust Fund. The court shall collect the payments on behalf of the Commonwealth and remit the payments to the Fund. Finally, the bill dedicates the unallocated funds in the first year of the 2006-2008 budget to the Transportation Trust Fund.

Patron - Bell

FSB1201 Insurance license tax revenue; dedication to Priority Transportation Fund. Dedicates the revenues from the motor vehicle insurance license tax in each fiscal year to the Priority Transportation Fund and repeals the current dedication to the Fund of one-third of the estimated revenues from all insurance license taxes.

Patron - Houck

FSB1259 Annual VDOT statistical report. Requires the Virginia Department of Transportation to prepare and disseminate an annual statistical report containing highway and arterial roadway levels of service; the total number of vehicle miles traveled and the rate of growth in vehicle miles traveled; vehicle miles traveled per capita and the rate of change in vehicle miles traveled per capita; vehicle trips made and the rate of growth in vehicle trips made; vehicle trips made per capita and the rate of change in vehicle trips made per capita; emissions of nitrogen oxide, volatile organic compounds, and particulate matter; modal shares of total trips made for driving, transit, carpooling, telecommuting, walking, and bicycling; and the number of jobs and residences within one-quarter and one-half mile of locations where transit service is available at least every 15 minutes during peak travel hours. These data are to be reported for each planning district and/or region embraced within a metropolitan planning organization and on a statewide basis. Reports summarizing the data shall be disseminated to the General Assembly and to the Commonwealth Transportation Board in September of each year and be posted on the Department's website.

Patron - Herring

FSB1260 Urban and secondary highway system construction allocations. Revises the formulas for distribution of urban and secondary highway system construction funds.

Patron - Herring

FSB1299 George P. Coleman Bridge; tolls. Requires that the tolls be removed from the George P. Coleman Bridge.

Patron - Norment

FSB1330 Installation of signs requiring that headlights be lighted. Requires VDOT to install at the approach to every tunnel a sign requiring that vehicles display lighted headlights regardless of the time of day or weather conditions. Failure to obey these signs is a secondary offense, but punishable as a traffic infraction.

Patron - Blevins

SB1348 Rail Enhancement Fund. Allows projects proposed by the Director of the Department of Rail and Public Transportation and approved by the Rail Advisory Board to be exempt from the 30% match requirement.

Patron - Rerras

SB1389 TransDominion Express Commission. Establishes the TransDominion Express Commission to be responsible, within the TransDominion Corridor, for identifying needed construction, reconstruction, improvements of or repairs to railroads and their facilities and equipment to provide enhanced passenger rail service coordinated with freight rail opportunities within the Corridor.

Patron - Edwards

SB1414 Transportation; supplemental funding for Northern Virginia. Authorizes localities in Northern Virginia to impose additional local fees for transportation purposes. This bill was incorporated into SB 1417.

Patron - Devolites Davis

SB1415 Transportation; supplemental funding for Hampton Roads. Authorizes localities in Hampton Roads to impose additional local fees for transportation purposes. This bill was incorporated into SB 1417.

Patron - Stolle

SB1420 State secondary highway system; local-option retail sales taxes on motor fuels. Requires counties with populations of 50,000 or more, according to the last preceding U.S. census, to take over from VDOT responsibility for planning, construction, operation, and maintenance of state secondary highway system components within their boundaries prior to July 1, 2012. This would apply to the Counties of Campbell, Washington, Fauquier, York, Henry, Frederick, Bedford, Pittsylvania, Augusta, Rockingham, Albemarle, Montgomery, Roanoke, Hanover, Spotsylvania, Stafford, Loudoun, Chesterfield, Prince William, and Fairfax. Additionally, the bill provides, on a local-option basis, for a two percent retail sales tax on motor fuels in counties that take over responsibilities for state secondary highways, the proceeds of which would be used for secondary highway planning, construction, operation, and maintenance.

Patron - Cuccinelli

Homestead and Other Exemptions

Passed

HB2766 Exemption of certain retirement benefits from creditor process. Conforms the state exemption of retirement benefits to that allowed under new federal bankruptcy law.

Patron - Hurt

Hotels, Restaurants, Summer Camps and Campgrounds

Passed

HB2422 Restaurants; smoking prohibited; penalties. Prohibits smoking in restaurants in the Commonwealth 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 shall be subject to a civil penalty of not more than \$250 for the first offense, and \$500 for a second offense; any subsequent offense shall be punishable as a Class 2 misdemeanor. Any proprietor of any restaurant who fails to comply with these restrictions shall be subject to a civil penalty of not more than \$500 for the first offense and \$1000 for a second offense; any subsequent offense shall be punishable as a Class 1 misdemeanor.

Patron - Griffith

Failed

HB1976 Hotel liability; personal injury claims based on intentional conduct. States that in any personal injury claim brought against a hotel by a guest or invitee for the intentional conduct of another shall be determined in the same manner as if the hotel were any other business.

Patron - Fralin

Housing

Passed

HB2011 Virginia Residential Property Disclosure Act. Amends the required residential property disclosure/disclaimer statement developed by the Real Estate Board by eliminating the disclaimer provisions. Under the bill, the statement will now be a disclosure statement and will contain the six minimum disclosures, thereby conforming to actual usage, requiring the buyer to use due diligence. This bill is a recommendation of the Virginia Housing Commission.

Patron - Suit

HB2469 Uniform Statewide Building Code; abatement of violations. Allows, as a condition of waiver of trial, admission of liability, and payment of a civil penalty, the violator and a representative of the locality to agree in writing to terms of abatement or remediation of the violation within six months after the date of payment of the civil penalty.

Patron - Marshall, D.W.

HB2497 Building permits for ancillary school buildings. Allows a local building official to issue an annual permit for any construction regulated by the building code.

Patron - Orrock

HB2789 Uniform Statewide Building Code; violations; penalty. Provides that when violations of the Building Code relating to occupancy limits, where a dwelling results in not being a safe, decent, and sanitary dwelling, in a locality where the governing body has taken action to enforce the Maintenance Code, any owner, other person, firm, or corporation convicted of such violation may be punished by increased

finances and confinement in jail for not more than 10 days. Currently, any violation of the Building Code is punishable by a fine of not more than \$2,500.

Patron - Hull

HB2885 Housing authorities; compensation of commissioners. Requires commissioners of a housing authority to receive compensation not to exceed \$75 for each meeting of the authority attended by the commissioner. Currently, a commissioner does not receive compensation for his services, but is entitled to reimbursement of expenses.

Patron - Phillips

HB3123 Housing authorities; public hearings. Clarifies that a housing authority must hold at least one public hearing to receive the views of citizens within the area of operation of the authority before it gives final approval to either (i) its budget or (ii) any request for funding for submission to the governing body.

Patron - Alexander

SB735 Housing authority law; spot blight abatement; interest on liens. Gives a locality a lien on property declared a nuisance when the locality, and not the owner, abates or removes the nuisance at its expense. The bill provides that this lien shall bear interest at the legal rate of interest established in § 6.1-330.53, beginning on the date the removal or abatement is completed through the date on which the lien is paid. The bill also provides for the same interest rate for liens on property declared to be blighted.

Patron - Cuccinelli

SB1138 City of Norfolk; Norfolk Redevelopment Housing Authority; East Oceanview Conservation and Redevelopment Plan. Authorizes the City of Norfolk and the Norfolk Redevelopment Housing Authority to adopt a new redevelopment or conservation plan designating a redevelopment or conservation area that may include real property for acquisition located within the boundaries set forth in the previous Conservation and Redevelopment Plan for the East Ocean View Conservation and Redevelopment Project, which is scheduled to expire on July 1, 2007.

Patron - Rerras

Failed

HB1824 Housing authorities; use of eminent domain. Limits the power of housing authorities to acquire property within a conservation area through the use of eminent domain to those properties that are blighted.

Patron - Suit

HB1825 Housing Trust Fund. Provides that 50% of the annual revenue collection from the taxes and fees from the state recordation tax that are in excess of the official estimates for such taxes and fees, unless otherwise provided in the general appropriation act, shall be set apart in a permanent and perpetual fund to be known as the Virginia Housing Trust Fund. This bill is a recommendation of the Virginia Housing Commission.

Patron - Suit

HB2009 Housing Authorities Law; exercise of eminent domain authority; compensation for certain landowners. Provides that when property that is not blighted property has been acquired pursuant to a redevelopment or conservation plan by an authority through the exercise of the power of eminent domain and is subsequently sold to a private entity, then the owner of such property will receive additional

compensation in the amount of 50% of the net gain realized by the authority.

Patron - Suit

HB2297 Uniform Statewide Building Code; Statewide Fire Prevention Code; required automatic sprinkler systems or other fire suppression systems in certain structures. Requires the Board of Housing and Community Development to establish standards for requiring automatic sprinkler systems or other fire suppression systems in buildings that are more than 75 feet or more than six stories high and used, in whole or in part, as (i) a residential dwelling unit designed or developed and marketed to persons aged 60 years or older or (ii) an assisted living facility licensed by the Department of Social Services. The bill also contains technical amendments.

Patron - McClellan

HB2414 Uniform Statewide Building Code; asbestos inspections. Provides that before a building permit may be issued for any building to be renovated or demolished, the local building department must receive certification from the owner or his agent that the affected portions of the building have been inspected for the presence of asbestos by an individual licensed to perform such inspections pursuant to § 54.1-503. Currently, such certification is required for only those buildings for which an initial building permit was issued before January 1, 1985.

Patron - Athey

HB2470 Uniform Statewide Building Code; abatement of violations. Grants a locality, in the event of a waiver of trial, admission of liability, and payment of a civil penalty by the violator, the ability to require abatement of a building code violation within a prescribed six-month time period.

Patron - Marshall, D.W.

HB2554 Statewide Building Code; emergency communication equipment. Requires all new commercial, industrial, institutional, and multifamily buildings to be constructed or equipped so that emergency public safety personnel may send and receive emergency communications from within the building. Currently, the Board of Housing and Community Development is directed to promulgate regulations as part of the Statewide Building Code to require that commercial, industrial, and multifamily structures be so designed or equipped.

Patron - Ebbin

HB2639 Redevelopment and Housing Authority. Provides that at least 75% of the commissioners of a Redevelopment and Housing Authority shall be persons who are not members of a local governing body.

Patron - Gear

HB2743 Department of Housing and Community Development; rental assistance pilot project. Requires the Department of Housing and Community Development to establish a three-year rental assistance pilot project, and to report its findings and recommendations to the Governor and the Housing Commission.

Patron - Englin

HB2744 Fair housing law; unlawful discriminatory housing practice. Adds source of income to the list of unlawful discriminatory housing practices. The bill defines source of income as any lawful income used by a person to meet his obligation to pay for the purchase or lease of a dwelling, including payment with (i) federal funds received pursuant to public housing or Section 8 programs of the United States Housing Act of 1937, as amended, (ii) funds received from assistance made available under Chapter 1.2 (§ 36-55.26 et

seq.) of Title 36, or (iii) proceeds from a bequest, life insurance policy, annuity, or other like source. The bill contains technical amendments.

Patron - Englin

FSB846 Uniform Statewide Building Code; adoption by localities of residential rental inspection districts. Requires localities to adopt an ordinance establishing a rental inspection district or districts that encompass any area of the locality where 30% or more of the available residential rental dwelling units are located in structures that were built before 1950.

Patron - Lambert

FSB966 Virginia Housing Partnership Trust Fund; dedicating unreserved general fund balances. Changes the name of the Virginia Housing Partnership Revolving Trust Fund to the Virginia Housing Trust Fund. The bill provides for 10% of the annual general fund revenue collections that are in excess of the official estimates in the general appropriation act and 10% of any unreserved general fund balance at the close of each fiscal year whose reappropriation is not required in the general appropriation act to be transferred to the Fund. The bill also provides that a portion of the fund shall be used to provide matching funds to localities that have both established a local housing fund and appropriated local moneys to the fund. Under the bill, the Department of Housing and Community Development is required to establish criteria for the allocation of the matching funds to eligible localities and to annually report on the allocation of matching funds. In addition, the bill authorizes grants to be made from the Fund to support innovative housing projects and low and moderate income housing projects that are located in areas experiencing extreme shortages of such housing.

Patron - Whipple

FSB967 Virginia Housing Trust Fund; dedicating recordation tax revenues. Changes the name of the Virginia Housing Partnership Revolving Trust Fund to the Virginia Housing Trust Fund. The bill provides for \$0.02 of the recordation tax to be transferred to the Fund. The bill also provides that a portion of the Fund shall be used to provide matching funds to localities that have both established a local housing fund and appropriated local moneys to the fund. Under the bill, the Department of Housing and Community Development is required to establish criteria for the allocation of the matching funds to eligible localities and to annually report on the allocation of matching funds. In addition, the bill authorizes grants to be made from the Fund to support innovative housing projects and low and moderate income housing projects that are located in areas experiencing extreme shortages of such housing.

Patron - Whipple

FSB1053 Uniform Statewide Building Code; regulations; authority of localities; historic districts. Requires the Board of Housing and Community Development to promulgate regulations as part of the Building Code that authorize a locality to require building permits for the installation of replacement siding, roofing, and windows in buildings within designated historic zoning districts within the locality.

Patron - Edwards

FSB1411 Fees imposed on new residential development. Provides that every local building department shall assess and impose a fee for its issuance of a final certificate of occupancy for any residential building or any residential structure that is situated within a new development. Each fee shall be charged to and collected from the developer of such building. If the sales price of the residential building or structure is \$200,000 or more, then the fee shall be 1.25% of such sales

price or 1.25% of the actual value of the building or structure, whichever is greater. If the sales price of the residential building or structure is less than \$200,000, then the fee shall be 0.75% of the sales price or 0.75% of the actual value of the building or structure, whichever is greater. The local building department shall deposit any fee collected into the Transportation Trust Fund to be used, within three years, for transportation projects in the construction district that embraces the locality served by the local building department. Several enactment clauses sunset the provisions of this bill. This bill was incorporated into SB 1268.

Patron - Cuccinelli

Institutions for the Mentally Ill; Mental Health Generally

Passed

PHB2036 Involuntary admission hearings; examination providers. Adds community service boards and behavioral health authorities to the list of facilities by which an examiner may be employed.

Patron - Hamilton

PHB2671 Sexually violent predators; civil commitment. Adds the following as sexually violent offenses which qualify a prisoner or incompetent defendant to be evaluated for civil commitment: capital murder in the commission of, or subsequent to a rape or attempted rape, sodomy or forcible sodomy or object sexual penetration, capital murder in the commission of an abduction committed with intent to defile the victim, and first and second degree murder when the killing was in the commission of, or attempt to commit rape, forcible sodomy, or object sexual penetration. The bill also provides that certain provisions regarding the identification, and assessment for filing a petition for commitment are procedural and not substantive or jurisdictional, and that absent gross negligence or willful misconduct it shall be presumed that there has been substantial compliance with the provisions. Allows the CRC 120 instead of 90 days after receiving the name of an individual eligible to be evaluated for civil commitment to complete its assessment and submit its recommendation to the Attorney General and revises the CRC's criteria for assessment and provides that a quorum is four members rather than five members. The bill grants access to a variety of records to the Department of Mental Health, the CRC, and the Department of Corrections and provides that the existence of prior convictions or charges may be shown with affidavits or documentary evidence at the probable cause hearing.

Patron - Griffith

PHB2678 Opiate addiction treatment center; closed on Sunday. Provides that no provider of treatment for persons with opiate addiction through the use of methadone or other opioid replacements shall be required to conduct, maintain or operate services for the treatment of persons with opiate addiction through the use of methadone or other opioid replacements on Sunday except when such service is provided by a hospital licensed by the Board of Health or the Commissioner or is owned or operated by an agency of the Commonwealth. Requires that the Department of Health shall develop guidelines or regulations to ensure the appropriate health, welfare and safety of consumers and the security of take-home doses.

Patron - Ware, O.

HB2955 Mental health; temporary detention orders. Requires a magistrate issuing a temporary detention order to consider the recommendations of any treating or examining physician licensed in Virginia, if available, prior to rendering a decision.

Patron - Bell

HB2962 Life-sharing communities. Defines a life-sharing community as a residential setting with therapeutic activities for persons with developmental disabilities and establishes criteria for the licensing and inspection of such communities by the Department of Social Services.

Patron - Bell

HB3177 Conservator; requirements for sale of real estate. Provides that, prior to the conveyance of real estate, the court may require that a conservator of a person deemed incapacitated use a common source information company, as defined in § 54.1-2130, when listing the property for sale.

Patron - Ebbin

SB890 Involuntary mental health commitment; custody orders. Allows an emergency or temporary custody order to include transportation to a medical facility for a medical evaluation if required by a physician at the hospital to which the person is being transported.

Patron - Deeds

SB1186 Community services board members; terms of office. Authorizes the governing body of a city or county to reappoint a member of a community services board after a three-year period has elapsed since the end of the member's last three-year term.

Patron - Blevins

SB1203 Sexually violent predators; civil commitment. Provides that the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Attorney General's Office shall examine, as possible components of conditional release of civilly committed sexual violent predators, the feasibility of the use of physical castration as a treatment option and the use of residential housing facilities, operated by the Commonwealth or by private providers contracted with the Commonwealth on property owned by the Commonwealth, and shall report the results of the examination to the Governor and the General Assembly by December 1, 2008.

Patron - Hanger

Failed

HB1633 Providers of mental health, mental retardation, and substance abuse services; retaliatory actions. Prohibits a group home or residential facility licensed or funded by the Department of Mental Health, Mental Retardation and Substance Abuse Services from retaliating or discriminating against any person who in good faith complains or provides information to or cooperates with the Department, or reports a violation that adversely affects the human rights of consumers or poses an imminent and substantial threat to the health, safety, or welfare of consumers.

Patron - Morgan

HB1792 Civil commitment of sexually violent predators; bestiality. Provides that a conviction for carnally knowing a brute animal qualifies a person as a sexually violent predator eligible to be evaluated for civil commitment.

Patron - Griffith

HB1904 Mental health; outpatient treatment orders. Changes the first criterion for outpatient treatment orders to include failure to properly take medication that has been previously prescribed, when such failure will likely cause the person to present an imminent danger to himself or others, or to be so seriously mentally ill as to be substantially unable to care for himself.

Patron - Albo

HB2474 Involuntary commitment; transportation. Provides that if the law-enforcement agency designated in a temporary detention order to provide transportation is a town agency and there is no town officer reasonably available to transport the person, the magistrate shall specify in the order that the county police department or sheriff provide the transportation.

Patron - Crockett-Stark

HB2636 DMHMRSAS; pilot program for older adults with mental illness; report. Requires the Department of Mental Health, Mental Retardation and Substance Abuse Services to develop a two-year pilot program to provide specialized services for older adults (age 65 and older) who have serious mental illness. The bill sets forth program requirements and objectives, and includes evaluation criteria. The bill requires both interim and final reports.

Patron - Watts

HB2672 Sexually violent predators; civil commitment. Provides that any prisoner convicted of a sexually violent offense will be referred to the Commitment Review Committee to be evaluated for civil commitment if he scores a minimum of four on the Static-99. Under current law, prisoners convicted of certain offenses (statutory rape, sodomy or object sexual penetration with child under age 13, and aggravated sexual battery with child under age 13 who suffered physical injury) are referred with a score of four, and the remainder are referred with a five. The bill also provides that certain provisions regarding the identification, review, and preparation for filing a petition for commitment are procedural and not substantive or jurisdictional and that absent gross negligence or willful misconduct, failure to comply is not a basis upon which a court can deny civil commitment or conditional release.

Patron - Griffith

HB2721 Background checks; providers licensed by DMHMRSAS. Allows a provider licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services to hire for compensation a person who has been convicted of not more than one offense of assault and battery of a police officer under § 18.2-57, or an equivalent offense in another state, if (i) more than five years have elapsed since the conviction and (ii) the hiring provider determines, based upon a screening assessment, that the criminal behavior was substantially related to the applicant's substance abuse and that the person has been successfully rehabilitated and is not a risk to consumers based on his criminal background check and his substance abuse history.

Patron - Carrico

SB763 Mental health; outpatient treatment orders. Changes the criteria for ordering outpatient mental health treatment rather than involuntary inpatient treatment. Strikes the requirement that a person be found to be a danger to himself or others and instead requires a finding that assisted outpatient treatment will be sufficient to prevent him from harming himself or others.

Patron - Cuccinelli

SB780 Involuntary temporary detention; issuance and execution of order. Modifies one element of the legal standard for involuntary commitment by changing the requirement that individuals present an "imminent danger" to a requirement that individuals present a "significant risk." Emphasizes criteria required for involuntary commitment as found in prior records of treatment and noncompliance with treatment, and demonstrated in reports of witnesses, family members, physicians, or mental health professionals.

Patron - Cuccinelli

SB808 Mental health; assisted outpatient treatment. Establishes a program of assisted outpatient treatment for the severely mentally ill. The bill authorizes assisted outpatient treatment only for persons previously hospitalized due to noncompliance with prescribed psychiatric treatment. The bill requires that a specific written treatment plan be prepared by the community services board that gives consideration to the treatment preferences of the individual and explicitly bars the forcible administration of medication. The bill also authorizes law-enforcement personnel to transport the individual to a treatment facility for evaluation by a treatment provider and to ensure compliance with the treatment order only when the individual has substantially failed to comply with the treatment plan without good cause, and only for a 48-hour period, including transportation time. The bill limits the duration of the court order to 180 days or less, and provides the person with procedural protections, including the right to an adversary hearing, the right to counsel, the right to an appeal, and the right to a jury trial on appeal.

Patron - Marsh

SB856 Background checks; providers licensed by DMHMRSAS. Allows a provider licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services to hire for compensation a person who has been convicted of not more than one offense of assault and battery of a police officer under § 18.2-57, or an equivalent offense in another state, if (i) more than five years have elapsed since the conviction, (ii) the hiring provider determines, based upon a screening assessment, that the criminal behavior was substantially related to the applicant's substance abuse and that the person has been successfully rehabilitated and is not a risk to consumers based on his criminal history background and his substance abuse history, and (iii) the law-enforcement agency employing the officer provides a supporting statement relating to the conviction.

Patron - Reynolds

SB981 Involuntary commitment; transportation. Provides that if the law-enforcement agency designated in a temporary detention order to provide transportation is a town agency and there is no town officer reasonably available to transport the person the magistrate shall specify in the order that the county police department or sheriff provide the transportation.

Patron - Edwards

SB996 Review of application for federal funds or services used in substance abuse programs. Exempts applications by local governments for federal funding or services used in substance abuse programs from certain administrative requirements.

Patron - Blevins

SB1052 Emergency custody order; issuance and execution. Authorizes sheriffs and sheriffs' deputies to execute emergency custody orders.

Patron - Edwards

SB1347 Guardian ad litem; evaluation for appointment. Provides that the subject of a petition for appointment of a guardian ad litem must be examined by a physician or psychologist before a guardian is appointed.

Patron - Ruff

Insurance

Passed

HB1622 Group accident and sickness insurance; student medical leaves of absence. Requires that coverage under a health insurance policy for a dependent child who is enrolled as a full-time student shall continue in force for up to 12 months from the date the child ceases to be a full-time student if the child is unable to continue as a full-time student due to a medical condition. The child's treating physician must certify when the child withdraws from school that the absence is medically necessary. The measure applies only to covered children under age 25.

Patron - Alexander

HB1957 Insurance consultants; contracts. Requires those consultants that do not sell, solicit or negotiate insurance to enter into a written contract with clients prior to acting as a consultant. Consultants that sell, solicit or negotiate insurance will be required to enter into a written contract with clients before they purchase insurance. Currently, all consultants are required to enter into a written contract with clients prior to taking any action as a consultant.

Patron - Hargrove

HB2001 Life insurance; insurable interest requirement. Clarifies that the provisions addressing when a trustee has an insurable interest in a life insurance policy are to be applied whether the policy was owned by a trustee before, on, or after July 1, 2005, which is the effective date of the legislation that enacted such provisions. The measure also provides that the 2005 legislation was intended to permit charitable organizations that satisfied the criteria set out in the criteria of that law to continue to acquire charitable certificates after July 1, 2005.

Patron - Kilgore

HB2351 Virginia Life, Accident and Sickness Insurance Guaranty Association. Provides that a maximum of \$250,000 in the present value of annuity benefits is to be considered in calculating the maximum amount of the contractual obligations for which the Virginia Life, Accident and Sickness Insurance Guaranty Association may become liable with respect to any one life. To qualify, an annuity shall be established and maintained as an individual retirement account, Section 457 Plan account, defined contribution plan account, or Keogh Plan account. The measure responds to recent FDIC rules that provide up to \$250,000 of protection for bank deposits and accounts utilized for certain self-directed individual retirement accounts. The measure also increases the maximum amount that the Association may be liable to expend in the aggregate with respect to any one individual from \$300,000 to \$350,000.

Patron - Tata

HB2394 Insurance companies; confidentiality of analyses. Provides that regulatory analyses, financial analyses, and examination synopses, including working papers, concerning insurance companies or insurance transactions that are sub-

mitted to the Commission by the National Association of Insurance Commissioners shall be kept confidential. These confidentiality requirements are made applicable to health maintenance organizations.

Patron - Nixon

HB3016 Insurance agents; license termination. Repeals a provision that directs the automatic termination of an insurance agent's license for failure to hold at least one active appointment within 183 calendar days from the date of issuance of the insurance license or the cancellation by an insurer of an agent's only appointment.

Patron - Hargrove

HB3055 Miscellaneous casualty insurance; burglary and theft insurance. Authorizes miscellaneous casualty insurance and burglary and theft insurance policies to include appropriate provisions obligating the insurer to pay medical, hospital, surgical, and funeral expenses arising out of the death, dismemberment, sickness, or injury of any person, and death and dismemberment benefits in the event of death or dismemberment, if the death, dismemberment, sickness, or injury is caused by or is incidental to a cause of loss insured under the policy.

Patron - Purkey

HB3137 Expedited review of final adverse health coverage decisions. Requires the Commissioner of Insurance or his designee to issue a final ruling no later than one business day following the receipt of the impartial health entity's recommendation if the regular process for the issuance of a ruling will delay the rendering of treatment for a patient whose condition would be terminal without the treatment. Currently, the commissioner has 10 working days to issue his final ruling. The utilization review entity is required to comply with the Commissioner's ruling within three business days of receipt of an expedited ruling. The State Corporation Commission is required to promulgate regulations regarding expedited consideration of appeals in cases involving a terminal condition.

Patron - Fralin

SB1084 Pharmacy benefits management. Requires every contract for pharmacy benefits management to provide that payment for clean claims submitted electronically by participating pharmacies be paid electronically if the claim is required to be submitted electronically, the claim is in the form required by the payor, the pharmacy agrees to accept payments electronically, and the pharmacy provides accurate electronic funds transfer information. The measure will become effective if reenacted by the 2008 Session of the General Assembly.

Patron - Puckett

SB1113 Surplus lines insurance. Clarifies that an alien insurer cannot be approved as a surplus lines carrier unless it maintains at least \$2.5 million in an irrevocable trust fund, in addition to capital and surplus requirements. Other provisions address the authority of the Commission to deem the capital and surplus requirements to be satisfied by an unlicensed insurer possessing less than that amount. The measure clarifies that the reporting date is March 1 unless the insurer's home state establishes a later date and makes several technical changes.

Patron - Miller

SB1303 Health maintenance organizations; conversions. Establishes a procedure by which a health maintenance organization may convert, without reincorporating, to an accident and sickness insurer.

Patron - Newman

SB1317 Insurance; risk-based capital. Corrects an erroneous cross-reference regarding the definition of adjusted risk-based capital reports. The measure also clarifies that negative trend, in the context of a life and health insurer, is determined in accordance with the trend test calculation included in the life insurance risk-based capital instructions. Finally, provisions regarding the trend test for property and casualty insurers are added.

Patron - Colgan

Failed

HB1954 Pharmacy benefits managers. Establishes requirements for the regulation of pharmacy benefits managers within the Commonwealth. The measure provides that a pharmacy benefits manager owes a fiduciary duty to an entity providing health coverage, and requires a pharmacy benefits manager to perform its duties with care, skill, prudence, and diligence and in accordance with the standards of conduct applicable to a fiduciary in an enterprise of a like character and with like aims. In addition, it establishes requirements for prompt payment of claims and disclosures and other contractual provisions in agreements between pharmacy benefits managers and pharmacy providers.

Patron - Morgan

HB1958 Insurance continuing education board; membership. Increases the size of the insurance continuing education board from 12 to 14 persons. The two new members may be appointed without regard to their affiliation with any insurance entity.

Patron - Hargrove

HB1975 Health insurance; mandated coverage for CyberKnife procedures. Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the cost of procedures utilizing CyberKnife or a like noninvasive radiosurgery technology that uses an image guided localization system to locate the position of a tumor and deliver concentrated and accurate beams of radiation to targets for the treatment of cancerous tumors.

Patron - Fralin

HB1994 Title insurance; settlement subsidies. Authorizes a title insurance company, title insurance agency, or agent to pay to a settlement agent a portion of the premium that is payable on a title insurance policy purchased by the purchaser or borrower in the real estate transaction, where the payment is used to subsidize the costs of the escrow, closing or settlement services.

Patron - Suit

HB2120 Small Employer Health Insurance Exchange. Creates the Small Employer Health Insurance Exchange as a nonprofit legal entity and charges it with providing a single, centralized market, analogous to a stock exchange, to facilitate the buying and selling of health insurance for employers with 100 or fewer employees. Employers may designate the exchange as their group health insurance plan for purposes of federal law and may allow employees to purchase health insurance coverage through the Exchange. The Exchange will offer an annual open season during which participants could select or switch coverage. After the first day of the plan year following the first regular open season conducted by the Exchange, no carrier may issue or renew a group health benefit plan for employers with 100 or fewer employees, other than through the Exchange.

Patron - Marshall, R.G.

HB2121 Virginia Health Insurance Exchange. Creates the Virginia Health Insurance Exchange as a nonprofit legal entity and charges it with providing a single, centralized system to facilitate the buying and selling of health insurance. Employers may designate the exchange as their group health insurance plan for purposes of federal regulation and tax law and allow employees to purchase health insurance coverage through the Exchange. The Exchange would offer an annual open season during which participants could select or switch coverage. The Commonwealth is directed to enter into an agreement with the Exchange to be the sponsor of a participating employer plan on behalf of current and retired state employees. After the first day of the plan year following the first regular open season conducted by the Exchange, no carrier may issue or renew an individual or small employer group health benefit plan, other than through the Exchange. Effective January 1, 2009, individuals are required to shall offer proof of their ability to pay for medical care for themselves and their dependents by either having insurance coverage or posting a \$10,000 bond or letter of credit.

Patron - Marshall, R.G.

HB2122 Virginia Health Reinsurance Pool Act. Establishes the Virginia Health Insurance Risk Transfer Plan as a nonstock corporation, and every health insurance carrier writing health insurance in the Commonwealth, except Medicaid-only health maintenance organizations and certain other carriers, shall be a member. Self-funded health insurance plans may also become members, provided that, if they join the pool, they are required to remain liable for Pool assessments for three years after withdrawing from the Plan. Voting power is allocated based on the number of covered individuals, provided members will have no more than 49% of the voting power. The Plan is directed to submit to the Commissioner of Insurance a proposed plan of operation that provides for the creation of a reinsurance pool. Members may cede risk to the reinsurance pool. Plan members ceding a risk to the Pool shall pay the Pool a premium determined by the rules governing the Pool.

Patron - Marshall, R.G.

HB2149 Individual health insurance policies; Medicare coverage. Requires any individual health insurance policy that is issued for delivery, or renewed on or after July 1, 2007, to include a notice stating whether the policy provides coverage for all medical treatments that are covered under Medicare Parts A and B.

Patron - Fralin

HB2156 Health insurance; mandated coverage for evaluations of brain tumors. Requires health insurers, health maintenance organizations, and corporations providing health-care coverage subscription contracts to provide coverage for a second opinion evaluation, at a medical center designated by the National Cancer Institute as a comprehensive cancer center, of a brain tumor that has been diagnosed as a primary malignant brain tumor.

Patron - O'Bannon

HB2426 Health insurance; coverage for bone marrow transplants. Repeals the provision that has required health insurers, health care subscription plans, and health maintenance organizations to offer and make available coverage for the treatment of breast cancer by dose-intensive chemotherapy/autologous bone marrow transplants or stem cell transplants.

Patron - Byron

HB2447 Health insurance; mandated coverage for enteral formulas necessitated by inborn metabolic disorders. Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage, under a policy, contract, or plan that provides prescription drug coverage, for enteral formulas, including modified solid food products, necessitated by inborn metabolic disorders. The coverage for modified solid food products is limited to \$5,000 in any year.

Patron - Frederick

HB2492 Licensing of insurance agents. Requires that applicants for insurance licensure submit fingerprints for a criminal history records check. The bill also allows any current or former law-enforcement officer applying for a license to provide an alternative address for purposes of service of process.

Patron - Albo

HB2543 Motor vehicle repair labor rates; survey; report. Requires the State Corporation Commission to conduct quarterly surveys of a sample of motor vehicle repair facilities in the Commonwealth to collect information regarding their hourly labor rates for body repair work. The results, including information for each Department of Transportation Regional Districts, shall be available to the public and posted to the Bureau of Insurance website. No person shall be required to pay rates for body repair work based on the results of the surveys.

Patron - Lingamfelter

HB2562 Joint payment of health insurance claims. Requires every health insurer, health services plan, or health maintenance organization, when paying a claim for services rendered by a health care provider that does not participate in the provider panel, to pay the claim by sending a check made payable to both the insured, subscriber, or member and to the nonparticipating health services provider.

Patron - Ware, R.L.

HB2635 Special Advisory Commission on Mandated Health Insurance Benefits. Abolishes the Special Advisory Commission on Mandated Health Insurance Benefits.

Patron - Reid

HB2683 Motor vehicle insurance; premiums based on credit. Prohibits insurers from setting rates for motor vehicle insurance on the basis of a person's credit history or credit score.

Patron - Frederick

HB2792 Insurable interest in life insurance policies; void. Clarifies that a trustee has an insurable interest in a life insurance policy and makes the same retroactive.

Patron - Lohr

HB2877 Health insurance; mandated coverage for human papillomavirus vaccinations. Requires health insurers, healthcare subscription plans, and health maintenance organizations to provide coverage for the cost of human papillomavirus vaccinations for women in accordance with recommendations of the Center for Disease Control's Advisory Committee on Immunization Practices.

Patron - McEachin

HB2887 Insurance; use of credit history. Prohibits insurers and agents from setting rates or making policy issuance and renewal decisions for motor vehicle insurance, homeowners insurance, and renters insurance on the basis of a person's credit history, lack of credit history, or credit score.

Patron - Phillips

HB2908 Motor vehicle insurance; rate increases. Prohibits a motor vehicle insurer from increasing the premium for renewal of a policy of motor vehicle insurance as a result of any claim made under the policy due to an accident for which the insured was neither wholly nor partially at fault.

Patron - Spruill

HB2949 Health insurance; mandated coverage for treatment by intensity modulated radiation therapy. Requires health insurers, health maintenance organizations, and corporations providing health care coverage subscription contracts to provide coverage for the treatment by intensity modulated radiation therapy of 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. The requirement for coverage applies only if the patient resides within a medically underserved area of the Commonwealth.

Patron - Wittman

HB3035 Insurance; unfair claims settlement practices. Provides that the unfair insurance claim settlement practices identified in current law apply to uninsured and underinsured motorist claims presented to the insurer whether such claims are presented before or after judgment against the uninsured or underinsured tortfeasor.

Patron - Nixon

HB3042 Fire Programs Fund. Increases the assessment on certain property and casualty insurers for the Fire Programs Fund from one percent to two percent of their total direct gross premium income.

Patron - BaCote

HB3160 Health insurance; policies to protect the uninsured. Authorizes health insurers, health plans, and health maintenance organizations to offer "Protect the Uninsured" (PTU) policies. PTU policies may be sold to small employers with no more than 50 employees, to provide coverage for their employees who have been uninsured for the preceding six months. The coverage provided under a PTU policy will be determined at the discretion of the health insurer issuing the policy, and specifically is not required to include state-mandated health benefits.

Patron - Marshall, D.W.

SB774 Birth-Related Neurological Injury Compensation Program; board of directors. Increases the number of members of the board of directors of the Birth-Related Neurological Injury Compensation Program from seven to eight and directs that one member shall be the parent of an infant who is a claimant and has been awarded benefits under the Act.

Patron - Cuccinelli

SB931 Health insurance; mandated coverage for prosthetic devices and components. Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the cost of prosthetic devices and components, if the treating physician certifies the medical necessity of the prosthetic device and component as a proposed course of treatment. The coverage shall, at a minimum, equal the coverage provided under provisions of the federal Medicare program.

Patron - Ticer

SB991 Health insurance; coverage for bone marrow transplants. Repeals the provision that requires health insurers, health care subscription plans, and health maintenance

organizations to offer and make available coverage for the treatment of breast cancer by dose-intensive chemotherapy/autologous bone marrow transplants. The existing requirement that health insurers, health care subscription plans, and health maintenance organizations offer and make available coverage for the treatment of breast cancer by stem cell transplants is unchanged.

Patron - Blevins

SB1336 Health insurance; accurate utilization data. Requires a health insurance issuer offering group health insurance coverage to provide an employer with correct data regarding the utilization of benefits and services by covered individuals. A health insurance issuer that fails to provide correct data to an employer is liable to the employer for an amount equal to 25% of the annual premium for a first violation and 50% for a second or subsequent violation.

Patron - Ruff

Labor and Employment

Passed

HB2334 Child labor; certain employment prohibited; farm wineries. Allows a child under the age of 18 years to work at a licensed Virginia farm winery provided the child does not serve or dispense in any manner alcoholic beverages.

Patron - Gilbert

HB2738 Minimum wage; definition of employee. Repeals the existing exclusion for persons who have reached age 65 from the definition of an employee under the Virginia Minimum Wage Act. This bill is identical to SB 758.

Patron - Englin

HB2783 Child labor offenses; civil penalties. Increases the civil penalty that may be assessed against a person who employs, procures or permits a child to be employed, or issues an employment certificate, in violation of child labor laws, when the violation results in the employment of a child who is seriously injured or who dies in the course of that employment, from \$1,000 to \$10,000. For violations not involving the death or serious injury of a child, the maximum civil penalty remains \$1,000.

Patron - Morgan

HB3132 Employment; leave for crime victims to attend criminal proceedings. Requires employers to allow an employee who is a victim of a crime to leave work, without compensation, to exercise his right to be present at criminal proceedings relating to the crime. An employer may limit the leave if it creates an undue hardship. Employers are prohibited from dismissing or otherwise discriminating against an employee who is a victim of a crime because he exercises the right to leave work.

Patron - Moran

SB758 Minimum wage; definition of employee. Repeals the existing exclusion for persons who have reached age 65 from the definition of an employee under the Virginia Minimum Wage Act. This bill is identical to HB 2738.

Patron - Stosch

Failed

HB1634 Minimum wage. Increases the minimum wage for persons age 19 or older from its current federally mandated level of \$5.15 per hour to \$6.00 per hour effective July 1, 2007, to \$6.45 per hour effective July 1, 2008, and to \$7.00 per hour effective July 1, 2009, unless a higher minimum wage is required by the federal Fair Labor Standards Act.

Patron - Marshall, D.W.

HB1651 Minimum wage. Increases the minimum wage from its current federally mandated level of \$5.15 per hour to \$6.15 per hour effective July 1, 2007, and to \$7.15 per hour effective July 1, 2008, unless a higher minimum wage is required by the federal Fair Labor Standards Act.

Patron - Eisenberg

HB1654 Minimum wage. Increases the minimum wage from its current federally mandated level of \$5.15 per hour to \$6.25 per hour effective July 1, 2007, and to \$7.00 per hour effective July 1, 2008, unless a higher minimum wage is required by the federal Fair Labor Standards Act.

Patron - Toscano

HB1906 Unfair employment practices; discharging employees when unauthorized aliens are employed. States that it is an unfair employment practice for an employer to discharge any United States citizen or legally authorized worker if the employer, on the date of the discharge, employed an unauthorized alien within the Commonwealth. Employers that are enrolled and participate in the federal Basic Pilot Program, or are exempt from compliance with federal employment verification procedures under federal law, are not subject to this measure. Someone discharged in violation of this unfair employment practice is entitled to recover treble damages, including lost wages from the date of the discharge until the date the employee has procured new employment, or 120 days, whichever occurs earlier, and reasonable attorney's fees and costs. This bill was incorporated into HB 2687.

Patron - Albo

HB1947 Hospital-Emergency Treatment Reimbursement Fund. Requires employers to withhold from wages payable to employees who are not covered by a health insurance policy an amount equal to five percent of their wages. The withheld moneys are to be remitted to the State Corporation Commission, which will allocate the funds among the licensed hospitals that have provided emergency care for which they have not been paid, based on the ratio of each hospital's unpaid costs to the statewide total. The Health Commissioner is required to collect information from licensed hospitals regarding the amount of their unpaid emergency care. Only hospitals that provide the requested data are eligible to receive distributions from the Fund.

Patron - Purkey

HB2004 Minimum wage. Increases the minimum wage from its current federally mandated level of \$5.15 per hour to \$6.15 per hour effective July 1, 2007; to \$7.15 per hour effective July 1, 2008; and to \$8.15 per hour effective July 1, 2009. For subsequent years, the minimum wage will be adjusted annually on July 1 to reflect changes in the Consumer Price Index for the preceding calendar year, as determined by the Commissioner of Labor and Industry.

Patron - Callahan

HB2217 Commissioner of Labor and Industry; reporting suspected employment misclassification and fraud. Requires the Commissioner of Labor and Industry to

establish and maintain a toll-free telephone number and make available paper forms and on-line electronic forms that may be used by persons to report suspected instances of misclassification of employees as independent contractors. The hotline and forms are also to be used to report suspected instances of workers' compensation insurance fraud and unemployment tax fraud. The Commissioner is required to forward reports of suspected instances of misclassification or fraud to the Insurance Fraud Investigation Unit of the Virginia State Police, the Virginia Employment Commission, or both, as appropriate, for their investigation.

Patron - Amundson

HB2328 Verification of employment eligibility through Basic Pilot Program; penalty. Makes it unlawful for an employer to fail to confirm, through the Basic Pilot Program of the U.S. Department of Homeland Security, the employment eligibility of a job applicant. A violation is a Class 1 misdemeanor.

Patron - Gilbert

HB2508 Minimum wage. Increases the minimum wage from its current federally mandated level of \$5.15 per hour to \$5.85 per hour effective July 1, 2007, to \$6.55 per hour effective July 1, 2008, and to \$7.25 per hour effective July 1, 2009, unless a higher minimum wage is required by the federal Fair Labor Standards Act.

Patron - Jones, D.C.

HB2605 Document verification for employment of illegal immigrants; penalty. Makes it a Class 1 misdemeanor to falsely represent that an alien worker has documentation indicating that he is legally eligible for employment. The measure amends the existing prohibition on employing such aliens to provide that it is unlawful to continue employing such person who cannot provide the required documentation of eligibility. Each day of continued unlawful employment of each alien constitutes a separate civil offense punishable by a \$100 civil penalty.

Patron - Watts

HB2687 Unfair employment practices; discharging employees when unauthorized aliens are employed. 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 shall have a cause of action against his employer on or after July 1, 2007. Employers that are enrolled and participate in the federal Basic Pilot Program, are exempt from compliance with federal employment verification procedures under federal law, or have obtained certain employment eligibility verification documentation, are not subject to this measure. Someone discharged in violation of this unfair employment practice is entitled to recover treble damages, including lost wages from the date of the discharge until the date the employee has procured new employment, or 120 days, whichever occurs earlier, and reasonable attorney's fees and costs. This bill incorporates HB 1906.

Patron - Reid

HB2725 Occupational safety and health program for public employees. Authorizes the Safety and Health Codes Board to establish regulations and procedures for enforcing the occupational health and safety program that the Commissioner of Labor and Industry establishes for employees of the Commonwealth or any public body. Currently, only the Commissioner is authorized to establish procedures for enforcing the program. The measure also provides that the regulations and

procedures shall include provisions addressing penalties to be assessed for violations.

Patron - McClellan

HB2849 Minimum wage. Increases the minimum wage from its current federally mandated level of \$5.15 per hour to \$6.15 per hour effective July 1, 2007, and to \$7.25 per hour effective July 1, 2008, unless a higher minimum wage is required by the federal Fair Labor Standards Act.

Patron - Moran

HB2873 Minimum wage. Increases the minimum wage from its current federally mandated level of \$5.15 per hour to \$7.25 per hour effective July 1, 2007, unless a higher minimum wage is required by the federal Fair Labor Standards Act.

Patron - McEachin

HB3054 Minimum wage. Increases the minimum wage from its current federally mandated level of \$5.15 per hour to \$6.15 per hour effective July 1, 2007, and to \$7.25 per hour effective July 1, 2008, unless a higher minimum wage is required by the federal Fair Labor Standards Act. The measure also repeals the existing exclusion for persons who have reached age 65 from the definition of an employee under the Virginia Minimum Wage Act.

Patron - Jones, D.C.

SB766 Minimum wage. Increases the minimum wage from its current federally mandated level of \$5.15 per hour to \$6.15 per hour effective July 1, 2007, unless a higher minimum wage is required by the federal Fair Labor Standards Act. This bill was incorporated into SB 1327.

Patron - Locke

SB1073 Occupational health and safety; penalty for violations. Requires that an employer cited for a serious violation of the occupational safety or health provisions of Title 40.1 shall be assessed a civil penalty of \$25,000, if the violation is determined to have caused or contributed to the death of an employee.

Patron - Miller

SB1277 Minimum wage. Increases the minimum wage from its current federally mandated level of \$5.15 per hour to \$6.15 per hour effective July 1, 2007, and to \$7.25 per hour effective July 1, 2008, unless a higher minimum wage is required by the federal Fair Labor Standards Act. This bill was incorporated into SB 1327.

Patron - Whipple

SB1327 Minimum wage. Increases the minimum wage 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 at such time as the federal minimum wage equals or exceeds \$6.50 per hour. This bill incorporates SB 766 and SB 1277.

Patron - Colgan

SB1354 Occupational safety and health; civil penalties. Prevents the Commissioner of Labor and Industry from assessing civil penalties on an employer for a cited violation of occupational safety and health standards until (i) the Safety and Health Codes Board has designated the occupation as a hazardous occupation and (ii) the employer has received written notice of the designation. Any designation of an occupation as hazardous shall be based upon the federal Occupational Safety

and Health Administration's determinations of the highest hazard industries.

Patron - Wagner

Libraries

Passed

HB2197 Technology protection measures; public libraries. Requires the library board or governing body of a library that receives state funding for any purpose to include in its acceptable use policy for the Internet provisions on selecting, installing and activating on those computers that have Internet access a technology protection measure to filter or block Internet access through such computers to child pornography as set out in § 18.2-374.1:1, obscenity as defined in § 18.2-372, and, with respect to minors, materials deemed harmful to juveniles as defined in § 18.2-390. The bill also requires the policy to include a provision for disabling the technology protection measure at the request of a patron in instances of bona fide research or other lawful purposes. This bill is identical to SB 1393.

Patron - Nixon

SB1393 Technology protection measures; public libraries. Requires the library board or governing body of a local library to include in its acceptable use policy for the Internet provisions for the selection, installation and activation of a technology protection measure on computers that have Internet access and that are accessible to the public to filter or block Internet access through such computers to child pornography as set out in § 18.2-374.1:1, obscenity as defined in § 18.2-372, and, with respect to minors, materials deemed harmful to juveniles as defined in § 18.2-390. The bill also requires the policy to include a provision for disabling or bypassing the technology protection measure at the request of a patron in instances of bona fide research or other lawful purposes. In addition, the bill provides that no state funding shall be withheld and no other adverse action taken against a library by the Librarian of Virginia or any other official of state government when the technology protection measure fails, provided that such library promptly has taken reasonable steps to rectify and prevent such failures in the future.

Patron - Stosch

Failed

HB2770 Virginia Public Records Act; disposition of public records. Gives agencies the discretion to destroy or discard records created after July 1, 2006, that are authorized to be destroyed or discarded under the Virginia Public Records Act. Currently, agencies are required to destroy or discard such records upon the expiration of the applicable retention schedule.

Patron - Hurt

Mechanics' and Certain Other Liens

Passed

HB2579 Mechanic's lien; required statements. Adds a certification of mailing to § 43-5, the statutory form for

a memorandum for mechanic's lien claimed by a general contractor. This bill also adds a statement to the statutory mechanic's lien forms for general contractors, subcontractors (§ 43-8), and sub-subcontractors (§ 43-10) that provides that it is the intent of the claimant submitting the form to claim the benefit of a lien. These statements and the certification are required to be in a mechanic's lien memorandum under § 43-4.

Patron - Janis

HB2580 Mechanic's liens; certification of mailing. Clarifies that subcontractors and sub-subcontractors are not subject to the same requirement as are general contractors to file along with a memorandum of lien a certification of mailing of a copy of the memorandum of lien on the owner of the property at the owner's last known address.

Patron - Janis

Failed

SB1022 Mechanic's lien; notice. Provides that the claimant of a mechanic's lien, including both general contractors and subcontractors, shall send written notice of the recording of the lien by first class mail to the owner of the property subject to the lien at the owner's last known address. The lien claimant shall also provide to the clerk, in whose office the memorandum of lien is filed, a copy of the written notice mailed to the property owner and shall certify to the clerk that the notice was mailed to the property owner. The bill also provides that all persons are deemed to have notice of the lien from the time of recording and indexing of the lien or from the time of mailing, whichever occurs last. Current law only requires that, at the time the memorandum of lien is filed with the clerk, a lien claimant who is a general contractor file a certification that a copy of the memorandum of lien was mailed to the property owner at the owner's last known address.

Patron - Whipple

Military and Emergency Laws

Passed

HB2654 Department of Military Affairs; duties. Establishes specific duties and functions to be carried out by the Department of Military Affairs. The bill is identical to SB 1184.

Patron - Lingamfelter

HB2726 Review of certain emergency plans by localities. Grants authority to localities to require the review of, and suggest amendments to, the emergency plans of nursing homes, assisted living facilities, adult day care centers, and child day care centers that are located within the locality.

Patron - McClellan

HB2809 Virginia National Guard; employment protection. Extends the employment protections for service in state duty to service under Title 32 of the United States Code. Upon return to duty, a guardsman would have 14 days to make written application to his previous employer for reemployment. The Code currently requires such application to be made within five days. In addition, the bill would add attorney fees and costs to the damages recoverable for violation of these employment provisions. The bill is identical to SB 1309.

Patron - Tyler

HB3015 Virginia Military Family Relief Fund; assistance after active duty. Provides that funds from the Virginia Military Family Relief Fund may be provided to a service member or his family from the date of entry into active duty until 180 days after release from active duty. This bill is identical to SB 1046.

Patron - Johnson

HB3048 Local emergency management plans. Requires every local and interjurisdictional agency to review and update its emergency operations plan every four years. The updated plan must be formally approved by the locality's governing body. The bill is identical to SB 1318.

Patron - Miller, P.J.

SB787 Emergency preparedness; animal protection. Requires the Department of Emergency Management to develop an emergency response plan to address the needs of animals in an emergency and to assist localities in developing their own emergency response plans.

Patron - Stosch

SB906 Officers of militia; Massanutten Military Academy. Adds the officers of the Massanutten Military Academy in Woodstock, Virginia, to the list of those officers recognized as commissioned officers of the unorganized Virginia militia.

Patron - Obenshain

SB1046 Virginia Military Family Relief Fund; assistance after active duty. Provides that funds from the Virginia Military Family Relief Fund may be provided to a service member or his family from the date of entry into active duty until 180 days after release from active duty. This bill is identical to HB 3015.

Patron - O'Brien

SB1184 Department of Military Affairs; duties. Establishes specific duties and functions to be carried out by the Department of Military Affairs. This bill is identical to HB 2654.

Patron - Locke

SB1309 Virginia National Guard; employment protection. Extends the employment protections for service in state duty to service under Title 32 of the United States Code. Upon return to duty, a guardsman would have 14 days to make written application to his previous employer for reemployment. The Code currently requires such application to be made within five days. In addition, the bill would add attorney fees and costs to the damages recoverable for violation of these employment provisions. This bill is identical to HB 2809.

Patron - Lucas

SB1318 Local emergency management plans. Requires every local and interjurisdictional agency to review and update its emergency operations plan every four years. The updated plan must be formally approved by the locality's governing body.

Patron - Puckett

Failed

HB2080 Disaster response; individual assistance. Allows the state to provide disaster assistance to individuals if federal aid is not available or is so delayed as to cause undue hardship. Funds may only be disbursed for individual assis-

tance at the direction of the Governor through an executive order.

Patron - Wittman

HB2176 Virginia Disaster Response Fund; disbursements. Authorizes disbursements from the Virginia Disaster Response Fund for costs and expenses incurred by the Department of Emergency Management or any other state agency, a political subdivision, or other entity for the purpose of upgrading or hardening designated shelters to withstand damage to and breaching of the facility by wind, floodwaters, or other storm-driven hazards. The bill also provides that annual disbursements made to a political subdivision for the operation, coordination, or acquisition and maintenance of equipment by emergency preparedness organizations of the political subdivision are required to be indexed to the Consumer Price Index.

Patron - BaCote

Mines and Mining

Passed

HB3089 Biofuels Incentive Grant Program; production eligibility. Lowers the eligibility requirement of the volume of biofuels produced and sold from 10 million gallons to two million gallons per calendar year for a producer to be eligible for a grant. The bill also amends the definition of producer to include any agricultural cooperative association, as defined in the Agricultural Cooperative Association Act (§ 13.1-312 et seq.). This bill incorporates HB 2247.

Patron - Nutter

HB3190 Coal miner certification and mine safety. Requires pre-employment substance abuse testing and provides for the immediate and temporary suspension of miner certification for certain violations related to drugs or alcohol. Requires certificate holders to notify the Board of Coal Mining Examiners of any drug-related criminal conviction within 30 days. Also allows the Board of Coal Mining Examiners to increase examination fees for miner certification from \$10 to an amount not to exceed \$50. This bill is identical to SB 1091.

Patron - Carrico

SB1091 Coal miner certification and mine safety. Requires pre-employment substance abuse testing and provides for the immediate and temporary suspension of miner certification for certain violations related to drugs or alcohol. Requires certificate holders to notify the Board of Coal Mining Examiners of any drug-related criminal conviction within 30 days. Also allows the Board of Coal Mining Examiners to increase examination fees for miner certification from \$10 to an amount not to exceed \$50. This bill is identical to HB 3190.

Patron - Puckett

Failed

HB2247 Biofuels Incentive Grant Program; production eligibility. Lowers the eligibility requirement of the volume of biofuels produced and sold from ten million gallons to 10,000 gallons per calendar year for a producer to be eligible for a grant. This bill was incorporated into HB 3089.

Patron - Hogan

HB2897 Mine safety. Requires mine operators to maintain motorized transport at the working face of a mine to

carry injured miners to the surface if the travel time from the working face to the surface is greater than 30 minutes.

Patron - Phillips

Motor Vehicles

Passed

HB1645 Overweight permits for underground pipe cleaning, hydroexcavating, and water blasting machinery. Provides for special overweight permits to be issued by the Commissioner of the Department of Motor Vehicles for the operation of underground pipe cleaning, hydroexcavating, and water blasting machinery on the highway. In addition, the bill directs the Department of Transportation to recommend legislation regarding the operation of overweight vehicles.

Patron - Cole

HB1653 Smoking in proximity to gas pumps; penalty. Provides that any person who smokes or uses an open flame within 20 feet of a pump used to fuel motor vehicles or a fueling tanker being used to deliver gasoline to a gasoline station, where smoking or the use of an open flame is prohibited by a posted sign, is guilty of a Class 3 misdemeanor, and is guilty of a Class 1 misdemeanor if the person causes a fire or explosion.

Patron - Armstrong

HB1679 Bridges and culverts. Exempts fire and emergency medical apparatus responding to or returning from emergency calls from weight limits on bridges and culverts, provided the vehicles are not so heavy as to cause immediate structural damage.

Patron - Cosgrove

HB1704 Driver's licenses; extension of period of validity. Grants to civilian employees of the U.S. government and contractors with the U.S. government extensions of the period of validity of their driver's licenses while serving or providing services under contract outside the Commonwealth.

Patron - Lingamfelter

HB1708 Alcohol-related reckless driving. Provides that the Commissioner of the Department of Motor Vehicles shall not reinstate the driver's license of a defendant required to complete an alcohol safety action program for a conviction of reckless driving until notification of enrollment is received.

Patron - Lingamfelter

HB1729 Maximum speed limit for school buses. Increases the maximum speed limit to 60 miles per hour for school buses traveling on interstates and highways where the speed limit is greater than 55 miles per hour.

Patron - Lohr

HB1765 Driver improvement clinic fees. Provides that neither the annual license fees for additional clinic locations nor the annual license fees for clinic instructor licenses will be required of or collected from the Virginia Association of Volunteer Rescue Squads or its members in connection with clinics that are provided for emergency vehicle operation training.

Patron - Brink

HB1779 Motor Vehicle Transaction Recovery Fund. Provides criteria for the awarding of attorney fees from the Fund.

Patron - Cosgrove

HB1782 Special license plates; Fraternal Order of Police of Virginia; fees. Authorizes the Commissioner of the Department of Motor Vehicles to issue revenue-sharing license plates to members of the Fraternal Order of Police of Virginia. This bill is identical to SB 1350.

Patron - Cosgrove

HB1817 Vehicle titling and registration. Provides that if a vehicle is registered and titled elsewhere in the United States, nothing is to be construed to require titling or registration in the Commonwealth of any vehicle located in the Commonwealth if that vehicle is registered to a non-Virginia resident active duty military service member, activated reserve or national guard member, or mobilized reserve or national guard member living in Virginia.

Patron - Suit

HB1848 Motor vehicle dealerships. Affords the buyer of a motor vehicle dealership the means to contest the failure of a manufacturer to approve the transfer of the dealership.

Patron - Saxman

HB1908 Child restraint devices. Increases the age that children must be secured in a child restraint device from five to eight and requires that rear-facing child restraint devices for infants from birth to one year shall be secured only in the back seat of motor vehicles manufactured after January 1, 1968. The bill also 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 six years old to eight years old for the permitted use of standard seat belt equipment for certain children.

Patron - Albo

HB1930 DMV fees. Exempts federal, state, and local officials from fees charged by DMV for obtaining data from DMV records.

Patron - Rapp

HB1964 Special license plates; nurses. Authorizes the issuance of revenue-sharing special license plates for nurses.

Patron - O'Bannon

HB1986 Parking; VDOT commuter parking lots. Provides that parking a vehicle in a VDOT-owned commuter parking lot in a way not in conformance with posted signs and pavement markings is a traffic infraction.

Patron - Cox

HB2025 Law enforcement on private roads. Provides that for law-enforcement purposes certification of road signs and speed limits by private licensed professional engineers shall have the same effect as if certified by VDOT.

Patron - Sherwood

HB2027 DMV driver record abstracts. Provides for half-price copies of driver record abstracts for volunteer drivers for Faith in Action.

Patron - Sherwood

HB2084 Law-enforcement escorts. Provides that any federal, state, or local law-enforcement vehicle used in

conducting a funeral escort, wide load escort, dignitary escort, or any other escort shall be considered an emergency vehicle and is exempt from obeying certain regulations such as speed limit and traffic signals and signs.

Patron - Eisenberg

HB2108 Visual displays in motor vehicles. Permits visual displays forward of the driver's seat or within view of the driver if used to enhance the driver's view forward, behind, or to the sides of a motor vehicle for the purpose of maneuvering the vehicle.

Patron - Carrico

HB2113 Stickers on mopeds. Amends the statute requiring stickers on mopeds to reflect the increase in maximum allowable speed of mopeds enacted by the 2006 Session.

Patron - Carrico

HB2132 HOV lanes; exemption for clean special fuel vehicles. Extends the "sunset" to 2008 authorizing the use of certain HOV lanes by vehicles bearing clean special fuel vehicle license plates.

Patron - Hugo

HB2163 Incident management. Provides that vehicles owned or controlled by the Virginia Department of Transportation (VDOT) are exempt from provisions related to stopping on highways while performing emergency road clearance duties. The bill also provides that, in addition to tow truck operators, VDOT vehicles may perform certain incident management duties.

Patron - Valentine

HB2177 Issuance of a license to operate a motorcycle. Changes "endorsement" to "classification"; allows an individual with a Virginia driver's license who successfully completes a motorcycle rider safety training course to use the documentation as a temporary motorcycle classification for 30 days; requires persons applying for a motorcycle classification who fail the road test twice to complete a motorcycle rider safety training course; allows DMV to exempt those who have completed a motorcycle safety training course from either the written materials or the road test or both; and requires the minimum paved range area used for motorcycle rider safety training courses to be consistent with the minimum range requirements established by the DMV-approved curriculum.

Patron - BaCote

HB2270 Motor vehicle salespersons. Sets forth conditions under which motor vehicle salespersons can be licensed even if they are not employed by a dealer.

Patron - Ebbin

HB2316 Motor vehicle dealers. Provides for the repurchase of certain dealer assets in the event of the termination of the dealer's franchise.

Patron - Welch

HB2357 Speed determination devices. Repeals the provision that allows law-enforcement officers using vehicle-based microcomputer devices to perform speed limit enforcement, upon request of any affected motorist, to show the motorist the reading on the device.

Patron - Cosgrove

HB2362 Exemption from local tax and license fees for certain law-enforcement officials. Allows local governments to exempt deputy sheriffs, police officers, and officers of

the State Police from the local tax and license fees for one owned or leased vehicle.

Patron - Scott, E.T.

HB2387 Local parking ordinances. Allows local governing bodies by ordinance to limit to no more than two hours the parking on streets adjacent to commercial business areas of vehicles with gross weights in excess of 12,000 pounds or lengths of 30 feet or more, unless actively engaged in loading or unloading operations.

Patron - May

HB2409 Motor vehicle dealers; compensation for warranty repairs, etc. Prohibits failure of manufacturers to fully compensate licensed motor vehicle dealers for warranty parts, work, and service either by reduction in the amount due to the dealer or by separate charge, surcharge, or other imposition.

Patron - Athey

HB2462 Operation of photo-monitoring or automatic vehicle identification systems. Changes the definition of "operator of a toll facility other than the Virginia Department of Transportation" from facilities authorized by the Code to any entity "that operates a toll facility." The bill also provides that the suspension of a driver's license for failure or refusal to pay these fines or costs is not applicable.

Patron - Rust

HB2465 License plates for antique motor vehicles and antique trailers; penalties. Provides that applicants for antique license plates show evidence of ownership or regular use of another passenger car or motorcycle. The bill also changes the fee for registration and license plates from \$10 to a one-time fee of \$50; corrects the dates for issuance of metal tabs; permits use of these plates to carry or transport passengers, personal effects, or other antique motor vehicles being transported for show; and requires that vehicles must meet safety equipment requirements for the model year in which they were manufactured. In addition, the bill (i) provides that DMV shall suspend the registration of vehicles registered with antique plates if the vehicle is not properly equipped or is otherwise unsafe to operate, (ii) establishes a Class 4 misdemeanor for violations of this act, and (iii) requires that DMV revoke and not reinstate the owner's privilege to register the vehicle with antique license plates for a period of five years. Lastly, the bill provides for the cancellation of antique vehicle plates issued prior to July 1, 2007 if, prior to January 1, 2008, registrants do not provide the Department with evidence of owning or having regular use of another passenger car or motorcycle and do not have the required safety certification.

Patron - Marshall, D.W.

HB2471 Renewal, duplication, or reissuance of special identification cards. Provides that renewal, duplication, or reissuance of special identification cards does not require proof of legal presence if the applicant's date of birth is 1937 or earlier and has previously held a Virginia-issued driver's license or special identification card if such license or identification card has not been expired for more than five years.

Patron - Marshall, D.W.

HB2501 Specially constructed, reconstructed, and replica vehicles. Revises procedures whereby specially constructed, reconstructed, and replica vehicles are titled and registered by DMV. The bill also provides that these vehicles meet safety and emission standards for the year of which the vehicle is a replica.

Patron - Rust

HB2518 Driver's licenses issued to persons convicted of driving under the influence. Prohibits the Department of Motor Vehicles from issuing or reinstating the driver's license of a person who has been convicted of driving under the influence or a related offense during the three-year period following the conviction, unless the person provides proof that he has in effect a motor vehicle liability insurance policy with limits that are double the minimum limits required generally for motor vehicle liability insurance policies. The bill will apply only to policies issued or renewed on or after January 1, 2008.

Patron - Iaquinto

HB2534 Truck climbing lanes. Requires VDOT to post signs requiring trucks and combination vehicles to keep to the right on Interstate Highway System components with no more than two travel lanes in each direction where terrain is likely to slow the speed of such vehicles climbing hills and inclines.

Patron - Landes

HB2536 Special license plates; repeal of authorizations. Repeals 2006 Session authorizations of special license plates that failed to obtain the required number of prepaid orders. These are special license plates for members of the Virginia State Defense Force, supporters of childhood cancer awareness, supporters of youth soccer, honoring Robert E. Lee, bearing the legend "I VOTED," supporters of the USO, supporters of the National D-Day Memorial Foundation, supporters of the National Multiple Sclerosis Society, veterans of U.S. military operations since September 11, 2001, in Afghanistan and Iraq, supporters of the Boy Scouts of America, and supporters of 9-1-1 communications professionals.

Patron - Landes

HB2594 Penalty for failure to pay motor vehicle fines and costs. Removes the provision that a suspension of a driver's license for failure to pay fines and costs must run consecutively with any other suspension.

Patron - Rapp

HB2640 Local vehicle license taxes and fees. Prohibits imposition of local vehicle license taxes and fees on inoperable vehicles and unlicensed as reconstructed or specially constructed vehicles.

Patron - Gear

HB2674 Toy vehicles. Provides a definition of "toy vehicle" and limits use of toy vehicles to (i) highways within residence districts that have no more than two travel lanes and where the speed limits are no more than 25 miles per hour and (ii) highways where play is permitted. The bill also requires that electrically powered toy vehicles have spill-proof, sealed, or gelled electrolyte batteries.

Patron - Toscano

HB2787 Special license plates; U.S. Coast Guard. Authorizes the issuance of special license plates for members and unmarried surviving spouses of members of the U.S. Coast Guard.

Patron - Joannou

HB2793 Local vehicle license. Exempts vehicles owned by a public service company having a fleet of at least 2,500 vehicles garaged in the Commonwealth from having to display any local license, decal, or sticker. Furthermore, no person who has purchased a local vehicle license, decal, or sticker for a vehicle in one county, city, or town and then moves to and garages his vehicle in another county, city, or

town can be required to purchase another local license, decal, or sticker from the county, city, or town to which he has moved and wherein his vehicle is now garaged until the expiration date of the local license, decal, or sticker issued by the county, city, or town from which he moved.

Patron - Saxman

HB2917 Weight limits for gravel trucks. Extends from July 1, 2007, to July 1, 2009, the sunset on the statute granting trucks hauling gravel, sand, or crushed stone no more than 50 miles from origin to destination in counties that impose a severance tax on coal and gases the same weight limits prescribed for coal trucks. The bill also requires the Department of Transportation, in consultation with the Commonwealth Transportation Board, to recommend legislation regarding the operation of these overweight vehicles.

Patron - Bowling

HB3024 Speed limits. Provides that the maximum speed limit will be 60 miles per hour where indicated by lawfully placed signs, erected subsequent to a traffic engineering study and analysis of accident and law-enforcement data, on U.S. Route 29, U.S. Route 58, U.S. Route 360, U.S. Route 460, and on U.S. Route 17 between Port Royal and Saluda where they are nonlimited access, multilane, divided highways.

Patron - Fralin

HB3028 CDL examination fees. Provides for a fee of \$50 to be charged by DMV every time an applicant for a commercial driver's license (CDL) fails to attend a scheduled skills test appointment, unless such applicant cancels his appointment with the assigned driver's license examiner at least 24 hours in advance of the scheduled appointment. The Commissioner may, on a case-by-case basis, waive such fee for good cause shown.

Patron - May

HB3045 Vehicle safety inspection stickers. Requires vehicles parked on the highways to display vehicle safety inspection stickers.

Patron - Miller, J.H.

HB3046 Designation of private roads as highways. Provides that the governing body of any county, city, or town may adopt ordinances designating private roads as highways for law-enforcement purposes within any residential development containing 100 or more dwelling units.

Patron - Miller, J.H.

HB3071 Odometer readings. Exempts vehicles that were manufactured for a model year at least 10 years earlier than the calendar year in which a sale or transfer occurs and were previously exempt from recording an odometer reading on the certificate of title in another state from odometer reading certifications.

Patron - Oder

HB3075 Regulation of traffic; authority of Wildlife Center of Virginia. Authorizes vehicles owned or controlled by the Wildlife Center of Virginia when specifically requested by a law-enforcement agency to rescue or euthanize injured wildlife to (i) cross medians of divided highways; (ii) use cross-overs and turn-arounds otherwise reserved for use only by authorized vehicles; (iii) drive on a portion of the highway other than the roadway; (iv) stop or stand on any portion of the highway; and (v) operate in any other manner as directed by a law-enforcement officer at the scene. The bill provides that a driver of any such vehicle is not immune from liability, criminal or civil, for reckless behavior.

Patron - Landes

HB3084 School bus warning devices. Requires that any new bus placed into service on or after July 1, 2007, shall be equipped with warning devices that, at a minimum, include a nonsequential system of red traffic warning lights, a warning sign with flashing lights, and a crossing control arm such that when the bus door is opened, the red warning lights, warning sign with flashing lights, and crossing control arm are automatically activated.

Patron - Peace

HB3122 Driving without a license; penalties. Provides that a second offense of driving without a license is a Class 1 misdemeanor. Under current law all violations are Class 2 misdemeanors.

Patron - Rust

HB3143 Local vehicle license taxes and fees. Restates the limitation on the amount of any such taxes and fees by replacing the phrase "amount of the license tax" with "annual or one-year fee."

Patron - Reid

SB742 Bridges and culverts. Exempts fire and emergency medical apparatus responding to or returning from emergency calls from weight limits on bridges and culverts, provided the vehicles are not so heavy as to cause immediate structural damage.

Patron - Miller

SB783 Speed limits. Provides that the maximum speed limit will be 60 miles per hour where indicated by lawfully placed signs, erected subsequent to a traffic engineering study and analysis of accident and law-enforcement data, on U.S. Route 29, U.S. Route 58, U.S. Route 360, U.S. Route 460, and on U.S. Route 17 between Port Royal and Saluda where they are nonlimited access, multilane, divided highways.

Patron - Bell

SB803 Special license plates; Robert E. Lee. Authorizes the Commissioner of the Department of Motor Vehicles to issue special license plates honoring Robert E. Lee.

Patron - Ruff

SB816 Driver's licenses; extension of period of validity. Grants to civilian employees of the U.S. government and contractors with the U.S. government extensions of the period of validity of their driver's licenses while serving or providing services under contract outside the Commonwealth.

Patron - Cuccinelli

SB898 Toy vehicles. Provides a definition of "toy vehicle" and limits use of toy vehicles to (i) highways within residence districts that have no more than two travel lanes and where the speed limits are no more than 25 miles per hour and (ii) highways where play is permitted. The bill also requires that electrically powered toy vehicles have spill-proof, sealed, or gelled electrolyte batteries.

Patron - Deeds

SB924 Law-enforcement escorts. Provides that any federal, state, or local law-enforcement vehicle used in conducting a funeral escort, wide-load escort, dignitary escort, or any other escort shall be considered an emergency vehicle and is exempt from obeying certain regulations such as speed limit and traffic signals and signs.

Patron - Ticer

SB993 Disabled parking. Allows licensed physician assistants, licensed podiatrists, licensed chiropractors, or

licensed nurse practitioners the same certification powers granted licensed physicians and certain other health care professionals in connection with obtaining various indicia associated with disabled parking privileges.

Patron - Blevins

SB1000 Regulation of taxicab service by localities; public access to financial records. Provides that financial data collected by local governing bodies shall be used only for consideration of rates or charges, or to determine financial responsibility, and shall be kept confidential by the governing body. The bill provides, however, that any certificate of insurance, bond, letter of credit, or other certification that the owner or operator has met the requirements of this chapter or of any local ordinance with regard to financial responsibility is not confidential.

Patron - Houck

SB1039 Driver's license applicable to holders of provisional driver's licenses. Prohibits the use of wireless telecommunication devices for such drivers while operating a motor vehicle, except in an emergency or when parked or stopped.

Patron - O'Brien

SB1042 Towing and recovery operators; exemption from liability. Provides that towing and recovery operators are exempt from liability in civil actions when they are responding in good faith to the lawful direction of rescue or fire agencies, in the case that life, limb, or property is endangered, to tow, recover, or store a vehicle or its contents. Current law only provides for such an exemption from liability when the towing and recovery operator is responding to the direction of a law-enforcement agency.

Patron - O'Brien

SB1060 Child restraint devices. Increases the age that children must be secured in a child restraint device from five to eight and requires that rear-facing child restraint devices for infants from birth to one year shall be secured only in the back seat of motor vehicles manufactured after January 1, 1968. The bill also 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 six years old to eight years old for the permitted use of standard seat belt equipment for certain children.

Patron - Watkins

SB1097 Records of the Department of Motor Vehicles. Eliminates the fee to receive driving record abstracts from the Department of Motor Vehicles for (i) local government group self-insurance pools, (ii) law-enforcement officers, (iii) attorneys and court officials for the Commonwealth, (iv) officials of counties, cities, and towns, and (v) court, police, and licensing officials of other states and of the federal government.

Patron - Williams

SB1100 Operation of photo-monitoring or automatic vehicle identification systems. Changes the definition of "operator of a toll facility other than the Virginia Department of Transportation" from facilities authorized by the Code to any entity "that operates a toll facility." The bill also provides that the suspension of a driver's license for failure or refusal to pay these fines or costs is not applicable.

Patron - Williams

SB1144 Incident management. Provides that vehicles owned or controlled by the Virginia Department of Transportation (VDOT) are exempt from provisions related to

stopping on highways while performing emergency road clearance duties. The bill also provides that, in addition to tow truck operators, VDOT vehicles may perform certain incident management duties.

Patron - Wagner

SB1153 DMV driver record abstracts. Provides for half-price copies of driver record abstracts for volunteer drivers for Faith in Action.

Patron - Potts

SB1321 Overweight permits for tank wagons. Authorizes issuance of overweight permits for tank wagons.

Patron - Houck

SB1350 Special license plates; Fraternal Order of Police of Virginia; fees. Authorizes the Commissioner of the Department of Motor Vehicles to issue revenue-sharing license plates to members of the Fraternal Order of Police of Virginia. This bill is identical to HB 1782.

Patron - Blevins

SB1360 Designation of private roads as highways. Provides that the governing body of any county, city, or town may adopt ordinances designating private roads as highways for law-enforcement purposes within any residential development containing 100 or more dwelling units.

Patron - Colgan

SB1363 Vehicle safety inspection stickers. Requires vehicles parked on the highways to display vehicle safety inspection stickers.

Patron - Colgan

SB1383 Specially constructed, reconstructed, and replica vehicles. Revises procedures whereby specially constructed, reconstructed, and replica vehicles are titled and registered by DMV.

Patron - Williams

Failed

FHB1646 Motor carriers of passengers; insurance. Provides that all motor carriers shall keep in force at all times insurance, a bond or bonds in an amount based on the number of passenger-carrying vehicles operated by the carrier: one to nine passenger-carrying vehicles: \$1,500,000; 10 or more passenger-carrying vehicles: \$5,000,000.

Patron - Cole

FHB1655 Required driving hours for holders of learner's permits. Increases the minimum driving hours from 40 to 50 hours, at least 15 of which shall be after sunset.

Patron - Lohr

FHB1676 Possession of open container of alcohol in a motor vehicle; penalty. Provides that no person shall possess an alcoholic beverage in the passenger area of a motor vehicle upon a public highway of the Commonwealth in other than the manufacturer's unopened, original container. The bill punishes violators with a civil penalty of \$25.

Patron - Purkey

FHB1686 Suspension of driver's license pending appeal of DUI conviction. Provides that when a person is found guilty of DUI and appeals the judgment to the circuit court, the Commissioner of Motor Vehicles shall not revoke that person's license until the appeal is withdrawn or the person is convicted in the circuit court. The bill also provides that

when a person appeals a judgment from the circuit court to the Court of Appeals and the circuit court provides that the execution of the sentence is suspended pending the outcome of the appeal, the Commissioner shall not revoke that person's license until the appeal is withdrawn or the judgment is affirmed at the completion of the appeals process.

Patron - Toscano

HB1699 Local vehicle license fees and taxes. Repeals authority of imposition and collection of local vehicle license fees and taxes. This does not affect the ability of localities to impose personal property taxes on vehicles.

Patron - Lingamfelter

HB1750 Special license plates; Vietnamese Heritage and Freedom Flag. Authorizes the issuance of special license plates bearing the Vietnamese Heritage and Freedom Flag.

Patron - Marshall, R.G.

HB1751 Special license plates; brain tumor awareness. Authorizes the issuance of special license plates to promote brain tumor awareness. The bill has an emergency clause making it effective upon its passage.

Patron - Marshall, R.G.

HB1772 Law-enforcement officer uniform requirement for arrests for speeding. Allows a law-enforcement officer to arrest a person for speeding without the requirement that he wear a uniform, only that he display a badge.

Patron - Cosgrove

HB1806 Special license plates; VIRGINIA RECYCLES. Authorizes the issuance of special license plates bearing the legend: VIRGINIA RECYCLES.

Patron - Poisson

HB1808 Motorcycles; driving two abreast in a single lane. Allows two motorcycles to travel abreast in a single lane.

Patron - Poisson

HB1818 Safety inspection; exemptions. Provides that periodic safety inspection requirements do not apply to Virginia-registered vehicles (i) owned in full by an active duty military service member, activated reservist, or temporarily mobilized reserve or national guard member stationed or living outside Virginia or (ii) jointly owned by an active duty military service member, activated reservist, or temporarily mobilized reserve or national guard member stationed or living outside Virginia and a dependent. The bill also exempts these vehicles from having to display a safety inspection approval sticker.

Patron - Suit

HB1831 Special license plates; National D-Day Memorial Foundation; fees. Authorizes the Commissioner of the Department of Motor Vehicles to issue revenue-sharing license plates to supporters of the National D-Day Memorial Foundation.

Patron - Putney

HB1832 Golf carts. Allows persons with disabled parking placards to cross public highways in golf carts, regardless of the speed limit on the highway, without having driver's licenses.

Patron - Putney

HB1874 Temporary driver's permits. Provides that 90-day limitation on validity of temporary driver's permits

does not apply to first-time driver's licenses issued to minors pending presentation of driver's licenses in a court ceremony.

Patron - Caputo

HB1876 Wireless telecommunications devices; use by certain drivers. Prohibits use of wireless telecommunications devices by holders of provisional licenses, learner's permits, and motorcycle learner's permits, except in an emergency, when the vehicle is parked, or when the vehicle is stationary on that portion of a highway improved, designed, and ordinarily used for vehicular travel. This bill incorporates HB 2510.

Patron - Caputo

HB1927 Antique vehicles. Imposes additional limitations and conditions on certain vehicles registered as antique vehicles. This bill was incorporated into HB 2465.

Patron - Griffith

HB1929 Abandoned vehicles. Allows property owners to have vehicles found abandoned on their property removed.

Patron - Griffith

HB1933 Failure to give way to overtaking traffic; penalty. Provides for a mandatory minimum fine of \$250 for failure to give way to an overtaking vehicle when driving a motor vehicle to the left and abreast of another vehicle.

Patron - Rapp

HB1934 Overtaking and passing vehicles on certain highways. Prohibits travel in the left-most lane of any limited access highway except to pass another vehicle traveling in the same direction. There are exceptions made for exiting to the left, avoiding a collision, traffic and inclement weather, and entering a toll facility.

Patron - Rapp

HB1983 Dealer's license plates. Repeals the prohibition on use of dealer's license plates on trailers.

Patron - Lohr

HB1987 Eluding police and causing injury or death; eluding while under the influence; penalties. Provides that any person who feloniously eludes police while also in violation of § 18.2-266 (DUI) or when a pursuit of the person by a law-enforcement officer results in bodily injury to another person is guilty of a Class 5 felony, punishment for which shall include a mandatory minimum sentence of six months' incarceration. The bill also provides that any person who feloniously eludes police when a pursuit of the person by a law-enforcement officer results in the death of another person is guilty of a violation of § 18.2-33.

Patron - Cox

HB2003 DMV vehicle data. Provides that law-enforcement personnel may provide the fire/rescue officer in charge at an accident scene DMV vehicle information when that information pertains to vehicles damaged in the accident.

Patron - Kilgore

HB2052 Improper driving charged by law-enforcement officer. Provides that a person may be charged with improper driving who has engaged in reckless driving where the degree of culpability is slight. Improper driving is punishable as a traffic infraction punishable by a fine of not more than \$500. Currently, only a charge of reckless driving may be reduced to improper driving by the court or the attorney for the Commonwealth.

Patron - McQuigg

HB2054 Use of headlights when operating windshield wipers. Provides that headlights must be lighted when using windshield wipers intermittently in misting rain, sleet, or snow. An exception is made for using wipers when cleaning the windshield.

Patron - McQuigg

HB2129 Board for Towing and Recovery Operators; review of contracts. Requires state agencies, instrumentalities, and subdivisions to submit to the Board for Towing and Recovery Operators copies of contracts for towing services at least 30 days prior to the dates on which they are to become effective.

Patron - Hugo

HB2183 Suspension of license for failure to pay jail fees. Allows for the suspension of a driver's license for failure to pay jail fees related to a prisoner's keep.

Patron - Miller, P.J.

HB2248 Yielding right-of-way when approaching certain vehicles. Provides that the driver of any motor vehicle shall yield the right-of-way when approaching vehicles used to collect and deliver the United States mail.

Patron - Hogan

HB2257 Assessment of fees by Department of Motor Vehicles (DMV) on certain drivers; use of fees collected for transportation. Requires the DMV Commissioner to impose and collect fees on drivers who have accumulated more than four net driver demerit points or have been convicted of driving on a suspended or revoked license, reckless or aggressive driving, DUI, or any other misdemeanor or felony involving operation of a motor vehicle. Annually, the first \$35 million of these fees, minus cost of collection, will be directed to the special matching fund established by § 33.1-23.05; the next \$25 million will be directed to the Transportation Partnership Opportunity Fund; and the remainder will be directed to the Local Congestion Mitigation Incentive Fund. This bill was incorporated into HB 2376.

Patron - Rust

HB2260 Removal of trespassing vehicles by towing and recovery operators. Eliminates the requirement that towing and recovery operators obtain a second written authorization from the owner of the property from which the vehicle is towed.

Patron - Rust

HB2285 Special license plates; DRIVING AMERICA'S FUTURE. Authorizes the Commissioner of the Department of Motor Vehicles to issue to licensed and former school bus drivers special license plates bearing the legend: DRIVING AMERICA'S FUTURE.

Patron - Watts

HB2286 Loitering in the rights-of-way of certain highways. Prohibits loitering in the right-of-way of any highway on which the Commissioner has posted signs prohibiting such activity.

Patron - Watts

HB2289 Revocation of driver's license; notice. Provides that a court shall order a person convicted of driving after the forfeiture of his driver's license to surrender his license and that such a conviction constitutes notice of the administrative revocation of his driver's license.

Patron - Watts

HB2320 Accident reports by law-enforcement officers; amount of property damage. Increases the property damage amount requiring a mandatory accident report from \$1,000 to \$2,500.

Patron - Welch

HB2375 Special license plates; "The Crooked Road: Virginia's Heritage Music Trail." Authorizes the Commissioner of the Department of Motor Vehicles to issue special license plates to supporters of "The Crooked Road: Virginia's Heritage Music Trail."

Patron - Dudley

HB2376 Assessment of fees on certain drivers; use of fees collected. Requires the courts to impose, in addition to any other penalties imposed, an initial additional fee for certain motor vehicle law offenses. The bill also requires the Department of Motor Vehicles to assess certain fees on any person who has eight or more driver demerit points. These fees, minus cost of collection, will be deposited into the Highway Maintenance and Operating Fund for highway maintenance purposes.

Patron - Rust

HB2383 Speed limits; Lucketts. Provides that the maximum speed limit in the Village of Lucketts is 25 mph.

Patron - May

HB2421 Special license plates; Blue Ridge Parkway Foundation. Authorizes the Commissioner of the Department of Motor Vehicles to issue revenue-sharing special license plates to supporters of the Blue Ridge Parkway Foundation.

Patron - Griffith

HB2434 Supplemental funding for primary and secondary road construction. Dedicates to primary and secondary road construction (i) current state recordation tax revenues, pro rata to each highway construction district based on the number of registered vehicles in each district; (ii) newly imposed state fees on drivers who have accumulated more than four net driver demerit points or have been convicted of driving on a suspended or revoked license, reckless or aggressive driving, DUI, or any other misdemeanor or felony involving operation of a motor vehicle, pro rata to each highway construction district based on the number of registered vehicles in each district; (iii) current local vehicle registration fees; and (iv) a newly authorized commercial real property tax in Northern Virginia. The bill is effective July 1, 2008. This bill was incorporated into HB 3202.

Patron - Albo

HB2452 Operation of vehicles by foreign licensees. Consolidates provisions relating to operation of motor vehicles in Virginia by nonresidents holding licenses from other states or foreign countries.

Patron - Cline

HB2453 Driving without a license; penalty. Provides for enhanced penalties for persons convicted multiple times of driving without a license (as distinct from driving on a suspended or revoked license). The enhanced penalties are patterned after present penalties for persons driving on revoked or suspended licenses. This bill was incorporated into HB 3122.

Patron - Cline

HB2482 Antique motor vehicles; driving distance. Removes the 250-mile driving limitation for vehicles regis-

tered with antique motor vehicle license plates. This bill was incorporated into HB 2465.

Patron - Crockett-Stark

HB2510 Provisional driver's licenses; restriction on using cellular phones and wireless devices. Places a restriction on persons with a provisional driver's license from using a cellular phone or other wireless device while driving on the highways of the Commonwealth. The bill also removes a subsection that makes offenses in the rest of the section secondary offenses, which would make all offenses in this section primary offenses. This bill was incorporated into HB 1876.

Patron - Jones, D.C.

HB2585 Motorcycle helmets. Exempts motorcyclists operating on scenic highways and Virginia byways from the motorcycle helmet law. The bill also makes failure to wear a helmet a secondary offense.

Patron - Janis

HB2587 Penalty for running a red light. Provides that the offense of running a red light is charged as reckless driving. The current penalty is a \$350 fine.

Patron - Janis

HB2597 Travel in the left lane by commercial motor vehicles. Prohibits drivers of commercial vehicles from travel in the left lane on Interstate Route 64 between the Hampton Roads Bridge-Tunnel and the City of Richmond.

Patron - Rapp

HB2610 Vehicle registration fees. Increases fees for registration of vehicles not designed and used to transport passengers, and increases the minimum registration fee for farm vehicles.

Patron - Watts

HB2665 Driver's license expirations. Grants to civilian employees of the U.S. government serving outside the country the same extension of their driver's license expiration granted to members of the military and diplomatic corps. This bill was incorporated into HB 1704.

Patron - Marsden

HB2700 Driver's licenses. Requires all first-time applicants for Virginia driver's licenses to prove that they have successfully completed either a driver education program approved by the State Department of Education or a course offered by a licensed driver training school and increases the minimum time required for first-time applicants over the age of 19 to hold a learner's permit from 30 days to 90 days.

Patron - Hugo

HB2701 Temporary driver's permits. Provides that the 90-day limitation on validity of temporary driver's permits does not apply to first-time driver's licenses issued to minors pending presentation of driver's licenses in a court ceremony.

Patron - Hugo

HB2702 Professional driver training schools and professional driver training instructors. Changes the terms "driver training school" and "instructor" to "professional driver training school" and "professional driving instructor" and requires driving instructors, as a precondition to licensure by the DMV, to pass a course of instruction offered by the DMV.

Patron - Hugo

HB2715 Provisional driver's licenses. Allows the holder of provisional driver's license to drive between mid-

night and 4:00 a.m. when driving to or from a residence where acting as a babysitter.

Patron - Barlow

HB2733 Driver's licenses and special identification cards; contents. Provides that, when requested by the applicant, the Department must indicate on driver's licenses and special identification card the names of no more than five "emergency contact persons." Contact information pertaining to such "emergency contact persons," such as addresses and telephone numbers, as supplied by the applicant, is to be maintained by the Department and released to law-enforcement and other emergency services personnel as provided in regulations.

Patron - Englin

HB2761 Stopping on highways. Makes running a red light reckless driving statewide. It also makes running a red light in localities formerly authorized to have photo-red programs punishable as reckless driving with a mandatory minimum fine of \$500. This bill was incorporated into HB 2587.

Patron - Hurt

HB2762 Stopping on highways. Makes illegal stopping in intersections in localities formerly authorized to have photo-red programs punishable by a mandatory minimum fine of \$500.

Patron - Hurt

HB2763 Highway safety corridors; speeding. Provides for a mandatory minimum fine of \$500 for persons convicted of driving 20 miles per hour or more in excess of the speed limit in highway safety corridors.

Patron - Hurt

HB2773 Unlawful possession of license plate or decal; penalty. Provides that any person who unlawfully possesses a license plate or decal issued to a vehicle other than his own is guilty of a Class 2 misdemeanor.

Patron - Hurt

HB2794 Special license plates; Purple Heart. Provides for issuance of Purple Heart special license plates free of charge to persons who are members in good standing of the Department of Virginia Military Order of the Purple Heart.

Patron - Wright

HB2863 Stopping for pedestrians. Amends the statute that presently requires motorists to yield the right-of-way to pedestrians to require that motorists stop for pedestrians.

Patron - Moran

HB2884 Overweight coal trucks. Provides that penalties for overweight coal trucks are imposed on the owners of the vehicles, and not on their drivers.

Patron - Phillips

HB2899 Special conservators of the peace. Authorizes special conservators of the peace employed by a locality to use flashing blue lights in their vehicles, like other law-enforcement vehicles. The law currently allows special conservators of the peace to use flashing red lights. The bill also exempts special conservators of the peace employed by a locality from the prohibition against wearing a uniform with an insignia containing the seal of Virginia.

Patron - Phillips

HB2902 License plates. Provides for single license plates for all vehicles presently required to display two license

plates, but allows owners of these vehicles to be issued two license plates if they so request.

Patron - Dance

HB2907 Driving with special license plates after conviction of DUI. Requires persons convicted of drunk driving a third or subsequent time who have registered motor vehicles in Virginia to use yellow license plates with red letters and numbers for a five-year period.

Patron - Spruill

HB2912 Cell phones. Bans use of cell phones by drivers of school buses and passenger-carrying commercial vehicles, except in emergencies.

Patron - Bowling

HB2916 Traffic lights; vehicle detection devices. Allows motorcycles, under certain conditions, to proceed through steady red signals if the traffic light is controlled by a vehicle detection device.

Patron - Bowling

HB2945 Stopping for pedestrians. Amends the statute that presently requires motorists to yield the right-of-way to pedestrians to require that motorists stop for pedestrians. The bill also gives all localities the option to provide for the installation of signs at marked crosswalks and to increase fines.

Patron - Miller, J.H.

HB2972 DUI administrative license suspension at time of charge. Clarifies that immediate administrative driver's license suspension occurs upon issuance of a warrant for arrest by a magistrate for a DUI, without regard to the probable cause for the arrest (eliminates reliance on 0.08% blood alcohol content).

Patron - Bell

HB3010 Motor vehicle, T&M vehicle, trailer, and motorcycle dealers. Imposes fees by the Department of Motor Vehicles on certain motor vehicle dealers, T&M vehicle dealers, trailer dealers, and motorcycle dealers.

Patron - Janis

HB3032 Vehicle safety inspections. Provides that vehicle owners may make appointments to have their vehicles inspected but that they cannot be required to do so.

Patron - Bell

HB3040 Motor fuel; failure to pay. Provides that for the purposes of the \$250 civil penalty for driving off and failing to pay for motor fuel, there is a rebuttable presumption that the owner, lessee, or renter of the vehicle that was involved was the operator of the vehicle.

Patron - BaCote

HB3066 Wireless telecommunications devices; use by certain drivers. Prohibits use of wireless telecommunications devices by holders of provisional licenses, learner's permits, and motorcycle learner's permits, except in an emergency, when the vehicle is parked, or when the vehicle is stationary on that portion of a highway improved, designed, and ordinarily used for vehicular travel.

Patron - Miller, P.J.

HB3072 Local vehicle license taxes and fees. Allows counties that assume responsibility for maintenance of certain subdivision streets to charge an additional annual local vehicle license fee of no more than \$10 per motor vehicle. This bill was incorporated into HB 2227.

Patron - Orrock

HB3073 Off-road motorcycle, all-terrain vehicle, and similar vehicle. Prohibits operation of any off-road motorcycle, all-terrain vehicle, or similar vehicle within 500 feet of any dwelling. Violation is punishable as a Class 4 misdemeanor (fine up to \$250). If a violation is committed by a juvenile, the parent or other person standing in loco parentis to that person shall be guilty of a Class 4 misdemeanor. A second or subsequent conviction within one year of a first conviction shall be punishable as a Class 3 misdemeanor (fine up to \$500). This bill does not apply to vehicles while being used for agricultural or silvicultural purposes.

Patron - Ware, R.L.

HB3077 Motorcycle helmets. Provides for a \$25 civil penalty for the conviction of a motorcyclist who fails to wear a helmet. At present, a violation is a traffic infraction and punishable by a fine of up to \$250.

Patron - Abbitt

HB3092 Driver's license numbers. Provides for nonissuance of driver's license numbers to persons with bona fide religious objections to issuance of such numbers.

Patron - Johnson

HB3149 DMV fees; issuance of driver's licenses and learner's permits. Requires DMV to impose an additional fee of up to \$20 for any transaction carried out in one of its customer service centers if the transaction does not involve a driver's license or learner's permit or some other service that cannot be carried out electronically or by other alternative means. The bill also requires the DMV Commissioner shall prepare a plan whereby all Virginia driver's licenses and learner's permits will be centrally manufactured and sent to the licensee or permittee by mail. He must submit a progress report to the General Assembly on the preparation of the plan and a schedule for implementation on or before September 1, 2007, and a final report no later than December 31, 2007.

Patron - Saxman

HB3152 Vehicle registration fees. Increases vehicle registration fees, removes certain fees based on weight, and dedicates the proceeds to transportation purposes.

Patron - Callahan

HB3187 Registration of certain taxicabs. Requires that every taxicab registered in another state that is regularly parked on the public streets of the Commonwealth or is regularly garaged in the Commonwealth, regardless of its registration in another state, also be registered in Virginia.

Patron - Sickles

HB3203 Special license plates for certain veterans. Provides that South Korean or allied national veterans as well as U.S. veterans of the Korean War may apply for special license plates for Korean War veterans and that South Vietnamese or allied national veterans as well as U.S. veterans of the Vietnam War may apply for special license plates for Vietnam War veterans.

Patron - Hull

SB733 Special license plates; supporters of the Virginia Museum of Natural History. Authorizes the issuance of revenue-sharing special license plates to supporters of the Virginia Museum of Natural History. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other nonrevenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 will go to the Virginia Museum of Natural History Foundation to support the

operation and programs of the Virginia Museum of Natural History.

Patron - Reynolds

FSB746 All-terrain vehicles. Amends statutes relating to all-terrain vehicles and titling all-terrain vehicles to make it clear that all-terrain vehicle dealers need not be licensed as motorcycle dealers.

Patron - Williams

FSB764 Driver's licenses; persons who use bioptic telescopic lenses. Allows persons who use bioptic telescopic lenses to receive driver's licenses with motorcycle classifications if they have lawfully driven a motor vehicle for a year immediately prior to the issuance of such an endorsed license.

Patron - Cuccinelli

FSB784 Special license plates; members of the American Poolplayers Association. Authorizes the Commissioner of the Department of Motor Vehicles to issue special license plates to members of the American Poolplayers Association.

Patron - Bell

FSB801 Reckless driving; speeding. Raises from 80 to 85 miles per hour the speed that constitutes reckless driving regardless of the speed limit.

Patron - Ruff

FSB909 Reckless driving; violation of right-of-way resulting in death of another. Provides that a person is guilty of reckless driving if he violates the right-of-way of any motor vehicle causing the death of another. The court must sentence the driver to 90 days in jail and suspend his driver's license for not less than six months or more than three years, although the court may suspend the penalties if the person completes 24 or more hours of community service.

Patron - Obenshain

FSB926 Regulation of parking of certain vehicles. Allows localities to regulate or prohibit the parking of any truck in any residence district.

Patron - Ticer

FSB1032 Accident reports; cellular phones. Requires law-enforcement officers to report whether the use of a cellular phone or other wireless communication device was a factor in an accident.

Patron - O'Brien

FSB1035 Child restraint devices; booster seat age; rear-facing child restraint devices; civil penalty. Raises the booster seat age requirement from through age five to through age seven and prohibits any person from securing a child in the front passenger seat with rear-facing child restraint device unless the vehicle is not equipped with a passenger side airbag or the airbag has been deactivated. The bill also removes an exception that allows children to ride unrestrained in the rear cargo area of vehicles other than pickup trucks. This bill was incorporated into SB 1060.

Patron - O'Brien

FSB1040 Driver's license for those under 19 years old. Makes a violation of the various restrictions, such as passenger and curfew limitations, that are applicable to drivers under 19 years of age a primary offense, rather than a secondary offense as currently provided by law.

Patron - O'Brien

FSB1043 DMV to develop and distribute materials for parents of certain minors. Requires the Department of Motor Vehicles, in cooperation with the Department of Education, to develop, produce, and make available instructional materials for use by parents of minors who hold learner's permits or provisional driver's licenses. These materials are to be designed to assist parents in ensuring that their children develop the skills, knowledge, habits, and awareness necessary for becoming safe drivers. They are, further, to be made available free of charge in the Department's Customer Service Centers.

Patron - O'Brien

FSB1094 Vehicle warning lights. Allows chaplains to equip their vehicles with colored warning lights and operate those vehicles in the same manner as those of volunteer firefighters, etc.

Patron - Puckett

FSB1107 Special license plates; Fraternal Order of Police of Virginia; fees. Authorizes the Commissioner of the Department of Motor Vehicles to issue revenue-sharing license plates to members of the Fraternal Order of Police of Virginia. This bill was incorporated into SB 1350.

Patron - Miller

FSB1119 Learner's permits, driver's licenses, and special identification cards. Provides that learner's permits, driver's licenses, and special identification cards issued to persons who are 25 years old or older must not show the age of the person to whom they are issued.

Patron - Cuccinelli

FSB1124 Provisional driver's licenses; use of wireless telecommunications devices. Prohibits persons under the age of 18 from using any cellular telephone or any other wireless telecommunications device while driving, regardless of whether such device is or is not handheld. A violation of this provision is a secondary offense. This bill was incorporated into SB 1039.

Patron - Cuccinelli

FSB1142 Dealer's license plates. Allows dealer's license plates to be used on vehicles in the inventory of licensed motor vehicle manufacturers, distributors, and dealers in the Commonwealth when the vehicles are operated by dealers or dealer-operators, their spouses, or employees of manufacturers, distributors, and dealers.

Patron - Wagner

FSB1196 Assessment of fees on certain drivers; use of fees collected. Requires the courts to impose, in addition to any other penalties imposed, an initial additional fee for certain motor vehicle law offenses. The bill also requires the Department of Motor Vehicles to assess certain fees on any person who has eight or more driver demerit points. These fees, minus cost of collection, will be deposited into the Highway Maintenance and Operating Fund for highway maintenance purposes.

Patron - Reynolds

FSB1315 Driver's license numbers. Provides for nonissuance of driver's license numbers to persons with bona fide religious objections to issuance of such numbers.

Patron - Wampler

FSB1337 DMV fees; issuance of driver's licenses and learner's permits. Requires DMV to impose an additional fee for certain transactions carried out in one of its customer service centers. The bill also requires the DMV

Commissioner shall prepare a plan whereby all Virginia driver's licenses and learner's permits will be centrally manufactured and sent to the licensee or permittee by mail.

Patron - McDougle

SB1358 Special license plates; DIG WITH CARE. Authorizes the issuance of special license plates bearing the legend "DIG WITH CARE."

Patron - Devolites Davis

SB1401 Motor vehicle stops. Requires a law-enforcement officer to inform the person stopped of the reason for the stop.

Patron - Marsh

SB1417 Transportation funding and reform. Provides statewide funding of transportation projects through current funds and additional funds. The bill also authorizes the Commonwealth Transportation Board to issue bonds in an aggregate amount not to exceed \$2 billion for statewide transportation funding.

Patron - Norment

SB1422 Special license plates; Bide-A-Wee Golf Course. Authorizes the issuance of special license plates for supporters of the Bide-A-Wee Golf Course in the City of Portsmouth.

Patron - Lucas

Notaries and Out-of-State Commissioners

Passed

HB2058 Notaries public. Rewrites the notary law to include electronic notarization and details the application and technology requirements for electronic notarization. These particular provisions become effective July 1, 2008. The bill creates a nonreverting technology fee account for the Secretary of the Commonwealth's use. A list of prohibited acts for notaries is included (e.g., use of official seal to promote or oppose products, candidates, etc.; use of signature or seal on incomplete documents; committing fraud under the guise of an official act) that subject the notary to suspension, removal, or reprimand as under current law. The bill also creates a Class 1 misdemeanor for obtaining, concealing, etc., electronic notarization software or hardware. The bill also increases the Secretary's fee for commissioning a notary from \$25 to \$35 and allows a fee of \$35 for commissioning an electronic notary. The fee for notarizing a document remains at \$5, and the fee for electronic notarization is not to exceed \$25. This bill is identical to SB 826.

Patron - McQuigg

HB3112 Notaries; fees for services. Provides that a notary may charge a fee of up to \$5 for services provided. Currently, if a notary charges a fee, the fee shall be \$5.

Patron - Cole

SB826 Notaries public. Rewrites the notary law to include electronic notarization and details the application and technology requirements for electronic notarization. These particular provisions become effective July 1, 2008. The bill creates a nonreverting technology fee account for the Secretary of the Commonwealth's use. A list of prohibited acts for notaries is included (e.g., use of official seal to promote or oppose prod-

ucts, candidates, etc.; use of signature or seal on incomplete documents; committing fraud under the guise of an official act) that subject the notary to suspension, removal, or reprimand as under current law. The bill also creates a Class 1 misdemeanor for obtaining, concealing, etc., electronic notarization software or hardware. The bill also increases the Secretary's fee for commissioning a notary from \$25 to \$35 and allows a fee of \$35 for commissioning an electronic notary. The fee for notarizing a document remains at \$5, and the fee for electronic notarization is not to exceed \$25. This bill is identical to HB 2058.

Patron - Devolites Davis

Nuisances

Passed

HB1995 Alcoholic beverage sale nuisances. Any locality by or through its mayor, executive, or attorney may file a petition in a circuit court to enjoin the sale of alcohol at any establishment licensed by the Alcohol Beverage Control Board. The basis for such petition shall be that the operator of the establishment has allowed it to become a meeting place for persons committing serious criminal violations of the law. After a final determination has been issued by the ABC Board the injunction is null.

Patron - Suit

Partnerships

Passed

HB2142 Limited partnerships and partnerships. Prohibits the transaction of business as a limited partnership unless the business is a Virginia limited partnership or a foreign limited partnership registered to transact business in Virginia. The measure includes numerous technical amendments that ensure that terminology in the Virginia Limited Partnership Act and Partnership Act conforms to provisions of other Virginia business entity laws. Other provisions centralize and expand the delayed effective date provisions for Virginia limited partnership organizational documents; move the provisions for the conversion of a partnership to a limited partnership to the Limited Partnership Act; amend the filing fees for limited partnership and registered limited liability partnership amendments and cancellations; and transfer responsibility for the filing of amended and restated certificates of limited partnership in circuit court from the Commission to the limited partnership.

Patron - Kilgore

Pensions, Benefits and Retirement

Passed

HB1830 Deferred compensation plan for state employees. Changes the participation in the deferred compen-

sation plan for new state employees hired on or after January 1, 2008, to an "opt-out" plan rather than an "opt-in" plan.

Patron - Putney

HB2091 Virginia Retirement System; long-term disability health insurance credit. Clarifies that state employees receiving long-term disability benefits are eligible for health insurance credits.

Patron - Tata

HB2095 Virginia Retirement System; information to localities. Directs the Virginia Retirement System to provide each participating locality the locality-specific data as may be necessary for each locality to determine the specific assumptions that are driving its VRS-related costs, and to understand the retirement costs of different classes of covered employees. Localities may be charged a fee by VRS for the cost of providing such information.

Patron - Tata

HB2096 Virginia Retirement System; accumulated contributions. Clarifies that a member's "accumulated contributions" includes all employer-paid, tax-deferred contributions. The bill also makes a technical change.

Patron - Tata

HB2097 Virginia Retirement System. Exempts the purchase of disability determination services by the Virginia Retirement System from the Public Procurement Act.

Patron - Tata

HB2370 Health insurance credits; teachers and other local school board employees. Increases the monthly health insurance credit for retired teachers from \$2.50 to \$4.00 for each full year of the retired member's creditable service. The bill eliminates an overall cap to the credit, and adds retired full-time, salaried employees of local school boards as recipients of the credit. The bill establishes a formula for determining the monthly health insurance credit for teachers whose retirement was for disability. The bill is applicable for current and future retirees from positions as teachers or full-time, salaried employees of local school boards. Pursuant to this bill, a locality would no longer have the option of providing an additional \$1 health insurance credit to retired teachers, and the maximum credit that a teacher could receive is \$4. This bill is identical to SB 1218.

Patron - Tata

HB2557 Work-related short-term and long-term disability; state police officers. Provides that the Commonwealth will continue to pay the employer's share of health insurance coverage for the state police officer and his family or dependents during periods of work-related long-term disability. Currently, the employee is responsible for the full cost of coverage during long-term disability. In addition, the bill requires that a law-enforcement agency provide a totally and permanently disabled employee with information about benefits available under the Line of Duty Act and requires that the agency assist such employee with filing a Line of Duty Act claim. This bill contains an emergency clause.

Patron - Cox

HB2880 Commonwealth Health Research Fund. Provides that the investment of moneys in the Commonwealth Health Research Fund would be governed exclusively by the provisions of Article 3.1 (§ 51.1-124.30 et seq.) of Chapter 1 of Title 51.1. This bill is identical to SB 793.

Patron - McEachin

SB789 Local trusts for providing postemployment public benefits. Provides that counties, cities, towns, school divisions, and certain political subdivisions may establish local trusts or equivalent arrangements to fund postemployment benefits other than pensions.

Patron - Stosch

SB793 Commonwealth Health Research Fund. Provides that the investment of moneys in the Commonwealth Health Research Fund would be governed exclusively by the provisions of Article 3.1 (§ 51.1-124.30 et seq.) of Chapter 1 of Title 51.1. This bill is identical to HB 2880.

Patron - Stosch

SB1166 Retirement; benefits for certain state and local public safety officers. Makes several changes to the benefits of state and local public safety officers and the funding of such benefits. All deputy sheriffs would become members of the Law Enforcement Officers' Retirement System (LEOs) beginning July 1, 2008. State police officers would receive a 1.85% average final compensation retirement multiplier, and would continue to receive the additional annual supplement. Beginning July 1, 2007, the Compensation Board would reimburse a portion of the costs incurred by a county or city for the additional benefits, based upon the county's or city's local fiscal stress index. This bill incorporates SB 875.

Patron - Stolle

SB1218 Health insurance credits; teachers and other local school board employees. Increases the monthly health insurance credit for retired teachers from \$2.50 to \$4.00 for each full year of the retired member's creditable service. The bill eliminates an overall cap to the credit, and adds retired full-time, salaried employees of local school boards as recipients of the credit. The bill establishes a formula for determining the monthly health insurance credit for teachers whose retirement was for disability. The bill is applicable for current and future retirees from positions as teachers or full-time, salaried employees of local school boards. Pursuant to this bill, a locality would no longer have the option of providing an additional \$1 health insurance credit to retired teachers, and the maximum credit that a teacher could receive is \$4. This bill incorporates SB 777, SB 831, SB 860, and SB 1170, and is identical to HB 2370.

Patron - Hanger

Failed

HB1637 Virginia Retirement System; average final compensation retirement multiplier for teachers. Increases from 1.7 to 2.0 the average final compensation retirement multiplier for teachers with 10 or more years of creditable service earned as a teacher. The bill applies to teachers first retiring on or after July 1, 2007.

Patron - Shuler

HB1731 Virginia Retirement System; retirees hired as nurses. Provides that retired persons who are members of the Virginia Retirement System may be hired as nurses without interrupting their retirement benefits under the following conditions: (i) the person has been receiving such retirement allowance for a minimum period of time as jointly determined by VRS and the Joint Legislative and Audit Review Commission; (ii) the person has not retired pursuant to an early retirement incentive; and (iii) the person did not voluntarily resign or voluntarily retire under the Workforce Transition Act of 1995.

Patron - Valentine

HB1756 Virginia Law Officers' Retirement System; membership. Adds probation and parole officers employed by the Department of Juvenile Justice to membership in the Virginia Law Officers' Retirement System.

Patron - Kilgore

HB1766 Health insurance credit for retired teachers. Increases the health insurance credit for retired teachers to \$4 per month for each year of creditable service with no monthly cap. Under current law, retired teachers with 15 or more years of service are allowed a health insurance credit of \$2.50 per month for each year of creditable service with a cap of \$75 per month.

Patron - Shuler

HB1828 Virginia Retirement System; investments related to 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.

Patron - Valentine

HB1833 Health insurance credits for retired state employees. Increases the monthly health insurance credit for retired state employees from \$4 for each year of creditable service to \$6 for each year of creditable service.

Patron - Putney

HB1852 Virginia Law Officers' Retirement System; agency heads. Provides that no agency head shall be eligible to be a member of the Virginia Law Officers' Retirement System (VaLORS) during the period that he serves as agency head, except for the Chief of the Capitol Police. However, nothing shall affect any benefits attributable to an agency head's service as a member in VaLORS before or after his service as agency head.

Patron - Wittman

HB1870 Virginia Retirement System; purchase of prior service credit. Clarifies that National Guard service is one of the types of prior military service that can be purchased and removes the requirement that military service must be active duty in order to be purchased.

Patron - Lewis

HB1881 Health insurance credits for retired teachers. Increases the monthly health insurance credit for retired teachers from \$2.50 for each year of creditable service to \$4 for each year of creditable service. The bill also removes a monthly cap for such credit and reduces the eligibility requirement from 15 years of creditable service to five years of creditable service.

Patron - Caputo

HB1882 Virginia Retirement System; average final compensation retirement multiplier for teachers. Increases from 1.7 to 2.0 the average final compensation retirement multiplier for teachers with five or more years of creditable service earned as a teacher. The bill applies to current and future retirees.

Patron - Caputo

HB1915 Virginia Retirement System; average final compensation retirement multiplier for teachers. Increases from 1.7 to 2.0 the average final compensation retirement multiplier for teachers with five or more years of creditable service earned as a teacher. The bill applies to teachers first retiring on or after July 1, 2007.

Patron - Ward

HB1926 Retirement benefits for certain state employees; early retirement for the terminally ill. Permits early retirement for state employees who have 20 more years of creditable service and who are terminally ill, even though they are less than 50 years of age.

Patron - Griffith

HB1941 Virginia Retirement System; defined contribution retirement plan. Creates a new defined contribution retirement plan for all employees who begin employment on or after July 1, 2008, in lieu of participating in any other retirement plan administered by the Virginia Retirement System. All other employees may elect to participate in the plan in lieu of participating in any other retirement plan administered by the Virginia Retirement System.

Patron - Purkey

HB1967 Virginia Law Officers' Retirement System; agency heads. Provides that no agency head shall be eligible to be a member of the Virginia Law Officers' Retirement System (VaLORS) during the period that he serves as agency head, except for the Chief of the Capitol Police. However, nothing shall affect any benefits attributable to an agency head's service as a member in VaLORS before or after his service as agency head.

Patron - Lewis

HB1972 Retirement; teachers and administrative faculty of institutions of higher education. Provides that teachers and administrative faculty of institutions of higher education who are covered under an optional retirement plan (in lieu of the Virginia Retirement System) and have 10 years of service with the Commonwealth may make a one-time, irrevocable election to transfer into VRS.

Patron - Shuler

HB1973 Optional retirement plan; institutions of higher education. Provides that the annual contribution to optional retirement plans covering certain employees at institutions of higher education would not be less than the percentage contribution rate in effect that is generally applicable for state employees who are members of the Virginia Retirement System, including the five percent member contribution rate.

Patron - Shuler

HB2094 Retirement benefits for local school superintendents. Permits a retired member of the Virginia Retirement System to return to work as a local school division superintendent and still maintain his monthly retirement payments. Such option currently is available to certain other local school board instructional or administrative employees under certain conditions.

Patron - Tata

HB2172 Retirement allowance for teachers; removal of sunset date. Removes the sunset date (July 1, 2007) from the retirement provision that permits certain retired teachers to return to teaching and continue to receive retirement payments.

Patron - BaCote

HB2246 Virginia Law Officers' Retirement System. Permits early retirement for any member of the Virginia Law Officers' Retirement System who has 20 or more years of creditable service and who has suffered a life-threatening illness or medical condition that renders it hazardous to his health to continue in his employment, even though he is less than 50 years of age.

Patron - Hogan

HB2420 Retirement; benefits for certain state and local public safety officers. Makes several changes to the benefits of state and local public safety officers and the funding of such benefits. All deputy sheriffs would become members of the Law Enforcement Officers' Retirement System (LEOs). State police officers would receive a 2.0% average final compensation retirement multiplier and would continue to receive the additional annual supplement. Any member of LEOs would receive a 1.7% average final compensation retirement multiplier and the additional annual supplement. However, the multiplier for sheriffs would be increased from 1.7% to 2.0%, and an employer may elect to increase the multiplier to 2.0% for other classes of covered employees. The employer is responsible for paying the actuarial cost of the increase. Beginning July 1, 2007, the Compensation Board would reimburse 100% of each county's or city's employer contribution to the Virginia Retirement System for state-responsible deputy sheriffs. However, the reimbursement would be based upon the salaries of such state-responsible deputy sheriffs as fixed by the Board.

Patron - Kilgore

HB2519 Virginia Retirement System; hiring retirees into covered positions. Provides that any person retired under the Virginia Retirement System may be hired into positions otherwise covered under the Virginia Retirement System without interrupting his retirement benefits for up to five years under the following conditions: (i) the person has been receiving such retirement allowance for a minimum period of time as determined by VRS; (ii) the person retired under the normal retirement provisions of his retirement program; and (iii) the person's service performed and compensation received during the period of time will not count towards his retirement benefits.

Patron - Iaquinto

HB2693 Virginia Retirement System; retirees hired as nurses. Provides that retired persons who are members of the Virginia Retirement System may be hired as nurses without interrupting their retirement benefits under the following conditions: (i) the person has been receiving such retirement allowance for a minimum period of time as jointly determined by VRS and the Joint Legislative and Audit Review Commission; (ii) the person has not retired pursuant to an early retirement incentive; and (iii) the person did not voluntarily resign or voluntarily retire under the Workforce Transition Act of 1995.

Patron - Cline

HB2718 Virginia Law Officers' Retirement System. Provides that the supplemental allowance currently paid to certain members upon retirement until age 65 would instead be paid until Social Security retirement age.

Patron - Barlow

HB2774 Judges; early retirement. Allows a judge who is at least 50 years old with at least 18 years and six months of actual nonweighted service as a judge of the Commonwealth to retire upon expiration of his current term without any reduction in the retirement allowance, provided that the judge gives notice of his retirement to the relevant committee of the General Assembly at least 180 days before the expiration of the term.

Patron - Hurt

HB2848 Retirement; benefits for certain state and local public safety officers. Makes several changes to the benefits of state and local public safety officers and the funding of such benefits. All deputy sheriffs would become members of

the Law Enforcement Officers' Retirement System (LEOs). State police officers would receive a 2.2% average final compensation retirement multiplier and would continue to receive the additional annual supplement. Any member of LEOs would receive a 1.7% average final compensation retirement multiplier and the additional annual supplement. However, the multiplier for sheriffs would be increased from 1.7% to 2.2%, and an employer may elect to increase the multiplier to 2.2% for other classes of covered employees. The employer is responsible for paying the actuarial cost of the increase. For any county or city that did not provide LEOs benefits to deputy sheriffs as of January 1, 2007, such county or city would be required to provide such benefits to its deputy sheriffs beginning July 1, 2007. For such counties or cities, the Compensation Board would reimburse 100% of the county's or city's employer contribution to the Virginia Retirement System for state-responsible deputy sheriffs. However, the reimbursement would be based upon the salaries of such state-responsible deputy sheriffs as fixed by the Board.

Patron - Moran

HB2866 Health insurance credits for retired school division employees. Expands the recipients of the health insurance credits currently going to retired teachers to all retired employees of local school divisions.

Patron - McEachin

HB2869 Virginia Retirement System; investments related to 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.

Patron - McEachin

HB2871 State and local trusts for providing postemployment public benefits. Creates trusts or equivalent arrangements to fund the costs of providing postemployment benefits other than pensions for the Commonwealth and for counties, cities, towns, school divisions, and other political subdivisions of the Commonwealth.

Patron - McEachin

HB2904 Virginia Retirement System; information to localities. Directs the Virginia Retirement System to provide each participating locality the locality-specific data as may be necessary for each locality to determine the specific assumptions that are driving its VRS-related costs, and to understand the retirement costs of different classes of covered employees.

Patron - Spruill

HB2956 Virginia Retirement System; defined contribution plan. Creates a new defined contribution plan for all employees who enter on or after July 1, 2007, into any position covered by any retirement plan administered by the Virginia Retirement System. The employee has 90 days after entering into such a position to elect to participate in the defined contribution plan or the retirement plan for which he is otherwise eligible.

Patron - Bell

HB2984 Virginia Retirement System; retirement benefits for state and local employees. Provides that (i) state police officers hired on or after July 1, 2007, shall have a retirement multiplier of 2.1% and shall not be eligible for the additional annual allowance now available, and that all other state police officers shall have a retirement multiplier of 1.85% (instead of 1.7%); (ii) all other employees covered under the Virginia Retirement System who currently have a retirement multiplier of 1.7% shall have a retirement multiplier of 1.75%;

(iii) employees hired on or after July 1, 2007, into a position covered under the State Police Officers' Retirement System (SPORS), the Virginia Law Officers' Retirement System (VaLORS), or a local law-enforcement position with retirement coverage comparable to that of SPORS, who already were vested under either of the other two of these three retirement programs, may choose to maintain coverage under the vested program; (iv) for employees hired on or after July 1, 2007, into a position covered by the Virginia Retirement System, the age and creditable service requirement for unreduced early retirement allowance is changed from 50 years of age and 25 years of service to 55 years of age and 30 years of service; (v) for local law enforcement employees hired on or after July 1, 2007, localities may provide retirement benefits comparable to that provided under VaLORS (and not that provided under SPORS); and (v) the Compensation Board shall reimburse localities, based on the local fiscal stress index, for a portion of the additional cost to the localities of providing local law-enforcement employees retirement coverage comparable to that provided under the State Police Officers' Retirement System (SPORS), or the Virginia Law Officers' Retirement System (VaLORS).

Patron - Ingram

HB3009 Local juvenile detention employees; retirement system. States that localities may provide benefits to local employees of juvenile detention facilities who provide direct care or supervision to detainees equivalent to those provided under the State Police Officers' Retirement System.

Patron - Marsden

HB3014 Health insurance credits; retired teachers. Increases the monthly health insurance credit for retired teachers to \$4 for each full year of service, with no maximum. Also reduces the amount of service time to be eligible for this credit from 15 years to five years.

Patron - Ward

HB3027 Health insurance credits; certain retired public officers and employees. Increases the monthly health insurance credit from \$1.50 to \$2.50 for each full year of creditable service for retired constitutional officers, employees of constitutional officers, general registrars, employees of general registrars, and local social service employees.

Patron - Ingram

SB777 Health insurance; credits for retired teachers. Increases the amount of the monthly health insurance credit for retired teachers from \$2.50 to \$4 per year of service. The maximum monthly credit would not exceed \$120. This bill was incorporated into SB 1218.

Patron - Potts

SB802 Virginia Law Officers' Retirement System. Provides that the supplemental allowance currently paid to certain members upon retirement until age 65 would instead be paid until Social Security retirement age. This bill was incorporated into SB 1156.

Patron - Ruff

SB813 Retirement benefits for local school superintendents. Permits a retired member of the Virginia Retirement System to return to work as a local school division superintendent and still maintain his monthly retirement payments. Such option currently is available to certain other local school board instructional or administrative employees under certain conditions.

Patron - Ruff

SB831 Health insurance credits; retired teachers. Increases the monthly health insurance credit for retired teachers to \$4 for each full year of service, with no maximum. Also reduces the amount of service time to be eligible for this credit from 15 years to five years. This bill was incorporated into SB 1218.

Patron - Devolites Davis

SB850 Virginia Retirement System; optional retirement benefits. Provides that local public school boards and political subdivisions of counties, cities, and towns may not offer or provide any optional retirement benefit under the Virginia Retirement System unless authorization for the same is provided by the respective governing body of the county, city, or town.

Patron - Lambert

SB851 Virginia Retirement System; elected members of local governing bodies. Adds as members of VRS citizen-elected members of the governing bodies of counties, cities, and towns.

Patron - Lambert

SB860 Health insurance credits; teachers and other local school board employees. Increases the monthly health insurance credit for retired teachers from \$2.50 to \$4.00 for each full year of the retired member's creditable service. The bill also eliminates an overall cap to the credit, and adds retired full-time, salaried employees of local school boards as recipients of the credit. The bill is applicable for current and future retirees from positions as teachers or full-time, salaried employees of local school boards. As is the case under current law, retired local government employees, other than teachers and employees of local school boards, with at least 15 years of creditable service may, at the option of the locality, receive a monthly health insurance credit equal to \$1.50 for each full year of the retired member's creditable service. This bill was incorporated into SB 1218.

Patron - Reynolds

SB875 Retirement multiplier for public safety officers. Increases the retirement multiplier for hazardous duty service performed by public safety officers by 0.025% for each full year over age 50 at the time of the member's retirement and by an additional 0.025% for each full year of creditable service in excess of 25 years at the time of the member's retirement. The retirement multiplier would be capped at 2.2%. This bill was incorporated into SB 1166.

Patron - McDougle

SB889 Virginia Law Officers' Retirement System (VALORS). Adds as members of VALORS, Department of Corrections maintenance workers whose normal duties require them regularly to be in the presence of inmate populations.

Patron - Deeds

SB895 Virginia Law Officers' Retirement System (VALORS). Adds conservation officers of the Department of Conservation and Recreation as members of VALORS.

Patron - Deeds

SB962 Virginia Law Officers' Retirement System (VALORS). Adds juvenile probation and parole officers as members of VALORS.

Patron - Quayle

SB975 Retirement; teachers and administrative faculty of institutions of higher education. Provides that teachers and administrative faculty of institutions of higher

education who are covered under an optional retirement plan (in lieu of the Virginia Retirement System) and have 10 years of service with the Commonwealth may make a one-time, irrevocable election to transfer into VRS.

Patron - Edwards

FSB976 Optional retirement plan; institutions of higher education. Provides that the annual contribution to optional retirement plans covering certain employees at institutions of higher education would not be less than the percentage contribution rate in effect that is generally applicable for state employees who are members of the Virginia Retirement System, including the five percent member contribution rate.

Patron - Edwards

FSB977 Mandatory retirement for judges. Increases the mandatory retirement age for judges from age 70 to age 75.

Patron - Edwards

FSB1087 Virginia Retirement System; creditable compensation of teachers. Provides that the creditable compensation of teachers for retirement purposes under the Virginia Retirement System shall include all compensation payable to teachers by their public school boards, including compensation that is not pursuant to a contract for teaching.

Patron - Puckett

FSB1156 Virginia Law Officers' Retirement System. Provides that the supplemental allowance currently paid to certain members upon retirement until age 65 would instead be paid until Social Security retirement age. This bill incorporates SB 802.

Patron - Quayle

FSB1170 Health insurance credit for retired teachers. Increases the monthly cap for health insurance credits provided to retired teachers by eliminating the cap on the number of years of service used to compute the credit. This bill was incorporated into SB 1218.

Patron - Stolle

FSB1311 Judges; early retirement. Allows a judge who is at least 50 years old with at least 15 years of creditable service to retire upon expiration of his current term without any reduction in the retirement allowance, provided that the judge gives notice of his retirement to the relevant committee of the General Assembly at least 180 days before the expiration of the term.

Patron - Hawkins

FSB1331 Virginia Retirement System; investments related to 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.

Patron - Cuccinelli

Persons with Disabilities

Passed

HB2269 Statewide Independent Living Council (SILC) and Statewide Independent Living Fund. Authorizes the SILC to apply for and accept grants, gifts, donations and bequests on behalf of the Council for deposit in the Fund. This bill is identical to SB 923.

Patron - Ebbin

HB2732 Brain and spinal cord injury registry. Specifies that the registry shall include all brain and spinal cord injuries, regardless of severity, and updates the language relating to research on human subjects to be consistent with state and federal law. The bill also exempts physicians from the reporting requirement, and changes the timeline for reporting to within 30 days of identification for spinal cord injuries, to be consistent with the requirement for brain injuries.

Patron - Englin

SB923 Statewide Independent Living Council (SILC) and Statewide Independent Living Fund. Authorizes the SILC to apply for and accept grants, gifts, donations and bequests on behalf of the Council for deposit in the Fund. This bill is identical to HB 2269.

Patron - Ticer

Failed

HB2572 Disabilities served by the Department of Rehabilitative Services; autism. Includes medically diagnosed autism spectrum disorders under the definition of "functional and central nervous system disabilities" for purposes of establishing the Department as the agency to coordinate rehabilitative services and to provide comprehensive assessment of the need for services.

Patron - Shannon

SB1216 Economic Development for Virginians with Disabilities Grant Program. Creates a grant fund for distribution to nonprofit organizations that sell donated goods and spend at least 75% of their revenues employing or training people with disabilities or people with a workplace disadvantage. The term "people with a workplace disadvantage" means people who have had felony convictions or past alcohol or substance abuse problems. The grant funds are to assist with capital costs associated with construction of retail stores and other employment facilities. The Secretary of Health and Human Resources shall administer the program. This bill is contingent upon the appropriation of funds.

Patron - Hanger

Police (State)

Passed

HB2372 Senior Alert Program. Creates a program for local, regional, or statewide notification of a missing senior adult. The bill defines a missing senior adult as an adult who is over 60 years of age, suffers from a cognitive impairment that renders him unable to provide care to himself without assistance (including a diagnosis of Alzheimer's Disease or dementia), and whose whereabouts are unknown and whose disappearance poses a credible threat to his health and safety. The program is similar to the Amber Alert Program for missing children. The bill also provides that no police or sheriff's department shall establish or maintain any policy that requires a waiting period before a missing senior adult report will be accepted. Such departments are also required, within two hours of receiving such a report, to enter identifying and descriptive information about the missing senior adult into the Virginia Criminal Information Network and the National Crime Information Center Systems, forward the information to the Department of State Police, notify other law-enforcement agencies in

the areas, and initiate an investigation of the report. This bill is identical to SB 1117.

Patron - Dudley

HB2410 Virginia Amber Alert Program. Amends the definition of an "abducted child" to include a person who is enrolled in a secondary school in the Commonwealth regardless of age.

Patron - Athey

HB2752 Virginia Amber Alert Program; use of certain technology. Requires the State Police, where appropriate and when an existing system is available, to use automatic dialing-announcing device technology to alert residents in a particular geographic area of an Amber Alert. The calls would be targeted to the area where the abducted child was most recently seen. An automatic dialing-announcing device is one that selects and dials telephone numbers to disseminate a pre-recorded or synthesized message.

Patron - Hurt

HB3008 Uniform crime reports; distributed in an electronic format. States that the Superintendent of State Police shall publish and distribute uniform crime reports in an electronic format to the General Assembly and office of the Governor; the availability of the reports shall be publicized to all law-enforcement agencies, attorneys for the Commonwealth, and the courts.

Patron - Marsden

SB1117 Senior Alert Program. Creates a program for local, regional, or statewide notification of a missing senior adult. The bill defines a missing senior adult as an adult who is over 60 years of age, suffers from a cognitive impairment that renders him unable to provide care to himself without assistance, and whose whereabouts are unknown and whose disappearance poses a credible threat to his health and safety. The program is similar to the Amber Alert Program for missing children. The bill also provides that no police or sheriff's department shall establish or maintain any policy that requires a waiting period before a missing senior adult report will be accepted. Such departments are also required, within two hours of receiving such a report, to enter identifying and descriptive information about the missing senior adult into the Virginia Criminal Information Network and the National Crime Information Center Systems, forward the information to the Department of State Police, notify other law-enforcement agencies in the areas, and initiate an investigation of the report. This bill is identical to HB 2372.

Patron - Rerras

Failed

HB1618 Department of State Police; immigration laws. States that it is the responsibility of the Governor to enter into an agreement with federal Immigration and Customs Enforcement that would allow the Department of State Police to enforce civil immigration laws.

Patron - Frederick

HB2255 Amber Alerts; secondary school students. Amends the definition of an abducted child for purposes of the Amber Alert program to include a person enrolled in a secondary school in the Commonwealth, regardless of age. Current law applies only to children 17 years of age or younger. The amendment would allow an Amber Alert to be issued in the case of a missing high school student who is over the age of 17. This bill was incorporated into HB 2410.

Patron - Waddell

HB2933 Enforcement of federal immigration laws. Requires that the Commonwealth of Virginia enter into an agreement with the United States Department of Homeland Security, Immigration and Customs Enforcement to authorize certain members of the Department of State Police and employees of the Department of Corrections to enforce civil immigration violations in the Commonwealth. This bill was incorporated into HB 2926.

Patron - Miller, J.H.

Prisons and Other Methods of Correction

Passed

HB1932 Jail farms. Clarifies that a local jail farm may be used to hold or confine a person who could be held or confined in a regional or local jail. This bill is identical to SB 1016.

Patron - Rapp

HB2041 Department of Correctional Education; online learning. Empowers the Department to develop programs for restricted Internet access to online higher education courses by incarcerated persons.

Patron - Hamilton

HB2418 Transfer of prisoner to facility housing death chamber; confidentiality of execution records. Provides that the identities of persons designated by the Director to conduct an execution shall be exempt from the Freedom of Information Act, and shall not be subject to discovery or introduction as evidence in any civil proceeding, unless good cause is shown. The bill also removes the specific time constraints on when a prisoner condemned to die must be transferred to the correctional center that houses the death chamber.

Patron - Kilgore

HB2625 Prisoners; identification of learning disabilities. Provides that the Superintendent of the Department of Correctional Education, in cooperation with the Department of Corrections, shall create a system for identifying prisoners with learning disabilities.

Patron - Reid

SB836 Department of Corrections; physical examination of prisoner; ability to work. Requires the Department to medically examine each prisoner within 30 days prior to a work assignment in food services, medical services, or cosmetological services, and within 30 days prior to a change in work assignment.

Patron - Devolites Davis

SB953 Department of Correctional Education; videoconferencing. Empowers the Department to provide access to postsecondary education that includes college credit, certification through an accredited vocational training program, or other accredited continuing education program, using videoconferencing technology.

Patron - Quayle

SB1016 Jail farms. Clarifies that a local jail farm may be used to hold or confine a person who could be held or confined in a regional or local jail. This bill is identical to HB 1932.

Patron - Norment

SB1047 Conveyance of state-owned property; Southampton County. Conveys a parcel of real property to Southampton County from the Board of Corrections for use by the sheriff's office.

Patron - Lucas

SB1069 Pilot programs for drug and alcohol treatment in local and regional jails. Allows for drug and alcohol treatment programs for inmates housed within local and regional jails. Requires each drug and alcohol program to submit a report to the General Assembly by December 1, 2007, concerning the participants, accessibility, and the efficacy of the program.

Patron - McDougle

SB1082 Courthouse security; assessment. Increases from \$5 to \$10 the part of the costs in each criminal or traffic case in district or circuit courts in which the defendant is convicted of a violation of any statute or ordinance that is used to provide and maintain courthouse security.

Patron - Puckett

SB1295 Transfer of prisoner to facility housing death chamber; confidentiality of execution records. Provides that the identities of persons designated by the Director to conduct an execution are confidential, exempt from the Freedom of Information Act, and not subject to discovery or introduction as evidence in any civil proceeding unless good cause is shown. The bill also removes the specific time constraints on when a prisoner condemned to die must be transferred to the correctional center that houses the death chamber. The bill is identical to HB 2418.

Patron - Norment

SB1378 Contracts for the provision of community-based residential services; localities authorized to approve or deny. Provides that upon determining that it shall be desirable to contract with a public or private entity for the provision of community-based residential services, the Director of Corrections shall notify the local governing body of the jurisdiction in which the facility is to be located of the proposal and of the facility's proposed location and provide notice, where requested, to the chief law-enforcement officer for such locality when an offender is placed in the facility at issue.

Patron - Obenshain

SB1385 Corrections Private Management Act. Adds entities that provide corrections services to federal inmates to the definition of prison contractor and provides that security employees of a prison contractor are allowed to use force and exercise their powers and authority while providing inmate security for prisoners at a medical facility in the Commonwealth.

Patron - Stolle

Failed

HB2034 Payment for health care costs of prisoners. Requires that payment by local and state correctional facilities for costs incurred for health care for prisoners not exceed the lesser of the amount that would be paid under Medicare or Medicaid.

Patron - Hamilton

HB2512 Regional jails. Allows the state to partner with a city to establish, maintain, and operate a regional jail in the same manner as a local governing body. The State Board of

Corrections with the city's sheriff and one other local representative would serve as the managing board or authority.

Patron - Jones, D.C.

HB2633 Parole; basis for parole denial. Provides that once a person is eligible for parole, the nature of the offense shall not be used in determining that person's suitability for parole, and no person shall be denied parole based solely on the nature of the offense after being eligible for parole for five years.

Patron - Reid

HB2745 Child-friendly visiting rooms in state and local correctional facilities. Requires each state correctional facility to provide child-friendly visiting rooms that include activities for young children, and regulations that do not penalize inmates with sanctions, such as the termination of a visit, when visiting children display normal child behavior.

Patron - Englin

HB2872 Time and manner of payment to local correctional facilities. Requires the Compensation Board to reimburse local governing bodies for state responsible prisoners in local correctional facilities every 60 days instead of the current quarterly reimbursement.

Patron - McEachin

HB2918 Courthouse security; assessment. Increases from \$5 to \$15 the part of the costs in each criminal or traffic case in district or circuit courts in which the defendant is convicted of a violation of any statute or ordinance that is used to provide and maintain courthouse security.

Patron - Bowling

HB3174 Comprehensive Parole Reduction Act. Requires the Parole Board to adopt an analytical scale to assess risk and establishes a Parole Guidelines Review Panel. The bill also provides that, with some exceptions, once a person is considered eligible for parole the Parole Board shall not use the nature of the offense in determining that person's eligibility or suitability for release on parole and no person shall be denied parole based solely on the nature of the offense after the fifth year of becoming eligible.

Patron - BaCote

SB754 Child-friendly visiting rooms in state correctional facilities. Requires each state correctional facility to provide child-friendly visiting rooms to promote positive bonds between incarcerated parents and their children. Requires Department of Corrections to promulgate regulations that do not penalize inmates with sanctions, such as termination of a visit, when visiting children display normal child behavior.

Patron - Miller

SB773 Child-friendly visiting rooms in state and local correctional facilities. Requires each state correctional facility to provide child-friendly visiting rooms that include activities for young children, adequate facilities with private areas for nursing, and regulations that do not penalize inmates with sanctions, such as the termination of a visit, when visiting children display normal child behavior. This bill was incorporated into SB 754.

Patron - Miller

SB834 Earned sentence credits for rehabilitative programs. Allows five additional sentence credits for each 30 days of participation in a rehabilitative program, provided the inmate has been convicted of a non-violent felony committed on or after January 1, 1995, participates in an approved educa-

tional program, and completes a mental health or substance abuse treatment program deemed appropriate by the Director. This bill was incorporated into SB 1287.

Patron - Devolites Davis

SB1079 Therapeutic Incarceration Program. Creates a sentencing alternative, Therapeutic Incarceration Program, for a defendant who otherwise would be sentenced to three years or longer for a felony conviction and who the court determines requires treatment for drug or alcohol substance abuse. The Program allows the court to sentence the defendant to an intensive therapeutic community-style substance abuse treatment program of a duration of 18 months or longer and a transitional therapeutic community-style substance abuse reentry program of six months and, after successful completion, to suspend the remaining balance of the imposed sentence.

Patron - Puckett

SB1080 Telephone systems within state correctional facilities. Creates a nonreverting Prisoner Reentry Fund consisting of payments received as commission payments for telephone systems established within correctional facilities. The fund is to be used for independent prerelease and postrelease transition services programs and administered through the Department of Criminal Justice Services. The bill also caps commission payments to the Commonwealth at 10% of the amount paid by the individuals who use the service.

Patron - Puckett

SB1287 Good conduct allowances; mandatory functional literacy requirement. Provides for good conduct allowance for prisoners, depending on their performance and conduct, in which escalating credits toward good conduct allowance are available in four class levels. The highest level available is 30% credit for those prisoners who have demonstrated exemplary behavior and who have earned or are making progress toward earning their general educational development (GED) certificate. Creates a mandatory functional literacy program for all mentally capable inmates that offers testing at a ninth-grade level. The bill also provides, for certain prisoners, credits for reading and passing examinations on books approved by the Department of Correctional Education. This bill was incorporated into SB 834.

Patron - Marsh

Professions and Occupations

Passed

HB1682 Board of Medicine; information to complaining parties. Requires health regulatory boards to provide the source and subject of a complaint or report filed about a person licensed, certified, or registered by a health regulatory board with information about the investigative and disciplinary procedures of the Department of Health Professions. Adds the provision that the relevant board may notify the source of the complaint or report of the process that the board followed in making a determination that a disciplinary proceeding need not be instituted. Provides that information on the date and location of any disciplinary proceeding, allegations against the respondent, and the list of statutes and regulations the respondent is alleged to have violated shall be provided to the source of the complaint or report by the relevant board prior to the proceeding and that the source shall be notified of the disposition of the disciplinary case.

Patron - Callahan

HB1798 Department of Professional and Occupational Regulation; boxing and wrestling events; Martial Arts Advisory Board. Creates the Martial Arts Advisory Board as an advisory board to advise the Director of the Department of Professional and Occupational Regulation concerning regulations pertaining to the conduct of any martial arts competition. The bill provides for the membership of this new board, terms of members, compensation, and staff. In addition, the bill includes a second enactment clause providing that its provisions will not become effective unless funds are in the appropriation act to cover its expenses.

Patron - Cosgrove

HB1801 Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects; powers; cease and desist orders; civil penalty. Authorizes the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects to issue cease and desist orders for unlicensed activity. The bill provides for a right of appeal of the Board's issuance of such an order and specifies the civil penalty.

Patron - Cosgrove

HB1953 Burial and funeral expenses; preneed contracts. Authorizes an incorporated association that is authorized to sell burial association group life insurance certificates, and that has the principal purpose of assisting its members in financial planning for their funerals and burials and obtaining insurance for the payment for funeral and burial expenses, to serve as the trustee of a trust established to fund a preneed funeral contract. The measure also clarifies the method of calculating the inflation adjustment that is required when a life insurance or annuity contract is used to fund a preneed funeral contract. This bill incorporates HB 2722.

Patron - Morgan

HB1963 Prescription of certain controlled substances and devices by licensed physician assistants. Authorizes licensed physician assistants to prescribe Schedule II through VI controlled substances and devices on and after July 1, 2007.

Patron - O'Bannon

HB2037 Administration of drugs or devices; addition of medical assistants. Authorizes personnel who have been properly trained to assist a doctor of medicine or osteopathic medicine who are acting pursuant to a specific order for a patient and under a doctor's direct and immediate supervision to administer controlled substances, provided the method does not include intravenous, intrathecal, or epidural administration and the prescriber remains responsible for the administration.

Patron - Hamilton

HB2064 Department of Professional and Occupational Regulation; Real Estate Board; educational requirements for salespersons and brokers. Increases from 16 to 24 the number of continuing education hours that must be completed by a broker during a two-year license term. The bill also (i) requires a minimum of three hours of continuing education for salespersons and brokers to be on ethics and standards of conduct, (ii) provides a breakdown of the continuing education curriculum, (iii) changes from two years to one year the time in which a new licensee must complete the Board's 30-hour educational curriculum, and (iv) provides for the Board to develop regulations for ensuring the quality of real estate education and the requirements for proof of identity for applicants taking the principles of real estate examination. The bill has a delayed effective date of July 1, 2008 for the additional educational

requirements for real estate salespersons and the increased number of hours of continuing education required of real estate brokers.

Patron - Cox

HB2087 Health professions; direct access to physical therapists. Allows patients to seek treatment from a licensed physical therapist, who also holds a certain certificate, without a referral when the following conditions are met: (i) the patient, at the time of presentation to a physical therapist, is not under the care of a physician; (ii) the patient identifies a practitioner from whom he intends to seek treatment if his condition does not improve; (iii) the patient gives written consent for the physical therapist to release all personal health information and treatment records to the identified practitioner; and (iv) the physical therapist notifies the identified practitioner no later than three days after treatment commences and provides the practitioner with a copy of the initial evaluation along with a copy of the patient history obtained by the physical therapist. The bill also contains requirements for a certificate allowing physical therapists to provide such services. This bill is identical to SB 1305.

Patron - Janis

HB2157 Board of Medicine; disciplinary procedure. Requires the Board to make available via any department website information regarding any final orders together with any associated notices that impose disciplinary action against a licensee of the Board. Prohibits the Board from posting notices that have not been adjudicated. Provides that notices and orders that did not result in disciplinary action may be removed upon written request of the licensee. Limits information regarding claims provided to consumers to medical malpractice judgments and settlements of more than \$10,000 within the most recent 10-year period. Changes requirement that Board assess competency of person on whose behalf three medical malpractice claims are paid within a 10-year period to requirement that the Board assess the competency of a person on whose behalf three medical malpractice settlements of more than \$10,000 are paid within the most recent 10-year period.

Patron - O'Bannon

HB2178 Schedule III controlled substances. Adds embutramide to the list of Schedule III controlled substances.

Patron - Morgan

HB2212 Health regulatory boards; summary restriction of licenses. Allows health regulatory boards to summarily restrict the license, certificate, registration or multi-state licensure privilege of any person holding a license, certificate, registration, or licensure privilege issued by it, if the relevant board finds that there is a substantial danger to the public health or safety that warrants this action. The board shall schedule an informal conference within a reasonable time of the date of the summary restriction.

Patron - O'Bannon

HB2363 Equine dental technicians; registration. Sets forth procedures for (i) registration and (ii) denial, revocation, or suspension of registration. Establishes a penalty for performing specified activities by an unregistered individual. Specifies that practice as an equine dental technician prior to the effective date of regulations promulgated to implement this act shall not constitute grounds for disciplinary action by the Board of Veterinary Medicine.

Patron - Scott, E.T.

HB2377 Dentistry licensure; removes exam requirement. Removes the requirement that an applicant for a license to practice dentistry has not failed a clinical examina-

tion required by the Board in the five years immediately preceding his application.

Patron - Hamilton

HB2522 Board of Branch Pilots; limited branch pilot license. Removes the reference to draft or ship unit measurements as the basis for determining the vessels that individuals holding a limited branch pilot license may pilot. Effective October 1, 2006, the State Corporation Commission, which regulates fees of the licensed branch pilots, discontinued its usage of a formula that used unit terminology and instituted a formula based on gross tonnage. The change will allow the Board to use the gross tonnage terminology as the basis for determining the vessels that such individuals may pilot. The bill is identical to SB 992.

Patron - Iaquinto

HB2595 Department of Professional and Occupational Regulation; Fair Housing Board; membership. Changes the membership of the Fair Housing Board by increasing from one to two the number of representatives of the residential property management industry, at least one of whom is a member of a property owner's or condominium unit owners' association. The bill also decreases from three to two the number of citizen members.

Patron - Rapp

HB2649 Board of Pharmacy; grounds for discipline. Consolidates, clarifies, and adds grounds for the discipline of persons and entities regulated by the Board of Pharmacy.

Patron - Jones, S.C.

HB2757 Board for Contractors; exemptions; certain career and technical education projects. Exempts from the contractor licensing requirements work undertaken by students as part of a career and technical education project as defined in § 22.1-228 established by any school board in accordance with Article 5 (§ 22.1-228 et seq.) of Chapter 13 of Title 22.1 for the construction of portable classrooms or single family homes.

Patron - Hurt

HB2839 Department of Professional and Occupational Regulation; Board for Soil Scientists and Wetland Professionals; requirements for professional wetland delineator certification. Extends the waiver of the requirement for a reference from and supervision by a certified professional wetland delineator from July 13, 2006, to July 13, 2010. This bill contains an emergency clause.

Patron - Hall

HB2994 Dental hygienists; authority to administer topical oral fluorides. Authorizes dental hygienists to administer topical oral fluorides pursuant to an oral or written order or standing protocol issued by a dentist or a doctor of medicine or osteopathic medicine.

Patron - Melvin

HB3061 Health professions; authority to send laboratory test results directly to patients. Allows any health care practitioner licensed pursuant to Title 54.1 who orders a laboratory test or other examination of the physical condition of any person to, if so requested by the patient or his legal guardian, inform the laboratory or other facility conducting the test or examination to provide a copy of the report of the results directly to the patient or his legal guardian. This bill incorporates HB 2843 and is identical to SB 1341.

Patron - Frederick

HB3162 Board for Contractors; elevator mechanics. Requires the certification of elevator mechanics in order for them to practice their trade. The bill requires the Board for Contractors to issue temporary certifications in the event of a work stoppage or emergency under certain conditions. The bill contains technical amendments.

Patron - Suit

SB992 Board of Branch Pilots; limited branch pilot license. Removes the reference to draft or ship unit measurements as the basis for determining the vessels that individuals holding a limited branch pilot license may pilot. Effective October 1, 2006, the State Corporation Commission, which regulates fees of the licensed branch pilots, discontinued its usage of a formula that used unit terminology and instituted a formula based on gross tonnage. The change will allow the Board to use the gross tonnage terminology as the basis for determining the vessels that such individuals may pilot. The bill is identical to HB 2522.

Patron - Blevins

SB1185 Real Estate Board; Real Estate Transaction Recovery Fund. Allows interest on the Virginia Real Estate Transaction Recovery Fund to be used to educate the public as well as real estate licensees or to be transferred to the Virginia Housing Partnership Revolving Fund.

Patron - Locke

SB1305 Health professions; direct access to physical therapists. Allows patients to seek treatment from a licensed physical therapist, who also holds a certain certificate, without a referral when the following conditions are met: (i) the patient, at the time of presentation to a physical therapist, is not under the care of a physician; (ii) the patient identifies a practitioner from whom he intends to seek treatment if his condition does not improve; (iii) the patient gives written consent for the physical therapist to release all personal health information and treatment records to the identified practitioner; and (iv) the physical therapist notifies the identified practitioner no later than three days after treatment commences and provides the practitioner with a copy of the initial evaluation along with a copy of the patient history obtained by the physical therapist. The bill also contains requirements for a certificate allowing physical therapists to provide such services. This bill is identical to HB 2087.

Patron - Newman

SB1341 Health professions; authority to send laboratory test results directly to patients. Requires any health care practitioner who, within the scope of his practice, orders a laboratory test or other examination of the physical condition of any person to provide a copy of the report of the results of such test or examination directly to the patient or his legal guardian, if so requested by the patient or his guardian. Authorizes a health care practitioner to inform the laboratory that a copy of the report of the results shall be provided directly to the patient or his legal guardian. Provides that the patient or his legal guardian shall be considered authorized to receive the report or result for the purposes of the federal Clinical Laboratory Improvement Amendments. This bill is identical to HB 3061.

Patron - Puller

SB1395 Public Accountancy. Provides a comprehensive update of the public accountancy statute including: (i) implementing a principles-based approach to licensure, (ii) setting out requirements and standards for issuing an individual and a firm license, for obtaining a license through renewal or reinstatement, and for the lifting of a suspension, (iii) clarify-

ing the consequences of having privileges revoked, and (iv) clarifying the standards of conduct and practice for the profession. The bill also facilitates mobility between states while clarifying that all persons and firms using the CPA title in Virginia or providing services to persons and entities located in Virginia are subject to the same accountancy statutes and regulations whether or not they are required to hold a Virginia license. In addition the bill authorizes the Board of Accountancy to enter into confidential consent agreements for minor violations. The bill requires the Board of Accountancy to adopt regulations concerning under what conditions confidential consent agreements will be offered. The bill contains technical amendments.

Patron - Stosch

SB1426 Clients' Protection Fund. Allows the Supreme Court to adopt rules assessing members of the Virginia State Bar an annual fee of up to \$25 to be deposited in the State Bar Fund and transferred to the Clients' Protection Fund. The authority to adopt such rules will expire on July 1, 2015.

Patron - Chichester

Failed

HB1873 Data reporting requirements for doctors of medicine, osteopathy, and podiatry; expungement. Provides that upon determination by the Board that a disciplinary report is without merit, or if an order has been vacated, the Board shall allow the named doctor to seek expungement of that part of his record. This bill was incorporated into HB 2157.

Patron - Caputo

HB1938 Medical professions; what constitutes practice. Adds "physician" to list of words that, when used in connection with a person's name, creates a presumption of intent to practice healing arts. Adds the requirement that no person other than those who have received a degree as a medical doctor or doctor of osteopathy shall use the term "physician" in connection with his name or practice.

Patron - Purkey

HB1944 Criminal history background checks for medical practitioners. Requires criminal history background checks for all individuals seeking initial licenses to practice medicine, osteopathic medicine, chiropractic, or podiatry. Authorizes the Board of Medicine to require background checks of individuals seeking to renew licenses at its discretion. Sets forth crimes for conviction of which the Board may deny a license.

Patron - Purkey

HB2078 Clients' Protection Fund. Allows the Supreme Court to adopt rules assessing members of the Virginia State Bar an annual fee of up to \$25 to be deposited in the State Bar Fund and transferred to the Clients' Protection Fund. The authority to adopt such rules will expire on July 1, 2015.

Patron - Armstrong

HB2182 Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects; exemption from licensure. Provides an exemption from licensure as an architect or professional engineer for the design of on-site treatment works consisting solely of an anaerobic septic tank treatment system with gravity conveyance to a gravity-distributed subsurface drain field.

Patron - Saxman

HB2341 Auctioneers Board; continuing education; waiver. Requires the Auctioneers Board to waive the continuing education requirements for any person continuously licensed by the Board for 10 years and who has not been the subject of any disciplinary action by the Board.

Patron - Abbitt

HB2709 Cemetery operators and funeral establishments; prohibited acts. Provides that the interment of human remains in a manner that increases the likelihood that earth burials will be unearthed by severe weather conditions, flooding, or other acts of God is a prohibited act for which the license of a cemetery company or funeral establishment may be suspended or revoked.

Patron - Barlow

HB2842 Requirement that pharmacist sell and dispense drugs. Requires a licensed pharmacy to sell and dispense drugs and devices regardless of any owners' or employees' religious or other personal beliefs. Requires that where a drug or device is not in stock at a pharmacy, a pharmacy shall (i) attempt to obtain the drug or device pursuant to standard reordering procedures or (ii) attempt to locate the drug or device at a pharmacy of the patient's choice and, if the drug or device is by prescription, transfer the prescription to that pharmacy. Creates an exception where there is a valid medical reason to refuse to sell or dispense a drug or device.

Patron - Hall

HB2844 Salvinorin A as a Schedule I hallucinogenic. Includes Salvinorin A, the active ingredient of the *Salvia Divinorum* plant, in controlled substance Schedule I as a hallucinogenic.

Patron - O'Bannon

HB2950 Architects, professional engineers, land surveyors, and landscape architects; definitions. Adds definitions for the terms "private entity," "public entity," and "utility."

Patron - Cosgrove

SB741 Involuntary commitment hearings; law students. Provides that it is not the unauthorized practice of law for a third-year law student enrolled at any law school in the Commonwealth to represent a petitioner in a commitment hearing for involuntary admission without the presence of a practicing attorney. The student must have completed coursework in evidence and trial advocacy and training. The student must inform the petitioner that he is not a licensed attorney, that he may not be compensated for his services, and that he can be held liable only for intentional malfeasance.

Patron - Cuccinelli

SB872 Board of Nursing; continuing education requirements for nurses. Directs the Board of Nursing to enact regulations requiring registered and practical nurses to complete continuing education programs in order to renew their licenses.

Patron - Mcdougale

SB980 Supervision of physician assistants. Expands the therapeutic activities that licensed physician assistants may perform under the supervision of a licensed physician or podiatrist to include treatment. The bill prohibits physician assistants from prescribing or dispensing drugs, except prescriptive authority authorized for licensed physician assistants pursuant to § 54.1-2952.1.

Patron - Edwards

SB1093 Department of Professional and Occupational Regulation; Real Estate Board; applicants for initial licensure as a real estate broker. Provides that individuals who have been actively engaged as a real estate salesperson for a period of five years are eligible to apply for initial licensure as a real estate broker.

Patron - Puckett

SB1176 Pawnbrokers and secondhand dealers. Adds the regulation of secondhand dealers and secondhand stores to current statutes regulating pawnbrokers. The bill also (i) requires secondhand dealers to prepare a daily report of goods and items sold to them, (ii) requires a pawnbroker to maintain records of each loan or transaction in the course of business for a period of one year, (iii) requires pawnbrokers and secondhand dealers to obtain a single thumbprint of the person pawning or selling an item, and (iv) authorizes localities to enact an ordinance requiring pawnbrokers and secondhand dealers to report their daily transactions electronically to a designated law-enforcement official of the locality. The bill adds secondhand dealers to the existing penalty provisions for pawnbrokers.

Patron - Stolle

SB1324 Practice of nursing by emergency medical services personnel. Authorizes licensed paramedics to engage in the practice of professional nursing, and to perform the duties associated with the practice of a registered nurse or a licensed practical nurse. Exempts licensed paramedics from the licensure requirements applicable to nurses.

Patron - Cuccinelli

SB1391 Board of Pharmacy; membership. Requires that of the eight licensed pharmacists appointed to the Board, at least one shall be a pharmacy benefit manager or a member of the managed care pharmacy industry. The bill also requires that consideration be given to the various practice settings in making appointments to the Board.

Patron - Saslaw

Property and Conveyances

Passed

HB1816 Virginia Residential Landlord and Tenant Act; early termination of leases by military personnel. Removes the provision that final rent, in the event of early termination of the rental agreement by military personnel, is to be prorated to the date of termination and payable at such time as would have otherwise been required by the terms of the rental agreement. The bill conforms the Virginia Residential Landlord and Tenant Act to federal law on this issue.

Patron - Suit

HB1836 Condominium and Property Owners' Association Acts; display of flags. Provides that no condominium instrument or declaration shall restrict or prohibit the display by a unit or lot owner of the flag of the United States or the flag of the Commonwealth of Virginia. The bill provides, however, that an association may restrict the display of such flag in the common areas and may establish reasonable restrictions as to the time, size, place, duration, and manner of placement or display. The bill also requires the public offering statement, resale certificate, or association disclosure packet to contain a statement of any restrictions on time, size, place,

duration, and manner of placement or display of the flags. The bill is identical to SB 969.

Patron - Amundson

HB1838 Uniform Trust Code; trustee's duty to beneficiary. Provides that if a trustee has a good faith belief that furnishing information to a beneficiary would be unreasonable under the circumstances or contrary to the purposes of the settlor he shall not be subject to removal or other sanctions.

Patron - Fralin

HB1850 Condominium Act; escrow of deposits; posting of surety. Authorizes the filing of a surety bond or letter of credit by the declarant of a condominium project with more than 50 units with the Real Estate Board in lieu of escrowing deposits. The amount of surety bonds or letters of credit is set forth in the bill.

Patron - Saxman

HB1851 Property conveyance; certain real property to Caroline County for the use of the Rappahannock Area Community Services Board. Authorizes the Governor to convey certain real property to Caroline County, for the assessed value as determined by the Caroline County Commissioner of the Revenue, for the use of the Rappahannock Area Community Services Board. The bill provides that such conveyance shall be made in a form approved by the Attorney General and that the appropriate officials of the Commonwealth are authorized to prepare, execute, and deliver such deed and other documents as may be necessary to accomplish the conveyance.

Patron - Wittman

HB2015 Condominium Act; commercial condominiums; escrow of deposits. Eliminates the requirement for escrowing deposits in the context of disposition of a unit in a commercial condominium.

Patron - Suit

HB2016 Condominium and Property Owners' Association Acts; insurance; deposit of funds; charges for and delivery of resale certificates/disclosure packets. Requires any managing agent of a condominium and property owners' association to keep funds deposited with the managing agent in fiduciary trust accounts in a federally insured financial institution, and to keep such funds segregated from other assets of the managing agent. The bill also requires condominium associations to obtain a blanket fidelity bond or employee dishonesty insurance policy in a minimum amount of \$10,000. The bill allows condominium and property owners' associations to collect a fee for preparation of a resale certificate or disclosure packet, respectively, if the fee is established in the contract between the association and its managing agent and the fee is disclosed on the website of either the association or the managing agent. The bill requires the prompt payment of the above fee to the managing agent who furnishes the resale certificate/disclosure packet. The bill allows either type of association to deliver the resale certificate/disclosure packet by electronic means unless the purchaser or seller requests a paper copy. Currently, delivery by electronic means can only be done with the consent of the seller or purchaser. This bill contains technical amendments and is identical to SB 844.

Patron - Suit

HB2017 Virginia Real Estate Time-Share Act; assumption of the risk. Provides for limited liability of a developer, time-share association, or managing agent for injuries to persons using the time-share facilities if the developer, time-share association, or managing agent posts notice of such limited liability. The bill also provides that the homestead

exemption cannot be claimed against the debt or lien of the association. The bill allows for the use of email in certain circumstances and adds several new definitions relating to the limitation of liability described above.

Patron - Suit

HB2147 Virginia Residential Landlord and Tenant Act; noncompliance with rental agreement. Provides that the failure of the court to hold a hearing in cases where there is a breach of the tenant's obligations under the Virginia Residential Landlord and Tenant Act or the rental agreement, which involves or constitutes a criminal or a willful act that is not remediable and poses a threat to health or safety, shall not be a basis for dismissal of the case.

Patron - Albo

HB2188 Landlord termination of lease for rehabilitation; update of interest on security deposit. Allows a landlord to terminate a lease upon 120 days' notice to tenant for substantial rehabilitation of a building with four or more rental units, regardless of the terms of the lease. The bill also (i) provides that a landlord is liable only for the tenant's actual damages proximately caused by the landlord's failure to exercise ordinary care in maintaining a habitable premises, (ii) authorizes landlords to receive on security deposits an annual interest rate equal to four percentage points below the Federal Reserve Board, rather than the current one percent., (iii) codifies current practice that a landlord may charge a \$50 processing fee for a bad check tendered for rent, and (iv) updates the 2007 interest rate on security deposits.

Patron - Oder

HB2251 Uniform Trust Code; charitable trusts; public notice. Provides that notice by publication shall be given to the general public when there is a court proceeding to modify or terminate a charitable trust or to sell its real estate, in order to give members of the public the opportunity to share their views with the Attorney General. A court shall make a finding that the required notice has been given before conducting any trial or hearing.

Patron - Waddell

HB2395 Uniform Trust Code; deeding property. Provides that deeds or other instruments that purport to convey or transfer real or personal property to a trust instead of to the trustee shall be deemed to have conveyed or transferred the property to the trustee as fully as if the property was conveyed or transferred directly to the trustee.

Patron - Armstrong

HB2727 Condominium Act; conversion condominiums; rights of elderly and persons with disabilities. Allows any tenant who is disabled or elderly to assign the exclusive right to purchase his unit to a government agency, housing authority, or certified nonprofit housing corporation, which shall then offer the tenant a lease at an affordable rent, in the case of a conversion condominium. The bill provides that the acquisition of such units by the governmental agency, housing authority, or certified nonprofit housing corporation shall not (i) exceed the greater of one unit or five percent of the total number of units in the condominium or (ii) impede the condominium conversion process. The bill defines affordable rent and certified nonprofit housing corporation. The bill is identical to SB 968.

Patron - Englin

HB2765 Slayer statute; construction. Provides that, in the event that federal preemption causes a person to, not for value, receive a benefit to which he is not entitled under Virginia's slayer statute, the improper beneficiary shall bestow the

benefit, either the item itself or its value, on the proper beneficiary.

Patron - Hurt

HB2829 Doctrine of worthier title abolished. Abolishes the doctrine of worthier title as a rule of law and as a rule of construction.

Patron - Iaquinto

HB2832 Spendthrift trust; related duties. The changes to § 55-541.05 make the statute more consistent with other related code sections and the common law rule imposing on trustees the duty to act in good faith in accordance with the terms of the trust and the interests of the beneficiaries. Changes to §§ 55-545.01, 55-545.03 and 55-545.06 make it clear that an exception creditor cannot reach a beneficiary's interest even if the instrument contains a spendthrift provision, allow the court to limit an exception creditor's access to a beneficiary's benefits, and define mandatory distribution, respectively.

Patron - Waddell

HB2836 Validity of trust. Corrects the numbering scheme of the statute to conform to the uniform trust law.

Patron - Peace

HB2861 Condominium and Property Owners' Association Acts; amendment of documents; notice of meetings. Authorizes notice of association meetings to be sent either by United States mail to all unit owners of record at the address of their respective units or to such other addresses as any of them may have designated to such officer or his agent, in addition to the option of hand delivery of such notices. The bill contains technical amendments fixing nomenclature specific to the Condominium Act.

Patron - Moran

HB3181 City of Richmond escheat verdict. Authorizes the Governor to disclaim any interest right or title to certain parcels of property located in the City of Richmond that had been the subject of an escheat proceeding dated December 29, 1989. The verdict of jury resulting from such escheat proceeding was properly filed among the land records of the circuit court although seemingly unrecognized by the former landowners, the City of Richmond, and subsequent purchasers. The bill does not prevent a suit to quiet title or any other judicial remedy available, which a party may pursue on any individual lot or parcel covered by the bill. An instrument of disclaimer, the form of which will be developed by the Attorney General, will be filed among the land records of the City of Richmond.

Patron - McClellan

SB844 Condominium and Property Owners' Association Acts; insurance; deposit of funds; charges for and delivery of resale certificates/disclosure packets. Requires any managing agent of a condominium and property owners' association to keep funds deposited with the managing agent in fiduciary trust accounts in a federally insured financial institution, and to keep such funds segregated from other assets of the managing agent. The bill also requires condominium associations to obtain a blanket fidelity bond or employee dishonesty insurance policy in a minimum amount of \$10,000. The bill allows condominium and property owners' associations to collect a fee for preparation of a resale certificate or disclosure packet, respectively, if the fee is established in the contract between the association and its managing agent and the fee is disclosed on the website of either the association or the managing agent. The bill requires the prompt payment of the above fee to the managing agent who furnishes the resale certificate/disclosure packet. The bill allows either type of association to

deliver the resale certificate/disclosure packet by electronic means unless the purchaser or seller requests a paper copy. Currently, delivery by electronic means can only be done with the consent of the seller or purchaser. The bill contains technical amendments. This bill is identical to SB 2016.

Patron - Devolites Davis

SB968 Virginia Condominium Act; conversion of condominium sales. Allows for a condominium conversion tenant who is disabled or elderly to assign his right to purchase to a government agency, housing authority, or certified tax exempt, nonprofit housing corporation. This bill is a recommendation of the Virginia Housing Commission.

Patron - Whipple

SB969 Condominium and Property Owners' Association Acts; display of flags. Provides that no condominium instrument or declaration shall restrict or prohibit the display by a unit or lot owner of the flag of the United States or the flag of the Commonwealth of Virginia. The bill provides, however, that an association may restrict the display of such flag in the common areas and may establish reasonable restrictions as to the time, size, place, duration, and manner of placement or display. The bill also requires the public offering statement, resale certificate, or association disclosure packet to contain a statement of any restrictions on time, size, place, duration, and manner of placement or display of the flags. The bill is identical to HB 1836.

Patron - Whipple

SB1083 Property conveyance; former Virginia State Police Area Office. Conveys the former Virginia State Area Office on State Route 83 near the area known as Vansant, Virginia to the County of Buchanan. The bill is identical to HB 2915.

Patron - Puckett

SB1114 Virginia Residential Property Disclosure Act; required disclosures. Requires an owner of residential property to also notify purchasers that there are no pending violations of any local zoning ordinances that the owner has not abated or remedied, within a time period set out in the written notice of violation or established by a court of competent jurisdiction.

Patron - Devolites Davis

SB1219 Lawful fence; definition. Amends the definition of a lawful fence for fences of barbed wire and fences of boards. The definition of a lawful fence is also expanded to include any fence that is at least 42 inches high, constructed from materials sold for fencing and appropriate for the confinement of livestock, and installed so that livestock cannot creep through the fence. The bill also grants the Board of Agriculture and Consumer Services the authority to adopt rules and regulations to provide greater specificity as to the requirements of lawful fencing.

Patron - Hanger

SB1384 Enjoyment of easement. States that unreasonable interference with the enjoyment of an easement includes placing objects immediately adjacent to the easement not reasonably consistent with the uses contemplated by the grant of the easement. Fences, electric fences, cattle guards, gates, or division fences adjacent to the easement shall not constitute an object under the statute.

Patron - Stosch

Failed

HB1732 Requirement to report and remit escheat funds to the State Treasurer; exemption. States that any account or property valued at \$15 or less is exempt from being reported and remitted to the State Treasurer (administrator).

Patron - Purkey

HB1733 Property and conveyances; Landlord Tenant. Provides residential tenants leasing detached single family dwellings the right to display campaign signs on rental property. Covers signs that advocate support or defeat of referendum issues submitted to voters under Title 24.2 or election of a candidate or slate of candidates for public office.

Patron - Fralin

HB1771 Virginia Real Estate Time-Share Act; purchaser's right to surrender time-share. Sets forth the process by which an owner of a time-share may surrender ownership of his time-share.

Patron - Cosgrove

HB1871 Condominium and Property Owners' Association Acts; cancellation notices; methods of delivery. Provides for electronic or facsimile delivery of cancellation notices by purchasers under prescribed conditions. This bill was incorporated into HB 2016.

Patron - Suit

HB2494 Presumption of ownership as tenants by the entirety. States that any time a married couple acquires property, it creates a presumption that they acquired it as tenants by the entirety.

Patron - Albo

HB2581 Implied new home warranty. Provides that the limitations period for actions for breach of an implied warranty on a new home is tolled for six months upon sending notice of the breach to the vendor. The purpose of this bill is to conform the implied warranty provision for new homes with § 55-79.79 which covers condominiums and already contains the six-month tolling period.

Patron - Janis

HB2915 Property conveyance; former Virginia State Police Headquarters. Conveys the former Virginia State Police Headquarters on State Route 83 near the area known as Vansant, Virginia to the County of Buchanan.

Patron - Bowling

HB2976 Property; release of deed of trust. Increases from \$500 to \$1,000 the amount forfeited by the lien creditor if the lien creditor has not, within 90 days after receiving the payoff payment, either provided the certificate of satisfaction to the settlement agent or delivered it to the clerk's office with the necessary fee for filing.

Patron - Bell

HB3116 Private road easements; maintenance and improvements. States that any property owner, along a private road that acts as an easement to more than one property, may maintain, repair, or improve the road without the express permission of the other property owners.

Patron - May

SB804 Easements; landlocked parcels. Requires, beginning July 1, 2007, that no parceled land can be subdivided so as to have a landlocked parcel unless a permanent, 20-foot right of way is provided. Property landlocked prior to that

date shall have an entrance and exit right-of-way of 20 feet if an existing utility right-of-way permits.

Patron - Ruff

SB849 Virginia Condominium Act; assessments and taxation. Provides that certain condominium units owned by the declarant shall be assessed and taxed against the declarant based solely upon the income derived from that unit.

Patron - Lambert

SB964 Property Owners' Association Act; display of political signs. Provides that, except as otherwise expressed in the declaration, no declaration or association's rules and regulations or architectural guidelines shall restrict or prohibit the display by a lot owner on his lot of a candidate sign or a sign that advertises the support or defeat of any question submitted to the voters in accordance with state election law. For the purposes of the bill, "candidate sign" means a sign on behalf of a candidate for public office or a slate of candidates for public office. The bill provides, however, that an association may restrict the display of such signs (i) in the common areas or (ii) in accordance with federal or state law, and may establish reasonable restrictions as to the size, place, duration, and manner of placement or display of such signs, except that no restriction on the duration of the display of such signs shall be less than (a) 30 days before the primary election, general election or vote on the proposition or (b) seven days after the primary election, general election, or vote on the proposition. The bill also requires the association disclosure packet to contain a statement of any restrictions on the size, place, duration, and manner of placement or display of such signs. The bill contains technical amendments. The bill also clarifies that the display of the flag of (i) the United States, (ii) the Commonwealth, (iii) any active branch of the armed forces of the United States, or (iv) any military valor or service award of the United States also includes display on mailboxes and similar structures.

Patron - Puller

SB1077 Board of Housing and Community Development; carbon monoxide detectors in certain rental dwelling units; report. Requires the installation of carbon monoxide detectors in college dormitories and assisted living facilities by July 1, 2010. The bill also requires the Board of Housing and Community Development to promulgate regulations to require the installation of carbon monoxide detectors in new college dormitories and assisted living facilities. In addition, the bill requires the Board and the Fire Services Board to jointly establish a working group to develop a public education program focusing on the dangers of carbon monoxide poisoning and preventive measures that may be taken.

Patron - Ruff

SB1409 Virginia Property Owners' Association; enforcement of rules; charges assessed for violations. Authorizes the board of directors of any association that has contracted with a private security services business that is licensed by the Department of Criminal Justice Services to enforce the traffic rules of the association to assess a charge not to exceed \$250 per offense for the following traffic offenses: (i) exceeding the posted speed limit by 20 miles per hour or more, (ii) reckless driving, other than high speed, (iii) operating a motor vehicle without a valid operating permit, state registration, or valid state inspection, (iv) operating a motor vehicle on roads owned by the association after the privilege to operate a motor vehicle on such roads has been suspended, and (v) attempting to escape or elude security personnel after receiving a visible or audible signal to bring the motor vehicle to a stop. Under the bill, the charges that are assessed shall be treated as an assessment against the member's lot or lots.

Patron - Houck

Public Service Companies

Passed

HB1603 Multiline telephone systems. Requires multiline telephone systems acquired or installed on or after July 1, 2009, to be maintained and operated so that calls to 9-1-1 from each telephone station on the system provides either automatic location and number identification information or an alternative method of providing call location information. The Wireless E-911 Services Board is directed to monitor developments in E-911 service and multiline telephone system technologies.

Patron - Rapp

HB1755 Utility Transfers Act; telephone companies. Eliminates the requirement that the State Corporation Commission approve the acquisition or disposal of the assets or of control of a telephone company. The measure will not apply to transactions for which applications seeking Commission approval were filed prior to July 1, 2007.

Patron - Kilgore

HB1885 Voice-over-Internet protocol service. Revises the definition of Voice-over-Internet protocol service to eliminate references to Internet protocol-compatible customer premises equipment. Providers of Voice-over-Internet protocol service are exempt from regulation by the State Corporation Commission.

Patron - Marshall, R.G.

HB2381 Virginia Public-Private Education Facilities and Infrastructure Act; provision of wireless broadband services. Specifies that the Virginia Public-Private Education Facilities and Infrastructure Act can be used for projects related to the technology and infrastructure necessary to deploy wireless broadband services to schools, businesses, and residential areas. The bill also authorizes the Virginia Resources Authority to fund wireless broadband projects.

Patron - May

HB2614 Construction of electrical utility facilities; review of applications by State Corporation Commission. Requires the State Corporation Commission to conduct an analysis of the facility applicant's assessment of need, load flow analysis, and method of installation. Utilities are required to provide a GIS map of any proposed improvement or extension to the Commission, which shall make the GIS map publicly available on its website.

Patron - May

HB2708 Net energy metering; sales of net electricity. Requires the default service provider to enter into an agreement to purchase any excess electricity generated by an eligible customer-generator that is consistent with the minimum requirements for such interests established by the State Corporation Commission.

Patron - Hugo

HB3068 Electric utilities. Advances the scheduled expiration of the capped rate period from December 31, 2010, to December 31, 2008, establishes a new mechanism for regulating the rates of investor-owned electric utilities, and limits the ability of most consumers to purchase electric generation service from competing suppliers. The ratemaking procedure requires the State Corporation Commission (SCC) to conduct a rate case for investor-owned utilities in 2009; thereafter, the

SCC will review each utility's rates, terms, and conditions using two 12-month test periods ending December 31, 2010, though the SCC is given discretion to stagger the years in which it conducts such reviews. In these biennial reviews the SCC will determine fair rates of return on common equity for the utility's generation and distribution services, using any methodology it finds consistent with the public interest. However, the return shall not be set: (i) lower than the average of the returns on common equity reported to the Securities and Exchange Commission for the three most recent annual periods by a peer group of a majority of the other vertically-integrated investor-owned electric utilities in the southeastern United States with a Moody's bond rating of at least Baa or (ii) higher than 300 basis points above that average. Increases in the rate of return are capped based on the rate of increases in the Consumer Price Index (CPI). The SCC may increase or decrease the rate of return by a Performance Incentive of up to 50 basis points based on the generating plant performance, customer service, operations and efficiency of a utility. If the combined rate of return on common equity earned is no more than one half of one percent above or below this rate of return, the return shall not be considered either excessive or insufficient. Each utility may seek rate adjustment clauses to recover (i) costs for transmission services provided by PJM Interconnection under applicable rates, terms and conditions approved by the Federal Energy Regulatory Commission (FERC) and costs of FERC-approved demand response programs; (ii) deferred environmental and reliability costs authorized under prior capped rate rules; (iii) costs of providing incentives for the utility to design and operate fair and effective demand-management, conservation, energy efficiency, and load management programs; (iv) costs of participation in the new renewable energy portfolio standard program; and (v) costs of projects that the Commission finds to be necessary to comply with state or federal environmental laws or regulations applicable to generation facilities used to serve the utility's native load obligations, which costs may include the enhanced rate of return for new base load generation if the project would reduce the need for construction of new generation facilities by enabling the continued operation of existing generation facilities. A utility may also apply a rate adjustment clause for recovery from customers of the costs of (i) a coal-fired generation facility that utilizes Virginia coal and is located in the coalfield region of the Commonwealth, (ii) one or more other generation facilities, or (iii) one or more major unit modifications of generation facilities, to meet the utility's projected native load obligations. The utility may recover an enhanced rate of return on common equity associated with the type of project, and the period over which the enhanced rate of return may be collected depends on the type of facility, as determined by the Commission within specified ranges. The Commission's final order on any petition filed for any of the rate adjustment clauses shall be entered within a specified period after the filing of the petition, and any rate increase required by the clause shall go into effect within 60 days or upon the end of capped rates, whichever is later. The Commission is required to consider petitions for rate adjustment clauses on a stand-alone basis, without regard to the other costs or revenues of the utility. The enhanced returns are subject to revocation if permits are not applied for or construction is not commenced by specified dates. If the Commission determines in a biennial review that a utility underearned by at least 50 basis points on its generation and distribution services, excluding provisions for new generation facilities, the Commission is required to increase the utility's rates to a level necessary to provide the opportunity to fully recover the costs of providing the utility's services and to earn such fair rate of return. If the Commission determines in a biennial review that a utility earned more than 50 basis points above a fair combined rate of return on its generation and distribution services, excluding provisions for new generation facilities, the Com-

mission is required to direct that 60% of such overearnings be credited to customers' bills. In addition, if the Commission determines that (i) the utility's earnings exceed this limit for two consecutive biennial review periods, the Commission shall also order reductions to the utility's rates, provided that rates may not be reduced to levels below what would provide the utility with the opportunity to fully recover its costs and to earn a fair combined rate of return on its generation and distribution services, excluding provisions for new generation facilities and (ii) the utility's total aggregate regulated rates would exceed the annual increases in CPI, when compared to the utility's rates as determined in the biennial review for a base period (either the utility's first test period or the most recent test period for which credits are applied to customers' bills), the Commission shall direct, unless such action would not be in the public interest, that any or all of such overearnings be credited to customers' bills. An electric utility that demonstrates that it has a reasonable expectation of achieving 12% of its base year electric energy sales from renewable energy sources during calendar year 2022 may participate in a renewable energy portfolio standard program. Under the program, a participating utility that meets specified percentage goals for sales of renewable energy is eligible for a Performance Incentive that increases the fair combined rate of return on common equity for the utility by a 50 basis points through the third succeeding biennial review if it continues to meet the RPS Goals. It is also entitled to an enhanced rate of return on the costs associated with the construction of renewable energy generation facilities used to provide the renewable energy. Double credits will be provided for energy from solar or wind sources. Specific provisions address the use of certain wood products for projects qualifying to meet the renewable energy goals. With regard to the ability of customers to purchase generation services from competing providers, the measure provides that after the capped rate period ends, only customers whose annual demand exceeds five megawatts will be permitted to shop, and the load of the switching customers does not exceed one percent of the utility's load. However, two or more individual nonresidential retail customers may aggregate their demand for the purpose of meeting the five megawatt threshold if the Commission finds that neither their incumbent electric utility nor its retail customers will be adversely affected and that the demand of the customers who are allowed to buy power from competitors will not exceed one percent of the utility's peak annual load. The ability of large customers to purchase electric power from a licensed competitive supplier is subject to the condition that they cannot thereafter purchase electricity from their incumbent utility without giving five years' notice, with certain exceptions. Municipalities are allowed to aggregate the electric energy load of their governmental operations for the purpose of negotiating rates and terms, and conditions of service from the electric utility certificated by the Commission to serve the territory in which such operations are located. Other provisions (i) require the deferral over the period 2008-2010 of a portion of Dominion's 2007 fuel factor increase; (ii) authorize electric utilities to seek approval of optional performance-based regulation methodologies to the same extent as gas utilities; (iii) requires that 75% of the margins from off-system sales be applied to the utility's fuel expenses unless the SCC finds by clear and convincing evidence that a smaller percentage is in the public interest; (iv) requires rates of distribution electric cooperatives to be regulated pursuant to the provisions of Chapters 9.1 and 10 of Title 56, subject to the ability to increase rates without SCC approval by not more than five percent over three years and to make certain other changes to terms and conditions of service; (v) states that it does not impair the terms, unless otherwise modified by an order of the SCC, of any order approving the divestiture of generation assets; (vi) provides that the measure does not modify or impair the terms, unless otherwise modified by an order of the

SCC, of any SCC order approving the divestiture of generation assets; (vii) directs the SCC to conduct a proceeding to establish goals for the amount of energy and demand to be reduced by the operation of demand side management, conservation, energy efficiency, and load management programs, and develop a plan for the development and implementation of recommended programs; (viii) directs the Office of the Attorney General to identify issues of the act that impede its implementation; and (ix) directs the Department of Taxation to conduct an analysis of the potential implications of the provisions of this measure on the system of taxation. Provisions of the Electric Utility Restructuring Act that exempt the generation of electric energy from regulation, prohibit public service corporations from exercising the power of eminent domain to acquire property for generation facilities, authorize the collection of wires charges, and authorize competition for metering and billing services are repealed. This bill is identical to SB 1416.

Patron - Hogan

HB3153 Income tax; public utilities. Directs the State Corporation Commission, to determine the federal and state income tax costs for investor-owned water, gas or electric utilities that are part of a publicly traded consolidated group by calculating its apportioned state income tax costs according to the applicable statutory rate and its federal income tax costs according to the applicable federal income tax rate, excluding any consolidated tax liability or benefit adjustments originating from any taxable income or loss of its affiliates.

Patron - Nixon

SB1031 Power plant siting. Establishes a pre-application planning and review process for certain gas or electric utility facilities.

Patron - O'Brien

SB1362 Construction of electrical utility facilities; review of applications by State Corporation Commission. Reduces the threshold for the size of electrical transmission lines requiring approval of the State Corporation Commission from 150 kilovolts to 138 kilovolts. Utilities are required to provide a GIS map of any proposed improvement or extension to the Commission, which shall make the GIS map publicly available on its website. The measure requires the Commission to conduct an analysis of the applicant's assessment of need, load flow analysis, and method of installation. The measure also makes several technical changes.

Patron - Colgan

SB1416 Electric utilities. Advances the scheduled expiration of the capped rate period from December 31, 2010, to December 31, 2008, establishes a new mechanism for regulating the rates of investor-owned electric utilities, and limits the ability of most consumers to purchase electric generation service from competing suppliers. The ratemaking procedure requires the State Corporation Commission (SCC) to conduct a rate case for investor-owned utilities in 2009; thereafter, the SCC will review each utility's rates, terms, and conditions using two 12-month test periods ending December 31, 2010, though the SCC is given discretion to stagger the years in which it conducts such reviews. In these biennial reviews the SCC will determine fair rates of return on common equity for the utility's generation and distribution services, using any methodology it finds consistent with the public interest. However, the return shall not be set: (i) lower than the average of the returns on common equity reported to the Securities and Exchange Commission for the three most recent annual periods by a peer group of a majority of the other vertically-integrated investor-owned electric utilities in the southeastern United States with a Moody's bond rating of at least Baa or (ii) higher

than 300 basis points above that average. Increases in the rate of return are capped based on the rate of increases in the Consumer Price Index (CPI). The SCC may increase or decrease the rate of return by a Performance Incentive of up to 50 basis points based on the generating plant performance, customer service, operations and efficiency of a utility. If the combined rate of return on common equity earned is no more than one half of one percent above or below this rate of return, the return shall not be considered either excessive or insufficient. Each utility may seek rate adjustment clauses to recover (i) costs for transmission services provided by PJM Interconnection under applicable rates, terms and conditions approved by the Federal Energy Regulatory Commission (FERC) and costs of FERC-approved demand response programs; (ii) deferred environmental and reliability costs authorized under prior capped rate rules; (iii) costs of providing incentives for the utility to design and operate fair and effective demand-management, conservation, energy efficiency, and load management programs; (iv) costs of participation in the new renewable energy portfolio standard program; and (v) costs of projects that the Commission finds to be necessary to comply with state or federal environmental laws or regulations applicable to generation facilities used to serve the utility's native load obligations, which costs may include the enhanced rate of return for new base load generation if the project would reduce the need for construction of new generation facilities by enabling the continued operation of existing generation facilities. A utility may also apply a rate adjustment clause for recovery from customers of the costs of (i) a coal-fired generation facility that utilizes Virginia coal and is located in the coalfield region of the Commonwealth, (ii) one or more other generation facilities, or (iii) one or more major unit modifications of generation facilities, to meet the utility's projected native load obligations. The utility may recover an enhanced rate of return on common equity associated with the type of project, and the period over which the enhanced rate of return may be collected depends on the type of facility, as determined by the Commission within specified ranges. The Commission's final order on any petition filed for any of the rate adjustment clauses shall be entered within a specified period after the filing of the petition, and any rate increase required by the clause shall go into effect within 60 days or upon the end of capped rates, whichever is later. The Commission is required to consider petitions for rate adjustment clauses on a stand-alone basis, without regard to the other costs or revenues of the utility. The enhanced returns are subject to revocation if permits are not applied for or construction is not commenced by specified dates. If the Commission determines in a biennial review that a utility underearned by at least 50 basis points on its generation and distribution services, excluding provisions for new generation facilities, the Commission is required to increase the utility's rates to a level necessary to provide the opportunity to fully recover the costs of providing the utility's services and to earn such fair rate of return. If the Commission determines in a biennial review that a utility earned more than 50 basis points above a fair combined rate of return on its generation and distribution services, excluding provisions for new generation facilities, the Commission is required to direct that 60% of such overearnings be credited to customers' bills. In addition, if the Commission determines that (i) the utility's earnings exceed this limit for two consecutive biennial review periods, the Commission shall also order reductions to the utility's rates, provided that rates may not be reduced to levels below what would provide the utility with the opportunity to fully recover its costs and to earn a fair combined rate of return on its generation and distribution services, excluding provisions for new generation facilities and (ii) the utility's total aggregate regulated rates would exceed the annual increases in CPI, when compared to the utility's rates as determined in the biennial review for a base period (either the utility's first test period or the most recent test

period for which credits are applied to customers' bills), the Commission shall direct, unless such action would not be in the public interest, that any or all of such overearnings be credited to customers' bills. An electric utility that demonstrates that it has a reasonable expectation of achieving 12% of its base year electric energy sales from renewable energy sources during calendar year 2022 may participate in a renewable energy portfolio standard program. Under the program, a participating utility that meets specified percentage goals for sales of renewable energy is eligible for a Performance Incentive that increases the fair combined rate of return on common equity for the utility by a 50 basis points through the third succeeding biennial review if it continues to meet the RPS Goals. It is also entitled to an enhanced rate of return on the costs associated with the construction of renewable energy generation facilities used to provide the renewable energy. Double credits will be provided for energy from solar or wind sources. Specific provisions address the use of certain wood products for projects qualifying to meet the renewable energy goals. With regard to the ability of customers to purchase generation services from competing providers, the measure provides that after the capped rate period ends, only customers whose annual demand exceeds five megawatts will be permitted to shop, and the load of the switching customers does not exceed one percent of the utility's load. However, two or more individual nonresidential retail customers may aggregate their demand for the purpose of meeting the five megawatt threshold if the Commission finds that neither their incumbent electric utility nor its retail customers will be adversely affected and that the demand of the customers who are allowed to buy power from competitors will not exceed one percent of the utility's peak annual load. The ability of large customers to purchase electric power from a licensed competitive supplier is subject to the condition that they cannot thereafter purchase electricity from their incumbent utility without giving five years' notice, with certain exceptions. Municipalities are allowed to aggregate the electric energy load of their governmental operations for the purpose of negotiating rates and terms, and conditions of service from the electric utility certificated by the Commission to serve the territory in which such operations are located. Other provisions (i) require the deferral over the period 2008-2010 of a portion of Dominion's 2007 fuel factor increase; (ii) authorize electric utilities to seek approval of optional performance-based regulation methodologies to the same extent as gas utilities; (iii) requires that 75% of the margins from off-system sales be applied to the utility's fuel expenses unless the SCC finds by clear and convincing evidence that a smaller percentage is in the public interest; (iv) requires rates of distribution electric cooperatives to be regulated pursuant to the provisions of Chapters 9.1 and 10 of Title 56, subject to the ability to increase rates without SCC approval by not more than five percent over three years and to make certain other changes to terms and conditions of service; (v) states that it does not impair the terms, unless otherwise modified by an order of the SCC, of any order approving the divestiture of generation assets; (vi) provides that the measure does not modify or impair the terms, unless otherwise modified by an order of the SCC, of any SCC order approving the divestiture of generation assets; (vii) directs the SCC to conduct a proceeding to establish goals for the amount of energy and demand to be reduced by the operation of demand side management, conservation, energy efficiency, and load management programs, and develop a plan for the development and implementation of recommended programs; (viii) directs the Office of the Attorney General to identify issues of the act that impede its implementation; and (ix) directs the Department of Taxation to conduct an analysis of the potential implications of the provisions of this measure on the system of taxation. Provisions of the Electric Utility Restructuring Act that exempt the generation of electric energy from regulation, prohibit public service corpo-

rations from exercising the power of eminent domain to acquire property for generation facilities, authorize the collection of wires charges, and authorize competition for metering and billing services are repealed. This bill is identical to HB 3068.

Patron - Norment

Failed

HB1632 State Corporation Commission regulation; charges for inmate telecommunications systems.

Authorizes the State Corporation Commission to determine that the rates for debit or prepaid telephone systems at state correctional facilities are at the lowest available rates for the service in accordance with filed schedules. The measure also establishes a 10% cap on the amount of any commissions, lease payments or other fees that a provider of inmate telecommunications services may pay to the Commonwealth or any agency or political subdivision under its contract. Any amounts paid in excess of this cap are to be deposited in a newly established Prisoner Telephone Rate Fund and used to reduce the surcharges or rates paid for calls.

Patron - Morgan

HB1649 Underground location of transmission lines.

Establishes a presumption that bars the State Corporation Commission from issuing a certificate allowing the installation of an overhead electrical transmission line of 150 kilovolts or more within 500 feet of any school building or residential dwelling or in any area where such an overhead transmission line would unduly impair scenic vistas that are essential to the economic vitality of the affected locality. The presumption may be rebutted by demonstrations that constructing the transmission line underground would not be technologically feasible and that a viable alternative route does not exist. If the Commission approves the underground installation of the line, the costs would be recoverable through the utility's rates. If the locality obligates itself to reimburse the utility for the incremental costs of undergrounding the transmission line, the Commission may approve the underground installation of the line even if it does not find that its overhead installation would impair scenic vistas.

Patron - Cole

HB1804 Solar water heating system pay-as-you-save pilot program.

Directs the State Corporation Commission to analyze, and if appropriate, to establish, a pilot program whereby residential customers who install a solar water heating system will be able to pay for the system as an item on their monthly electricity bill. Participation in the pilot program would be voluntary. Participating electricity distributors will be required to submit proposed tariffs for recovery of the costs of the systems over a term not to exceed 75% of the expected life of the system, in monthly amounts that are less than the expected reductions in the electricity bill resulting from the installation of the system. This bill was incorporated into HB 2401.

Patron - Poisson

HB2398 Approval of utility lines; plan for undergrounding lines.

Requires a utility seeking State Corporation Commission approval of a certain 500 kV electrical transmission line to submit to the Commission and to members of the General Assembly a plan to install the line or lines underground within current utility right-of-way. Hearings on the application for the new transmission line would be held after the Commission has reviewed the plan.

Patron - Athey

HB2399 Approval of electrical transmission lines; alternative plan. Requires a utility seeking State Corporation Commission approval of a certain 500 kV electrical transmission line to submit to the Commission and to members of the General Assembly a plan for alternative measures to increase the capacity of existing facilities without constructing new transmission towers. Hearings on the application for the new transmission line would be held after the Commission has reviewed the alternative plan. This bill was incorporated into HB 2398.

Patron - Athey

HB2401 Electric utility conservation programs.

Requires the State Corporation Commission to conduct a proceeding to consider electric energy consumption goals. The Commission is directed to establish a work group to develop a plan to achieve these goals and define programs. This bill incorporates HB 1804.

Patron - Athey

HB2402 Approval of certificate for electrical transmission lines.

Requires the State Corporation Commission, when considering an application for a certificate for the construction of lines such as the 500 kV Trans-Allegheny Interstate Line, to consider all effects of the proposed line, including its effects on adjoining properties.

Patron - Athey

HB2433 Public-Private Transportation Act; procurement.

Requires interim or comprehensive agreements under the Public-Private Transportation Act to be competitively bid if the total cost of the project involves the expenditure of \$10 million or more in state funds.

Patron - Albo

HB2561 Automatic dialing-announcing devices; penalty.

Prohibits callers from using an automatic dialing-announcing device to make a telephone call to a health care provider, business providing ambulance services, residential facility, law-enforcement agency, fire department or rescue squad. For other calls, callers are prohibited from using, or connecting to a telephone line, an automatic dialing-announcing device unless the subscriber has knowingly or voluntarily requested, consented to, permitted, or authorized receipt of the message or unless the message is preceded by a live operator who obtains the subscriber's consent before the message is delivered. The measure also imposes calling time restrictions and requires automatic dialing-announcing devices or other devices that disseminate a prerecorded or synthesized voice message to the number called to disconnect within five seconds after termination of the telephone call. An automatic dialing-announcing device selects and dials telephone numbers and disseminates a prerecorded or synthesized voice message to the telephone number called. A violation of these requirements is a prohibited practice under the Consumer Protection Act. The existing prohibition on using recorded solicitation calls is repealed.

Patron - Brink

HB2615 Suspension of construction of new electrical utility facilities; pilot projects in Loudoun County and Fauquier County.

Suspends the approval of all applications for the construction of new electrical utility facilities pending before the State Corporation Commission and the commencement of all facility construction until July 1, 2008. The bill also establishes a pilot project in Loudoun County and Fauquier County for the installation of underground transmission lines. This bill contains an emergency clause.

Patron - May

HB2784 Electric utility restructuring; capped rates; default service rates. Provides that effective January 1, 2008, the rates for customers receiving default service will be determined by the State Corporation Commission based on the cost of service under the provisions of Chapter 10 of Title 56. The measure also clarifies that the Electric Utility Restructuring Act's provisions do not modify or impair the terms of orders approving the divestiture of an electric utility's generation assets. Currently the Act provides that through December 31, 2010, default service rates are a utility's capped rates, and that thereafter default service rates for utilities (other than distribution cooperatives) will be based on prices in competitive regional markets.

Patron - Morgan

HB2870 Programming cell phones with ICE numbers. Requires providers of commercial mobile telecommunications service to implement a program, in accordance with criteria developed by the Wireless E-911 Services Board, of encouraging its subscribers to program one or more ICE numbers into their mobile telephones. An ICE number is a telephone number that is programmed into a mobile telephone, and labeled ICE, which when called by a firefighter, paramedic, emergency medical technician, rescue worker, or ambulance when the subscriber is nonresponsive or impaired, will connect to the person who the subscriber desires to be contacted in case of an emergency.

Patron - McEachin

HB3029 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.

HB3030 Electrical transmission facilities; regional transmission organizations. Repeals provisions relating to the current requirement that Virginia's electric utilities join a regional transmission organization. The measure directs the State Corporation Commission and Office of the Attorney General to institute proceedings at the Federal Energy Regulatory Commission to obtain all necessary federal approvals to accomplish the withdrawal of Virginia's electric utilities from membership in any regional transmission organization. The measure also 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 locality is further authorized to create a stock corporation to which the electric utility is required to distribute shares of its capital stock with a value equal to the additional cost of the underground installation.

Patron - Marshall, R.G.

HB3050 Electric utilities. Repeals provisions of the Virginia Electric Utility Restructuring Act effective January 1, 2008. The measure authorizes the State Corporation Commission to provide for recovery of the costs of new generation facilities through the utility's rate base or through rate surcharges, adders, or other recovery mechanisms as are in the public interest. The Commission is also authorized to approve a performance-based rate-making methodology for electric utilities, which tracks the current provision for gas utilities. Provisions of the Restructuring Act that are not repealed by this measure include those that address the construction of a coal-fired plant in Southwest Virginia, net energy metering, electric energy emergencies, and permitting for electrical generating facilities.

Patron - Morgan

HB3155 Divestiture of generation assets. Provides that nothing in Title 56 shall modify or impair the terms of a State Corporation Commission order that approved the divestiture of generation assets of an electric utility.

Patron - Lewis

SB1143 Utility Transfers Act; telephone companies. Eliminates the requirement that the State Corporation Commission approve the acquisition or disposal of the assets or of control of a telephone company. The measure will not apply to transactions for which applications seeking Commission approval were filed prior to July 1, 2007.

Patron - Wagner

SB1150 Electric utilities; collection of FERC fines. Authorizes any electric utility that is assessed by the Federal Energy Regulatory Commission with fines, penalties, or similar charges as a result of brownouts or blackouts in its service territory that are attributable to the utility's failure to have adequate transmission infrastructure, to recover its payments of fines, penalties, or similar charges from those customers receiving service within the planning district or districts where construction of transmission facilities was delayed or thwarted as the result of opposition from the utility's customers.

Patron - Wagner

SB1191 Electric utility restructuring. Extends the period during which rates for electric service are capped from December 31, 2010, until July 1, 2013. The measure also provides that, upon the end of the capped rate period, rates for default service provided by distributors will be based on prudently incurred costs, rather than on prices in competitive regional electricity markets. Other provisions clarify that the capped rates and default service rates for utilities that have divested their generation assets will be determined in a manner consistent with the terms of the orders of the State Corporation Commission approving the transfer of such assets. The measure also revises the criteria for adjustments to capped rates to provide that, rather than being allowed to recover increases in transmission and distribution reliability and environmental costs through single-issue proceedings, after July 1, 2007, certain utilities may seek to recover increased costs through annual full rate cases.

Patron - Reynolds

SB1245 State Corporation Commission; public hearings. Requires the State Corporation Commission to conduct a public hearing in any case involving approval of the construction of an overhead electrical transmission line of 150 kV or more or an increase in toll rates under the Virginia Highway Corporation Act of 1988. The measure also requires at least one Commissioner of the State Corporation Commission

sion be physically present at any hearing in such cases at which public comment is allowed or required.

Patron - Herring

FSB1275 Renewable energy and energy efficiency program requirements. Requires that by the period June 1, 2020, through May 31, 2021, and in subsequent years, 12% of the electric energy sold by each supplier to retail customers in the Commonwealth be generated from renewable generation energy sources, and that each supplier achieve reductions in the consumption of electric energy by its retail customers, through the supplier's implementation of energy efficiency programs, in an amount equal to 5% of the amount of electric energy consumed by its retail customers in 2006. The requirements are phased in over a period commencing June 1, 2008. The 12% requirement for renewable generation energy sources is comprised of three categories of renewable energy sources, each of which has separate percentage requirements. Generators of renewable energy receive renewable energy credits for power generated through eligible renewable sources or conserved through energy efficiency programs. Suppliers who do not comply with the minimum percentage requirements are required to make alternative compliance payments into a new Virginia Sustainable Energy, Energy Efficiency, and Energy Conservation Fund. Distributors are authorized to recover incremental costs of compliance incurred during the capped rate period under the procedure for recovery of the costs of purchased power. Electric cooperatives and municipal electric utilities are exempted from the measure.

Patron - Whipple

FSB1361 Suspension of construction of new electrical utility facilities; pilot projects in Loudoun County, Fauquier, and Prince William Counties. Suspends the approval of all applications for the construction of new electrical utility facilities pending before the State Corporation Commission and the commencement of all facility construction until July 1, 2008. The bill also establishes pilot projects in Loudoun County, Fauquier County, and Prince William County for the installation of underground transmission lines. This bill contains an emergency clause.

Patron - Colgan

FSB1377 Water and sewer rates of certain towns. Prohibits towns from charging rates for water and sewer service provided to residents of an adjacent county that unreasonably discriminate between customers on the basis of whether services are provided to customers located within or outside the limits of the town, or that provide a cross-subsidy for in-town customers. Upon receipt of a petition from five percent of the customers who receive service in the county, the Commission on Local Government is authorized to conduct an investigation and analyze the rates, fees and charges. If the Commission determines that the rates, fees and charges assessed by a town do not comply with these requirements, it will notify the county and the city. The county may then petition for the appointment of a special court to set rates for such services.

Patron - Herring

Religious and Charitable Matters; Cemeteries

Passed

PHB3082 Religious freedom. Reiterates an individual's freedom of religion and prohibits a government entity from unduly burdening such right. The bill provides a cause of action for declaratory or injunctive relief for violation. A person prevailing in such an action may recover reasonable costs and attorney fees, but not monetary damages. A petition for appeal to the Court of Appeals may be made from any decision to grant or deny declaratory and injunctive relief. The provisions of the bill do not apply to persons incarcerated in correctional facilities or sexually violent predators who have been civilly committed.

Patron - Lingamfelter

State Corporation Commission

Passed

FSB1005 State Corporation Commission; fees. Provides that the fee for providing copies of a Uniform Commercial Code record is \$0.50 per page regardless of the number of pages, and increases the fee for providing a certified copy of a Uniform Commercial Code record from \$1 to \$3.

Patron - Miller

Taxation

Passed

PHB1628 Severance tax; extends sunset date. Extends the sunset date from December 31, 2007, to December 31, 2012, for the local coal and gas road improvement tax.

Patron - Johnson

PHB1640 Sales and use tax; exemption for alternative fuel-burning stoves. 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. Such stoves are capable of burning a variety of alternative fuels, including, but not limited to, shelled corn, wood pellets, cherry pits, and olive pits.

Patron - Wright

PHB1674 Sales and use tax exemption; free distribution of educational materials. Extends the sunset date from July 1, 2008, to July 1, 2012, on the exemption for textbooks and other educational materials that are distributed by publishers from distribution centers for free to professors and others having an educational focus. This bill is identical to SB 999.

Patron - Scott, E.T.

PHB1678 Sales tax exemption; energy-efficient products. Provides a sales tax exemption for purchases of certain energy-efficient products with a sales price of \$2,500 or less made during the first Friday, Saturday, and Sunday in October of each year. The bill also authorizes dealers to absorb the sales and use tax on all other items sold during the same

time period and thereby relieve the purchasers of the obligation to pay such tax. Dealers who absorb such taxes are liable for payment of the same to the Tax Commissioner. The provisions of this bill will expire on July 1, 2012.

Patron - Cosgrove

HB1695 Business, professional, occupational license tax; motor fuels tax exemption. Clarifies that the motor fuels tax is exempt from gross receipts for purposes of the BPOL tax.

Patron - Purkey

HB1696 Taxation; conformity with Internal Revenue Code. Conforms the Commonwealth's system of taxation with the Internal Revenue Code, when applicable, as of December 31, 2006. This bill contains an emergency clause, and is identical to SB 1105.

Patron - Purkey

HB1714 Transient occupancy tax; Northampton County. Permits Northampton County to impose an additional 3% transient occupancy tax (for a total of 5%) provided that the portion of the tax over 2% be dedicated for tourism purposes. This bill is identical to SB 904.

Patron - Lewis

HB1744 Real property tax exemptions; elderly and disabled. Increases the income limit for elderly and disabled taxpayers in certain Northern Virginia localities from \$72,000 to \$75,000 for real property tax exemptions.

Patron - Marshall, R.G.

HB1880 Personal Property Tax Relief Act definitions. Adds to the definition of "qualifying vehicle" those vehicles that are held in a private trust for nonbusiness purposes by an individual beneficiary.

Patron - Caputo

HB2013 Tangible personal property; classifications. Establishes a separate class of tangible personal property for aircraft that are (i) Warbirds, manufactured or intended for military use, excluding those manufactured after 1954, and (ii) used only for (a) exhibit or display to the general public or (b) air show and flight demonstrations. Aircraft used for commercial or private general transportation would not be included in this new class of property. This bill is identical to SB 1171.

Patron - Suit

HB2022 Reporting to the Department of Taxation; nonprofit hospitals. Requires nonprofit hospitals to provide to the Department of Taxation a copy of any federal 990 or 990-EZ tax form filed with the Internal Revenue Service. The bill would require nonprofit hospitals to also provide to the Department a copy of any interim tax forms, reports, or returns filed with or provided to the Internal Revenue Service. The bill would require all such returns and information to be provided within 30 days of the same being filed with or provided to the Internal Revenue Service.

Patron - Purkey

HB2059 Recordation tax. Clarifies that the tax rate is applied to the greater of the consideration paid or the value of the interest conveyed. This bill is identical to SB 822.

Patron - McQuigg

HB2135 Collection of taxes by the Department of Taxation. Prohibits the Department of Taxation from engaging debt collectors outside the Department to collect taxes that are less than 90 days delinquent, and requires the Department to provide on the initial assessment notice to the taxpayer of the

taxpayer's rights to apply to the Tax Commissioner for a correction in the assessment and the right to have the Tax Commissioner refrain from actions to collect the tax after receipt from the taxpayer of notice of intent to file for such correction. This bill contains an emergency clause.

Patron - Hugo

HB2148 Sales and use tax; commercial and industrial exemptions; railroad rolling stock. Provides an exemption from the sales and use tax for railroad rolling stock when sold or leased by the manufacturer.

Patron - Fralin

HB2181 Machinery and tools tax; idle machinery and tools; emergency clause. Provides a uniform statewide statutory classification and taxation for idle machinery and tools on a prospective basis by allowing such machinery and tools to be taxed as capital as long as they have not been used for at least one year prior to tax day or they have been identified in writing by the taxpayer to the commissioner of the revenue as machinery and tools that the taxpayer intends to withdraw from service prior to the next tax day. This bill contains an emergency clause and is identical to SB 1151.

Patron - Saxman

HB2220 Income tax; deduction for unreimbursed organ donation expenses. Provides an income tax deduction for unreimbursed expenses that are paid by an organ and tissue donor and that have not been taken as a medical deduction on the taxpayer's federal income tax return, effective for taxable years beginning on or after January 1, 2007. The amount of the deduction is the lesser of \$5,000 or the actual amount paid by the taxpayer.

Patron - Amundson

HB2284 Withholding tax; filing returns. Allows employers to submit their withholding tax returns on the 25th day of the following month rather than the 20th day, effective January 1, 2008.

Patron - Watts

HB2385 Tangible personal property; separate classification for wireless broadband service providers. Creates a separate classification for local taxation purposes for tangible personal property owned and used by certain providers of wireless broadband Internet service in providing such service.

Patron - May

HB2390 Duties of treasurers. Requires treasurers to make out a list of uncollected balances of previously billed tangible personal property taxes on vehicles that (i) were owned by taxpayers, now deceased, upon whose estates no qualification has been made, or (ii) were transferred to bona fide purchasers for value without knowledge, on the part of the persons so transferring, of the unpaid taxes.

Patron - Ingram

HB2498 Residential tax credit; increased accessibility and visitability for the disabled. Requires the Department of Housing and Community Development to develop guidelines establishing the eligibility requirements for the tax credit in § 58.1-339.7. Changes the name of the disabled tax credit to the "Livable Home Tax Credit" and extends it to any taxpayer who purchases a new residence. This bill is a recommendation of the Virginia Disability Commission. This bill is identical to SB 791.

Patron - Orrock

HB2525 Voluntary contributions of refunds; Spay and Neuter Fund. Distributes a contribution made to the Spay and Neuter Fund through the voluntary contribution of tax refunds to the locality in which the filer resides. The locality must use the contribution for the provision of low-cost spay and neuter surgeries or it may make the funds available to any private, nonprofit sterilization program for dogs and cats in the locality. All contributions to the Spay and Neuter Fund are currently distributed to the Virginia Federation of Humane Societies.

Patron - Iaquinto

HB2545 Sales and use tax exemption; nonprofit entities. Requires nonprofit entities seeking sales and use tax exempt status that have annual gross receipts of at least \$1 million to provide the Department of Taxation with a financial audit performed by an independent certified public accountant and those with annual gross receipts between \$750,000 and \$1 million to provide the Department with a financial audit or a financial review by an independent certified public accountant. This bill is identical to HB 3062 and SB 743.

Patron - Hogan

HB2602 Voluntary contributions of tax refunds; new organizations. Adds public library foundations and Celebrating Special Children, Inc. to the list of organizations that may receive contributions for taxpayer refunds. The organizations will be added to the bottom of the list of other organizations waiting to appear on the income tax return.

Patron - Plum

HB2618 Classification of real property; energy-efficient buildings. Permits localities to tax certain energy-efficient buildings, not including the land on which they are located, at a lower tax rate than that imposed on the general class of real property by creating a separate classification for taxation purposes. An energy-efficient building is any building that exceeds the energy efficiency standards prescribed in the Virginia Uniform Statewide Building Code by 30%. Energy-efficient building certification shall be determined by any qualified licensed engineer or contractor who is not related to the taxpayer and who shall certify to the taxpayer that he has qualifications to provide the certification. This bill is identical to SB 1051.

Patron - Fralin

HB2723 Communications sales and use tax exemption for military base customers; emergency. Provides an exemption from the communications sales and use tax for customers on any federal military bases or installations when a franchise fee is payable to the federal government. The bill is effective retroactive to January 1, 2007, and there is an emergency clause.

Patron - Nixon

HB2724 Sales and use tax exemption; churches. Expands the sales and use tax exemption for property purchased by churches to (i) property used in caring for or maintaining property owned by the church including, but not limited to, mowing equipment, and (ii) building materials installed by the church and for which the church does not contract with a person or entity to have installed.

Patron - Nixon

HB2920 Abusive income tax avoidance transactions; statute of limitations. Extends from three years to six years the period in which the Department of Taxation may assess income tax for any tax return filed based in whole or in part on an abusive tax avoidance transaction. An "abusive tax

avoidance transaction" means a transaction that has been identified by the Tax Commissioner as such a transaction and that has been published by the Tax Commissioner.

Patron - Shannon

HB2975 Personal Property Tax Relief Act of 1998. Requires the commissioner of the revenue to rely upon the information at the Department of Motor Vehicles in determining whether a vehicle qualifies for tax relief, unless he has information that the Department's registration information is incorrect or incomplete.

Patron - Bell

HB3022 Individual income tax; filing threshold amounts. Increases the filing thresholds for the state income tax for individuals to \$11,250 in 2008, \$11,650 in 2010, \$11,950 in 2012; and for married persons to \$22,500 in 2008, \$23,300 in 2010, and \$23,900 in 2012. The bill also increases the personal exemption amount to \$930 in 2008. This bill is identical to SB 778.

Patron - Cline

HB3044 Income tax credit for machinery and equipment for processing recyclable materials; extend sunset. Extends the sunset for the income tax credit for purchase of machinery and equipment for processing recyclable materials from January 1, 2007, to January 1, 2015. The bill also makes the credit available to individual income tax filers. Credits earned by a pass-through entity are to be allocated in proportion to each individual's ownership in the pass-through entity. This bill is identical to SB 870.

Patron - Bowling

HB3062 Sales and use tax; tax exemption for nonprofit entities. Requires nonprofit entities seeking sales and use tax exempt status that have annual gross receipts of at least \$750,000 but less than \$1 million to provide the Department of Taxation with a financial audit or review performed by an independent certified public accountant. Entities with gross annual receipts of \$1 million or greater must file an audit. This bill is identical to HB 2545 and SB 743.

Patron - Scott, E.T.

HB3093 Real property tax; change in assessment notice. Provides that a notice of the change in the assessment of real estate does not have to include certain information for changes due to construction of or additions to improvements on real estate.

Patron - Johnson

SB734 Severance tax; extends sunset date. Extends the sunset date from December 31, 2007, to December 31, 2012, for the local coal and gas road improvement tax.

Patron - Wampler

SB743 Sales and use tax; tax exemption for nonprofit entities. Requires nonprofit entities seeking sales and use tax exempt status that have annual gross receipts of at least \$750,000 but less than \$1 million to provide the Department of Taxation with a financial audit or review performed by an independent certified public accountant. Entities with gross annual receipts of \$1 million or greater must file an audit. This bill is identical to HB 3062 and SB 743.

Patron - Cuccinelli

SB772 Business, professional, occupational license tax; motor fuels tax exemption. Clarifies that the motor fuels tax is exempt from gross receipts for purposes of the BPOL tax. The bill would be retroactively effective January 1, 2001.

Patron - Watkins

SB778 Individual income tax; filing threshold amounts. Increases the filing thresholds for the state income tax for individuals to \$11,250 in 2008, \$11,650 in 2010, \$11,950 in 2012; and for married persons to \$22,500 in 2008, \$23,300 in 2010, and \$23,900 in 2012. The bill also increases the personal exemption amount to \$930 in 2008. This bill is identical to HB 3022.

Patron - Stosch

SB785 Income tax deduction; Virginia College Savings Plan. Increases from \$2,000 to \$4,000 the annual income tax deduction allowed for purchases and contributions for prepaid tuition contracts or savings trust accounts entered into with the Virginia College Savings Plan. The increase would become effective for taxable years beginning on or after January 1, 2009.

Patron - Bell

SB788 Real estate tax relief; elderly and permanently and totally disabled. Increases from \$52,000 to \$62,000 the income limit in certain cities and counties for eligibility for elderly and permanently and totally disabled real estate tax relief programs.

Patron - Stosch

SB791 Residential tax credit; increased accessibility and visitability for the disabled. Requires the Department of Housing and Community Development to develop guidelines establishing the eligibility requirements for the tax credit in § 58.1-339.7. Changes the name of the disabled tax credit to the "Livable Home Tax Credit" and extends it to any taxpayer who purchases a new residence. The bill would cap the tax credit at \$500 for the purchase of a new residence or for the retrofitting of an existing residence. This bill is a recommendation of the Virginia Disability Commission. This bill is identical to HB 2498.

Patron - Puller

SB811 Transient occupancy tax; Amherst County. Authorizes Amherst County to impose the local transient occupancy tax at a rate of five percent with the revenues in excess of two percent designated for tourism and marketing of tourism initiatives.

Patron - Ruff

SB822 Recordation tax. Clarifies that the tax rate is applied to the greater of the consideration paid or the value of the interest conveyed. This bill is identical to HB 2059.

Patron - Devolites Davis

SB848 Notice of change in assessment. Provides that if a change in assessment arises solely from the construction or addition of new improvements, then notice of such change in assessment need not set out the new tax rate or the percentage change in the new tax levy from the immediately prior one. It also provides that such notice may omit reference to districts for those localities that have elected by ordinance to prepare land and personal property books in alphabetical order.

Patron - Lambert

SB862 Withholding taxes; information furnished. Provides that no person filing a withholding tax return for an organization, through use of an electronic medium, would be required to provide his social security number for such purposes. However, such person would be required to provide his name, social security number, wages, and taxes withheld in any file or batch report that includes the same information for all employees of the organization.

Patron - Reynolds

SB867 Sales tax exemption; energy-efficient products. 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 mid-October. The bill also authorizes dealers to absorb the sales and use tax on all other items sold during the same time period and thereby relieve the purchasers of the obligation to pay such tax. Dealers who absorb such taxes are liable for payment of the same to the Tax Commissioner. The sales tax holiday would expire in July of 2012.

Patron - Watkins

SB870 Income tax credit for machinery and equipment for processing recyclable materials; extend sunset. Extends the sunset for the income tax credit for purchase of machinery and equipment for processing recyclable materials from January 1, 2007, to January 1, 2015. The bill also makes the credit available to individual income tax filers. Credits earned by a pass-through entity are to be allocated in proportion to each individual's ownership in the pass-through entity. This bill is identical to HB 3044.

Patron - Watkins

SB904 Transient occupancy tax; Northampton County. Authorizes Northampton County to impose a transient occupancy tax at a rate up to five percent, with any revenues collected in excess of two percent to be used for tourism and marketing of tourism initiatives. This bill is identical to HB 1714.

Patron - Rerras

SB954 Income tax; checkoff for Department for the Aging. Establishes an income tax check off for income tax refund contributions to the Department for the Aging to be used for Medicare Part D counseling. This would be in addition to the current check off for income tax refund contributions to the Department for the Aging for providing transportation services to the elderly.

Patron - Quayle

SB999 Sales and use tax exemption; textbooks withdrawn from inventory. Extends from July 1, 2008, to July 1, 2012, the sunset date of the current sales and use tax exemption for textbooks and educational materials distributed by publishers to professors at no cost. This bill is identical to HB 1674.

Patron - Houck

SB1051 Classification of real property; energy-efficient buildings. Permits localities to tax certain energy-efficient buildings, not including the land on which they are located, at a lower tax rate than that imposed on the general class of real property by creating a separate classification for taxation purposes. An energy-efficient building is any building that exceeds the energy efficiency standards prescribed in the Virginia Uniform Statewide Building Code by 30% Energy-efficient building certification shall be determined by any qualified licensed engineer or contractor who is not related to the taxpayer and who shall certify to the taxpayer that he has qualifications to provide the certification. This bill is identical to HB 2618.

Patron - Edwards

SB1054 Low-income housing credit; consolidation of Code sections. Consolidates provisions of the low-income housing tax credit currently appearing in Titles 36 (Housing) and 58.1 (Taxation). The bill would consolidate the tax credit

provisions into § 58.1-435 and provide a cross-reference to the tax credit in § 36-55.63.

Patron - Edwards

SB1063 Real estate tax; limitation on tax rate. Increases from seven to 30 days the minimum notice that a locality must give the public of a public hearing in which the locality proposes to increase its total real estate tax levies more than 101% of the prior year's tax levies, and requires that such notice be posted in the building where the governing body of the locality ordinarily meets, as well as in a newspaper.

Patron - Rerras

SB1105 Taxation; conformity with Internal Revenue Code. Conforms the Commonwealth's system of taxation with the Internal Revenue Code, when applicable, as of December 31, 2006. This bill contains an emergency clause and is identical to HB 1696.

Patron - Chichester

SB1151 Machinery and tools tax; idle machinery and tools; emergency clause. Provides a uniform statewide statutory classification and taxation for idle machinery and tools on a prospective basis by allowing such machinery and tools to be taxed as capital as long as they have not been used for at least one year prior to tax day or they have been identified in writing by the taxpayer to the commissioner of the revenue as machinery and tools that the taxpayer intends to withdraw from service prior to the next tax day. This bill contains an emergency clause and is identical to HB 2181.

Patron - Wagner

SB1167 Sales and use tax exemption; hurricane preparedness equipment. 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.

Patron - Stolle

SB1171 Tangible personal property; classifications. Establishes a separate class of tangible personal property for aircraft that are (i) considered Warbirds, manufactured and intended for military use, excluding those manufactured after 1954, and (ii) used only for (a) exhibit or display to the general public and otherwise used for educational purposes (including such flights as are necessary for testing, maintaining, or preparing such aircraft for safe operation), or (b) airshow and flight demonstrations (including such flights necessary for testing, maintaining, or preparing such aircraft for safe operation). This bill is identical to HB 2013.

Patron - Stolle

SB1172 Aircraft sales and use tax; deferral/exemption. Provides an exemption from the aircraft sales and use tax for aircraft that are (i) considered Warbirds, manufactured and intended for military use, excluding those manufactured after 1954, and (ii) used only for (a) exhibit or display to the general public and otherwise used for educational purposes (including such flights as are necessary for testing, maintaining, or preparing such aircraft for safe operation), or (b) airshow and flight demonstrations (including such flights necessary for testing, maintaining, or preparing such aircraft for safe operation).

Patron - Stolle

SB1238 Withholding tax; pass-through entities. Requires pass-through entities to withhold and remit to the Tax Commissioner an amount equal to five percent of the allocable Virginia taxable income of all nonresident owners of the pass-

through entity. A nonresident owner may take as a credit against Virginia income tax due his or its allocable Virginia income tax withheld and remitted to the Tax Commissioner by the pass-through entity.

Patron - Obenshain

SB1265 Real estate tax relief for the elderly and permanently and totally disabled. Authorizes local governments to extend real estate tax relief to dwellings jointly held between individuals not all of whom are at least age 65 or permanently and totally disabled. The tax relief would be prorated based upon the percentage of ownership interest in the dwelling held by all joint owners who are at least age 65 or permanently and totally disabled. As a condition of the property qualifying for real estate tax relief, the bill establishes additional net worth thresholds that cannot be exceeded. The additional net worth thresholds would not allow any exclusion for the dwelling in question.

Patron - Herring

SB1283 Individual income taxes. Provides that income and loss of an electing small business corporation (S corporation) subject to Virginia's bank franchise tax shall be excluded by the shareholders of such S corporation in computing individual income taxes. However, such shareholders would be subject to the individual income tax on any distributions received from such S corporation.

Patron - Stosch

Failed

FHB1615 The Keep Our Promise Act of 2007. Reinstates the Personal Property Tax Relief Act of 1998 at 100% reimbursement for qualifying vehicles effective January 1, 2008.

Patron - Frederick

FHB1616 Income tax; tax credit for health insurance premiums paid by small business employers. Provides a tax credit for taxable years beginning on or after January 1, 2007, to employers who pay at least one-half of the annual health insurance premium per employee. The amount of the credit is the lesser of \$500 or the amount paid per employee. The total amount of credits available to each employer annually is limited to \$25,000. The credits are available to employers with 50 or fewer full-time employees.

Patron - Frederick

FHB1620 Sales and use tax; exemption for certain contractors. Exempts from paying the sales and use tax any person who contracts on or after July 1, 2006, to perform services for and provide tangible personal property for consumption or use by the Commonwealth, any political subdivision of the Commonwealth, or the United States, if the Commonwealth, political subdivision, or the United States certifies that title to such tangible personal property will pass to such governmental entity.

Patron - Frederick

FHB1638 Sales and use tax revenue dedicated to the Transportation Trust Fund. Increases the amount of sales and use tax revenue dedicated to the Transportation Trust Fund from an amount generated by a one-half percent sales and use tax (under current law), (i) to an amount generated by a three-quarters percent sales and use tax beginning July 1, 2007, and ending June 30, 2008, and (ii) to an amount generated by a 1% sales and use tax beginning July 1, 2008.

Patron - Cole

HB1641 Sales and use tax exemption; commercial greenhouses. Provides a sales and use tax exemption beginning July 1, 2007, and ending July 1, 2012, for propane gas purchased for use solely in commercial greenhouses.

Patron - Wright

HB1648 Motor fuels sales tax. Makes the imposition of the 2% sales tax on motor vehicle fuels optional for the localities in certain Northern Virginia transportation districts. Under current law, the tax is imposed automatically in those districts.

Patron - Cole

HB1659 Sales and use tax; limited exemption on computers. Adds computers and related peripheral equipment to the list of items that are exempt from the sales and use tax during a three-day period the first weekend in August, beginning in 2007. The exemption shall only apply to a selling price of \$1,500 or less for such computers and equipment. This bill was incorporated into HB 2167.

Patron - McClellan

HB1672 Real property taxation. Establishes as separate classes of real property for purposes of real property taxation rates the following: (i) residential property and (ii) real estate devoted to agricultural use, horticultural use, forest use, or open-space use. The governing body of any county, city, or town may establish rates of taxation on each of these classes of property different from each other and different from the tax rate levied on all other real property.

Patron - Marshall, R.G.

HB1703 Sales and use tax revenue dedicated to the Transportation Trust Fund. Increases the amount of sales and use tax revenue dedicated to the Transportation Trust Fund from an amount generated by a 0.50% sales and use tax, to an amount generated by a 0.75% sales and use tax.

Patron - Lingamfelter

HB1706 Real estate tax; limitation on tax rate. Provides that localities must set real estate tax rates so that the total real estate tax revenue will not increase by more than 3% over the previous year's total real property tax levies with one exception. The exception would allow a locality to set its property tax rate at a rate not to exceed the rate of population growth plus the rate of inflation in the locality for the immediately preceding year, but in no event shall the rate be set at any amount that would produce more than 6% growth.

Patron - Lingamfelter

HB1709 Income tax sharing with localities in lieu of car tax relief reimbursements; for transportation and education. Appropriates an amount equal to 0.75% of the taxable individual income to every county and city whose personal property tax rate on motor vehicles is no greater than \$0.01 per \$100 of assessed value, based on each county's and city's share of total Virginia taxable income. Localities shall appropriate one-half of any such funds for secondary road maintenance and the remaining one-half for education.

Patron - Lingamfelter

HB1717 Recordation tax; distribution for transportation. Provides for the distribution of excess recordation tax revenues to the Commonwealth Transportation Board for use throughout the Commonwealth for projects that will (i) reduce poor air quality, (ii) reduce traffic congestion, and (iii) aid the safety of motorists or pedestrians.

Patron - Marshall, R.G.

HB1721 Income tax; home accessibility features for the disabled tax credit. Broadens the current tax credit that is granted for adding to existing residences home accessibility features for the disabled to also include such features in new residential construction, for taxable years beginning on or after January 1, 2007. This bill was incorporated into HB 2498.

Patron - Eisenberg

HB1730 Classification of taxable real property. Permits localities to tax residential property at a lower tax rate than that imposed on the general class of real property by creating a separate classification for taxation purposes. If a locality imposes a lower tax rate on residential property, then thereafter the locality shall not increase the rate of taxation on the general class of real property.

Patron - Alexander

HB1761 Income tax; worker retraining tax credit. Increases from 30% to 65% the percentage of the expenditures spent for worker retraining that an employer may take as an income tax credit. It also raises the maximum amount of credit per qualified employee from \$100 to \$1000.

Patron - Purkey

HB1763 Tangible personal property tax; waste haulers. Creates a separate classification for personal property tax purposes for motor vehicles designed and primarily used for hauling waste. The revenues collected from such motor vehicles are to be used for transportation purposes by the locality collecting the tax.

Patron - Purkey

HB1764 Tobacco products tax; definitions. Adds a definition for "moist snuff" to the tobacco products definitions and taxes it at a rate of \$0.25 per ounce based on net weight.

Patron - Purkey

HB1780 Real estate tax rates. Requires each locality to lower its real estate tax rate for the forthcoming tax year, to produce no more than 101% of the previous year's real property tax levies when any annual assessment, biennial assessment or general reassessment of real property by the locality would result in an increase of one percent or more in the total real property tax levied. The locality may increase the rate above the reduced rate after a public hearing held no sooner than 30 days after the rate reduction.

Patron - Cosgrove

HB1803 Income tax; toll payment tax credit. Provides a tax credit against income tax for taxpayers making electronic toll collection payments, such as Smart Tag, in an amount equal to 10% of the total amount paid annually for tolls on Virginia highways, for taxable years beginning on and after January 1, 2007.

Patron - Poisson

HB1814 Aircraft sales and use tax. Provides an exemption from the aircraft sales and use tax for any aircraft that, at the time of the otherwise taxable sale or use is at least 50 years old, and is used only for (i) exhibit or display to the general public or (ii) air show and flight demonstrations.

Patron - Suit

HB1821 Individual income tax; age deduction. Provides an age deduction of \$6,000 for individuals age 62 through 64 and \$12,000 for individuals age 65 and older, for taxable years beginning on and after January 1, 2008.

Patron - Suit

HB1826 Income tax; bicyclists' tax credits for businesses and individuals. Creates two separate tax credits; one for employers and one for individuals. The tax credit for employers allows them to take a credit of up to \$5,000 for providing bicycle racks and showers in their place of business for use by employees who ride bikes to work. The tax credit for individuals provides a credit of \$15 per month for each month the individual rides his bike to and from work for at least 10 days of the month.

Patron - Spruill

HB1843 Income tax; Public/Private Education Investment tax credit. Creates income tax credits for business entities and individual taxpayers who make contributions to eligible public school foundations and eligible scholarship foundations. For individual taxpayers, the amount of the annual credit is 100% of the contribution but may not exceed \$800 for individual taxpayers and \$1,200 for married taxpayers filing jointly. The amount of the annual credit for business entities is 90% of the contribution with no limit on the dollar amount. The public school foundations are required to disburse annually 90% of the contributions for capital improvement projects approved by the local school board and for extracurricular activities. The scholarship foundations are required to disburse 90% of its contributions for qualified educational expenses through scholarships. There is a \$20 million cap on total tax credits awarded annually, with \$10 million allocated for contributions made to public school foundations and \$10 million allocated for contributions made to scholarship foundations. The credit would be effective for taxable years beginning on and after January 1, 2007.

Patron - Saxman

HB1854 Communications sales and use tax; distribution to localities. Changes the year from 2006 to 2007 with regard to the fiscal year that is used as the base year for determining each locality's share of communications sales tax revenues.

Patron - Wittman

HB1878 Income tax; energy-efficient equipment deduction. Provides an income tax deduction for taxable years beginning on or after January 1, 2007, to individuals who purchase energy-efficient equipment used for heating, cooling, and providing electricity to their residences. The amount of the deduction equals 50% of such equipment expenditures, but not more than \$7,500 total.

Patron - Caputo

HB1879 Income tax; qualified adoption expenses tax credit. Provides a tax credit for individuals with qualified adoption expenses, in an amount up to \$4,000, for taxable years beginning on or after January 1, 2007.

Patron - Caputo

HB1888 Real estate tax; limitation on tax rate. Provides that the total tax revenue in a locality may not exceed 105% of the total tax revenue in the locality in the immediately prior year unless approved by at least a two-thirds majority vote of the local governing body.

Patron - Albo

HB1894 Car tax relief. Removes the cap on the overall amount of car tax relief beginning January 1, 2008, and gradually increases the amount of car tax relief to 100% of the reimbursable amount for qualifying vehicles over a six-year period. The bill is effective January 1, 2008.

Patron - Albo

HB1937 Machinery and tools tax; certain idle equipment. Classifies as intangible personal property idle equipment, hardware or software, of a research and development or technology, high technology, or nanotechnology business.

Patron - Purkey

HB1948 Sales and use tax; tax exemption for volunteer fire departments and rescue squads. Modifies the process for exempting nonprofit organizations from the retail sales and use tax by exempting from the tax certain volunteer fire departments and volunteer rescue squads, without the requirement for such organizations to follow the administrative process utilized by the Department of Taxation for the Department's granting of sales and use tax exemptions to nonprofits generally. This bill was incorporated into HB 2545.

Patron - Morgan

HB2014 Individual income tax; subtraction for military retirement income. Provides a subtraction in calculating Virginia taxable income for any amount received by an individual as military retirement income, for taxable years beginning or after January 1, 2008.

Patron - Suit

HB2071 Motor vehicle sales and use tax; increase for transportation purposes. Increases the motor vehicle sales and use tax from 3% to 5% and dedicates the revenue generated for various transportation purposes. The authority to impose the additional tax ceases on December 31 of any year in which any of the additional revenue is not used for transportation purposes. The bill also requires the Department of Transportation to report in each odd year on the condition and needs for maintaining and operating the existing transportation infrastructure for all asset management and maintenance based on an asset management methodology.

Patron - Brink

HB2088 Sales and use tax exemption; nonprofit schools. Exempts qualified nonprofit entities organized for the purpose of operating nonprofit schools from the following two criteria used, among others, in determining sales and use tax exemption for nonprofit entities: (i) that the entity's annual general administrative costs, including salaries and fundraising, relative to its annual gross revenue, under generally accepted accounting principles, is not greater than 40%; and (ii) that if the entity's gross annual revenue was \$250,000 or greater in the year prior to applying for the exemption, then the entity must provide a financial audit performed by an independent certified public accountant. The bill also increases the \$250,000 revenue limit to \$500,000 and allows all nonprofits with more than \$500,000 in gross annual revenue to provide a review or financial audit. This bill was incorporated into HB 2545.

Patron - Janis

HB2127 Real property tax rates; notice. Requires localities to provide individual notice to each real estate taxpayer of certain proposed tax rates. The notice is triggered in any year in which any annual assessment, biennial assessment, or general reassessment at the current rate would result in an increase of one percent or more in the total real property tax revenue in the following year, and the locality's new rate derived from its new proposed budget would yield in the forthcoming year more than 101% of the total real estate tax revenue received in the prior year. The individual notice shall include the property owner's previous year's real property tax levy, the real property tax levy at the derived rate.

Patron - Hugo

HB2133 Income tax; indexing rates, filing thresholds, personal exemptions, and standard deduction. Indexes to the rate of inflation the amount of the income tax brackets for tax rates, filing thresholds, personal exemptions, and standard deductions, for taxable years beginning on and after January 1, 2008.

Patron - Hugo

HB2139 Setoff Debt Collection Act; setoff against federal tax refunds for local tax debt. Allows local governments, with the Department of Taxation's assistance, to collect past due local taxes from federal income tax returns. The provisions of the act will take effect on the effective date of federal legislation enacted by the United States Congress allowing such debt to be offset against federal income tax refunds.

Patron - Brink

HB2160 Income tax; energy efficient equipment tax credit. Grants an income tax credit for taxable years beginning on or after January 1, 2007, to individuals who purchase energy efficient equipment for their homes. The amount of the deduction equals 30% of such equipment expenditures but not more than \$1,500 total.

Patron - O'Bannon

HB2167 Sales and use tax exemption; school-related items. Provides a sales and use tax exemption, during a three-day period each year beginning on the first Friday in August, for (i) computer systems where the selling price for each system is \$1,500 or less and (ii) computers, computer hardware, computer software, and portable calculators where the selling price for each item is \$500 or less. This bill incorporates HBs 1659, 2925, and 2940.

Patron - Cline

HB2190 Motor fuel tax; increase. Increases the tax on gasoline, diesel fuel, and alternative fuel by \$0.055 per gallon; increases the motor carrier road tax by an equivalent of \$0.055 per gallon of fuel used in the Commonwealth; and increases the alternative use fee for certain motor carriers from \$100 to \$150 (the fee is an alternative to paying the motor carrier road tax). The revenue generated is used for transportation purposes as required by existing law.

Patron - Hull

HB2191 Land preservation tax credit; indexing. Requires the maximum \$100 million amount allowed annually for the land preservation tax credit to increase each calendar year by \$2.5 million in 2008 until it reaches \$112.5 million in 2012.

Patron - Hull

HB2192 Sales tax holiday; reports by retailers. Requires retailers to report the total sales that are exempt from the retail sales and use tax as a result of the annual sales tax holiday in August when filing their monthly sales and use tax returns beginning in 2007.

Patron - Hull

HB2224 Business, professional and occupational license (BPOL) tax; media exemption. Repeals the BPOL tax exemption for newspapers, magazines, newsletters, or other publications issued daily or regularly at average intervals not exceeding three months.

Patron - Wardrup

HB2225 Publications tax; Virginia Water Quality Improvement Fund. Creates a tax to be imposed on newspapers, magazines, newsletters, or other publications at the rate

of \$0.01 on every such publication delivered and sold in the Commonwealth. The revenue generated shall be deposited into the Virginia Water Quality Improvement Fund.

Patron - Wardrup

HB2226 Land conservation income tax credits. Removes the annual inflation indexing that would have increased, beginning in 2008, the \$100 million total cap on the amount of land conservation income tax credits that may be issued by the Department of Taxation annually.

Patron - Wardrup

HB2262 Car tax; dedicates a portion of income tax to localities. Repeals the car tax reimbursement program and replaces it by dedicating 17.5% of the state individual income tax collections to localities. The bill is effective January 1, 2009, but only if a constitutional amendment is ratified in November 2008, exempting from taxation all motor vehicles used for nonbusiness purposes.

Patron - Rust

HB2283 Real property tax; deferral of tax for certain elderly and disabled. Creates a formula for determining net financial worth with regard to deferring or exempting real estate tax for elderly and disabled in certain localities. The net combined financial worth is to be determined as the portion of net combined financial worth equal to the percentage of total combined income derived from pension or social security income.

Patron - Watts

HB2291 State recordation tax; exemptions. 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 or consolidation to which two or more such entities are parties, or in a reorganization within the meaning of § 368 (a) (1) (C) and (F) of the Internal Revenue Code as amended.

Patron - McClellan

HB2315 Meals tax; referendum required in certain cities. Restricts the imposition in any city of any new meals tax or tax rate increase resulting in a rate greater than 5.5% without approval by referendum. The bill grandfathers the rates of cities that currently exceed 5.5%.

Patron - Welch

HB2338 Transient occupancy tax. Gives each town the authority to preempt a county's transient occupancy tax within the town, whether the county's tax is pursuant to the authority under § 58.1-3819 or to authority under other previous law. Under current law such preemption applies only to a county's transient occupancy tax imposed pursuant to § 58.1-3819.

Patron - Gilbert

HB2382 Local consumer utility taxes. Provides that the provider of consumer utility tax billing services remains liable to the appropriate taxing locality if the taxes are remitted to the wrong locality. The bill requires the provider of billing services to state on the consumer's bill the locality to which the taxes are remitted and to advise the consumer of the procedure to use to correct the information if it is not correct.

Patron - May

HB2388 Local license tax incentive and grants for certain businesses. Permits any locality to exempt in whole or

in part from local license taxes businesses that are primarily engaged in providing electronic payments processing services for financial institutions, that first have a definite place of business within a Multicounty Transportation Improvement District on or after July 1, 2008, and upon whose property a special improvements tax is being levied under § 15.2-4607. The bill also authorizes any locality to provide the same businesses with grants or contractual payments or benefits when warranted by the economic or other benefit the locality will receive. The provisions of the bill expire on June 30, 2016.

Patron - May

HB2437 Income tax; telework expenses tax credit.

Provides a tax credit to employers for expenses incurred in allowing employees to telework pursuant to a signed telework agreement. An employer would be eligible for a credit of up to \$1,200 per teleworking employee, depending on the number of days per month an employee will telework and whether the employer's primary place of business is located in a nonattainment area under the federal Clean Air Act. There is also a 100% tax credit for costs the employer incurs for conducting a telework assessment in the year prior to implementing a formal telework program. This assessment credit is capped at \$20,000 per employer. The aggregate amount of tax credits that will be issued is capped at \$2 million annually for taxable years 2008 and 2009.

Patron - Frederick

HB2439 Income tax; age deduction. Replaces the current age deduction for income tax purposes with a deduction of \$7,000 for taxpayers age 62 through 64 and \$14,000 for taxpayers age 65 and older whose social security benefits are no more than \$3,500, effective for taxable years beginning January 1, 2008. The deduction and benefits amounts are to be indexed annually according to the Consumer Price Index for all Urban Consumers.

Patron - Frederick

HB2442 Bills sent for omitted taxes. Requires bills sent by the Department of Taxation for unpaid or omitted taxes to identify the specific tax or taxes (or the specific tax return that was not filed), identify the actual return filed by the taxpayer that relates to the assessment of any tax, and include in separately stated line items the amount of any penalty or interest being assessed. The bill is effective October 1, 2007.

Patron - Frederick

HB2443 Local license taxes; repeal. Repeals local license (BPOL) taxes.

Patron - Frederick

HB2464 Motor fuels tax and road tax; rates and refunds. Increases the motor fuels tax rate by \$0.05 per gallon from \$0.175 to \$0.225 for gasoline and from \$0.16 to \$0.21 for diesel, effective January 1, 2008, and ending February 1, 2009. Effective February 1, 2009, the rates increase an additional \$0.05 to \$0.275 and \$0.26, respectively, if a constitutional amendment making the Transportation Trust Fund a permanent fund is approved by the voters during the 2008 general election. The road tax is maintained at the current additional three cents per gallon. It also provides a \$50 refund in 2008 through 2010 to households in which the total income is \$25,000 or less annually.

Patron - Marshall, D.W.

HB2466 Motor vehicle sales and use tax; basis and rate. Reduces the sale price for determining motor vehicle sales and use tax by (i) the credit given by the seller for any motor vehicle taken as a trade-in, and (ii) the amount of cash discount or rebate given by the seller or the manufacturer. The

bill also caps the sale price on which the tax is computed at \$70,000, and increases the motor vehicle sales and use tax rate from 3% to 3.5%.

Patron - Marshall, D.W.

HB2467 Motor vehicle sales and use tax; basis and rate. Reduces the sale price for determining motor vehicle sales and use tax by (i) the credit given by the seller for any motor vehicle taken as a trade-in, and (ii) the amount of cash discount or rebate given by the seller or the manufacturer. The bill also caps the sale price on which the tax is computed at \$70,000, and increases the motor vehicle sales and use tax rate from 3% to 4%.

Patron - Marshall, D.W.

HB2499 Transient occupancy tax; transportation needs. Grants authority to most counties to impose an extra 2% transient occupancy tax to be used solely for local transportation needs.

Patron - Orrock

HB2507 Real property tax; valuation. Prohibits assessors and appraisers from considering federal or state income tax credits when determining fair market value of real property for valuation purposes.

Patron - Jones, D.C.

HB2548 Sales and use tax; increase authorized in certain localities. Authorizes Arlington County, Fairfax County, the City of Alexandria, the City of Fairfax, and the City of Falls Church to impose an additional 0.25% local sales and use tax. The revenue is to be used solely for each locality's financial obligations to the Washington Metropolitan Area Transit Authority. The authority to impose the additional tax is contingent on matching federal funds being appropriated and distributed to the Washington Metropolitan Area Transit Authority.

Patron - Ebbin

HB2559 Business, professional and occupational license tax; basis after first year. Authorizes the local commissioner of the revenue to accept estimated payments of BPOL tax based on the amount paid by the taxpayer in the immediately preceding taxable year.

Patron - Brink

HB2577 Income tax; age deduction. Provides that those taxpayers born after January 1, 1939, and no later than January 1, 1942, who are subject to the means test at age 65 with regard to the \$12,000 deduction are allowed a deduction of no less than \$6,000 for taxable years beginning on and after January 1, 2008.

Patron - Shannon

HB2606 Motor fuel tax; rate increase. Increases the tax on gasoline, diesel fuel, and alternative fuel by \$0.10 per gallon; increases the motor carrier road tax by an equivalent of \$0.10 per gallon of fuel used in the Commonwealth; and increases the alternative use fee for certain motor carriers from \$100 to \$150 (the fee is an alternative to paying the motor carrier road tax). All motor fuels taxes will be indexed every two years beginning July 1, 2008, by an amount equal to the percentage change in the U.S. Department of Labor's Producer Price Index for Highway and Street Construction. The revenue generated is used for transportation purposes as required by existing law.

Patron - Watts

HB2608 Income tax; deduction for licensed medical caregivers. Grants an income tax deduction, for taxable

years beginning on or after January 1, 2008, in the amount of \$10,000 for licensed medical caregivers who provide medical-related services to individuals in their homes. The deduction is reduced \$1 for every \$2 the taxpayer's federal adjusted gross income exceeds \$40,000.

Patron - Watts

HB2609 Income tax; in-home health care tax credit. Provides an income tax credit for every individual taxpayer who pays medical and in-home care expenses for family members living with the taxpayer, for taxable years beginning on or after January 1, 2008. The amount of the credit is equal to the amount paid for such expenses and that is not reimbursed. The credit will be reduced \$1 for every \$2 that the taxpayer's federal adjusted gross income exceeds \$50,000 for single taxpayers and \$75,000 for married taxpayers.

Patron - Watts

HB2611 Local piggyback income tax and personal property tax. Allows localities to impose a local income tax at a rate of either 0.50% or 1% upon the Virginia taxable income of individuals, trusts, estates, and corporations provided the personal property tax rate does not exceed \$0.01 per \$100 of value on personally owned motor vehicles. The Tax Commissioner collects the tax and returns it to localities based on taxpayers' residences. A new classification for personal property tax purposes is created for motor vehicles used for nonbusiness purposes. The provisions of the act will take effect January 1, 2008.

Patron - Watts

HB2621 Directing the State Tax Commissioner to revise certain sales and use tax forms. Directs the State Tax Commissioner to revise the "Virginia Retail Sales and Use Tax Return" and the "Virginia Retail Sales and Use Tax Worksheet" to reduce the confusion among dealers who collect and remit the sales and use tax imposed on prepared food.

Patron - Fralin

HB2632 State Lottery Department; lottery sales agents. Provides that the fact that lottery sales agents are licensed by the State Lottery Department does not, on that basis alone, deem the sales agents to be under any program or activity receiving state financial assistance or under any program or activity conducted by or on behalf of any state agency for purposes of the Americans with Disabilities Act.

Patron - Reid

HB2634 Tax legislation; sunset date. Requires a sunset date of no more than four years on all taxation bills that add new taxes or increase tax rates.

Patron - Reid

HB2641 Real property tax exemptions for elderly and disabled; indexing income limits. Requires indexing the income limits annually based on the percentage change in the Consumer Price Index for All Urban Consumers for purposes of the real property tax exemptions for elderly and disabled.

Patron - Gear

HB2643 Individual income tax; senior citizen tax relief. Provides for indexing the \$12,000 and \$6,000 age deduction amounts based on the Consumer Price Index for All Urban Consumers, for taxable years beginning on or after January 1, 2008.

Patron - Caputo

HB2666 Machinery and tools taxation. Exempts certified pollution control equipment and facilities, placed in service on or after January 1, 2009, from state and local tax-

ation pursuant to subsection (d) of Section 6 of Article X of the Constitution of Virginia. The measure also provides that certain machinery and tools placed in service on or after January 1, 2009, are taxable as intangible personal property, thereby excluding such property from local taxation.

Patron - Purkey

HB2675 Beginning business licenses. Provides that the governing body of any county, city, or town may require that no beginning business license for a beginning business shall be issued until the applicant has produced satisfactory evidence that all properly assessed delinquent business license, personal property, meals, transient occupancy, severance, and admissions taxes owed by the business to the county, city, or town have been paid.

Patron - Ware, O.

HB2677 Sales and use tax; commercial and industrial exemptions. Provides an exemption from the sales and use tax for railroad rolling stock when sold or leased by the manufacturer or builder, beginning July 1, 2007. This bill was incorporated into HB 2148.

Patron - Ware, O.

HB2686 Income tax credit; animal adoption tax credit. Allows a nonrefundable credit to individuals who adopt animals from pounds or nonprofit shelters, for taxable years beginning on and after January 1, 2007.

Patron - Cline

HB2698 Northern Virginia Transportation District Fund; dedication of state matching funds to the Washington Metropolitan Area Transit Authority. Dedicates, through the year 2018, any additional funds that may be distributed to the Northern Virginia Transportation District Fund as a result of the 2007 Session of the General Assembly increasing the recordation tax revenue distributed to localities pursuant to § 58.1-816 to the Washington Metropolitan Area Transit Authority (WMATA) to provide funds to the Authority as may be required under federal law for the payment of certain federal funds to WMATA, the funds to be used for capital improvements for WMATA's transit service (Metro). The bill expires June 30, 2008, if such federal law is not in effect on that date.

Patron - Hugo

HB2699 Sales and use tax; dedicate portion of state's general fund share to WMATA. Requires that, from the Commonwealth's current share of the state sales and use tax, an amount equivalent to the revenue generated by a 0.25% sales and use tax on sales from the Counties of Arlington and Fairfax and the Cities of Alexandria, Fairfax, and Falls Church shall be dedicated for use by the Washington Metropolitan Area Transit Authority (WMATA), as may be provided by federal law for the payment of certain federal funds to WMATA and only at such time as the federal law is enacted.

Patron - Hugo

HB2703 Sales and use tax; portion dedicated for transportation. Dedicates the revenue generated by a 0.50% sales and use tax for transportation projects in each highway construction district throughout the Commonwealth on a pro rata basis pursuant to the percentage of the total state sales and use tax collected in the localities in each such district. The bill also creates a transportation program for each highway construction district (similar to the Northern Virginia Transportation Program) as the vehicle by which the revenues are distributed. In addition, the revenues may be used to issue bonds annually with a face value up to two-thirds of the amount of revenue estimated to be dedicated for each respec-

tive fiscal year, with the bond proceeds distributed to each transportation program on the same pro rata basis. For all the transportation programs other than that for Northern Virginia and that for Hampton Roads, the Commonwealth Transportation Board shall determine the transportation projects to be funded. The transportation projects to be funded in Northern Virginia shall be as determined by the Northern Virginia Transportation Authority. The transportation projects to be funded in Hampton Roads shall be as determined by the Hampton Roads Metropolitan Planning Organization with the advice and consent of the members of the House Appropriations and Senate Finance Committees residing in Planning District 23.

Patron - Hugo

HB2704 Sales and use tax; portion dedicated for transportation. Dedicates the revenue generated by a 0.50% sales and use tax, all insurance license tax revenues, and state recordation tax revenues not already dedicated for transportation projects in each highway construction district throughout the Commonwealth on a pro rata basis pursuant to the percentage of the total state sales and use tax collected in the localities in each such district. The bill also creates a transportation program for each highway construction district (similar to the Northern Virginia Transportation Program) as the means by which the revenues are distributed. In addition, the revenues may be used to issue bonds annually with a face value up to two-thirds of the amount of revenue estimated to be dedicated for each respective fiscal year, with the bond proceeds distributed to each transportation program on the same pro rata basis. For all the transportation programs other than those for Northern Virginia and Hampton Roads, the Commonwealth Transportation Board shall determine the transportation projects to be funded. The transportation projects to be funded in Northern Virginia shall be as determined by the Northern Virginia Transportation Authority. The transportation projects to be funded in Hampton Roads shall be as determined by the Hampton Roads Metropolitan Planning Organization with the advice and consent of the members of the House Appropriations and Senate Finance Committees residing in Planning District 23. The bill also requires that, from the Commonwealth's current share of the state sales and use tax, an amount equivalent to the revenue generated by a 0.25% sales and use tax on sales from the Counties of Arlington and Fairfax and the Cities of Alexandria, Fairfax, and Falls Church shall be dedicated for use by the Washington Metropolitan Area Transit Authority (WMATA), as may be provided by federal law for the payment of certain federal funds to WMATA and only at such time as the federal law is enacted.

Patron - Hugo

HB2705 Recordation tax; dedicated for transportation. Dedicates state recordation tax revenues not already dedicated for transportation projects in each highway construction district throughout the Commonwealth on a pro rata basis pursuant to the amount of the recordation tax collected in the localities in each such district. The bill also creates a transportation program for each highway construction district (similar to the Northern Virginia Transportation Program) as the means by which the revenues are distributed. In addition, the revenues may be used to issue bonds annually with a face value up to two-thirds of the amount of revenue estimated to be dedicated for each respective fiscal year, with the bond proceeds distributed to each transportation program on the same pro rata basis. For all the transportation programs other than that for Northern Virginia and that for Hampton Roads, the Commonwealth Transportation Board shall determine the transportation projects to be funded. The transportation projects to be funded in Northern Virginia shall be as determined by the Northern Virginia Transportation Authority. The transportation projects to be funded in Hampton Roads shall be as determined by the

Hampton Roads Metropolitan Planning Organization with the advice and consent of the members of the House Appropriations and Senate Finance Committees residing in Planning District 23.

Patron - Hugo

HB2719 Local cigarette tax; counties. Authorizes any county to impose a local cigarette tax at a rate not to exceed \$0.05 per pack or the amount levied under state law, whichever is greater.

Patron - Barlow

HB2739 Sales and use tax exemption; Energy Star certified products. Exempts certain energy-efficient products from sales and use tax.

Patron - Englin

HB2746 Local income tax; freeze real estate tax amount. Allows localities to impose a local income tax if they freeze the amount of real estate tax collections as of the date the local income tax is adopted. Prior to adopting the tax, there must be a referendum approving it, and the local governing body must adopt an ordinance. Localities will continue to assess real property as they normally would. The purpose of the local income tax is to make up the revenues that would have been collected from the real property tax if the collections amount had not been frozen.

Patron - Englin

HB2753 Real property tax; tax credit for certain residential real property. Allows localities to provide a tax credit equal to five percent of the tax liability due on residential real property located within one mile of a light or heavy rail station or bus station that is a hub. The credit may be taken only by property owners who purchased their homes on or after January 1, 2007, and may be taken for a period not to exceed five years.

Patron - Marsden

HB2754 Illegal substances excise tax; penalty. Creates an illegal substances excise tax to be imposed on individuals who possess, actually or constructively, any Schedule I or II controlled substances, marijuana, and illegally manufactured alcoholic beverages. The rates of the tax range from \$0.40 per gram of marijuana up to \$200 per gram of controlled substances, other than cocaine, for which the rate is \$50 per gram. The tax is paid by the individual to the Tax Department, and stamps are issued to be affixed to the illegal substances to show the tax has been paid.

Patron - Hurt

HB2803 Income tax and sales and use tax; tax preferences for certain telecommunications service providers. Creates an income tax credit and sales and use tax exemption for wireless and broadband equipment purchased by telecommunications providers for use within rural areas of the Commonwealth. The income tax credit is equal to 30% of all expenditures for wireless and broadband equipment used in providing telecommunications services in the rural areas of the Commonwealth. There is a \$1 million cap on the total amount of income tax credits that may be allowed in any tax year. Both preferences are effective in 2007.

Patron - Byron

HB2806 BPOL tax; powers of commissioners of the revenue. Grants local commissioners of the revenue the power to deny or revoke business licenses of persons who are aliens and who cannot provide legal documents proving they are legally eligible to be employed in the United States.

Patron - Byron

HB2810 Individual income taxes; credit for purchase of certain prescription drug expenses. Provides a credit against individual income taxes for certain expenses for prescription drugs paid by the individual during the taxable year. The amount of the credit shall equal 100% of the amount paid during the taxable year by the individual in expenses for prescription drugs that were incurred solely as a result of the coverage gap period under the Medicare Part D Prescription Drug Program. The credit would be available beginning with the 2006 taxable year. Any unused credit may be carried over in the next five taxable years.

Patron - Sickles

HB2812 Classification of taxable real property. Permits localities to tax residential property at a lower tax rate than that imposed on the general class of real property by creating a separate classification for taxation purposes.

Patron - Englin

HB2874 Sales and use tax; additional discount to certain dealers. Provides additional discounts to dealers who use certain software products that more accurately establish the locality to which a taxable sale is attributable.

Patron - McEachin

HB2909 Real property tax; exemption for elderly and disabled. Allows localities to grant higher percentages of tax relief to the elderly based on increasing age, especially for those who are 75 years of age and older.

Patron - Spruill

HB2913 Local license tax; coal and gas road improvement tax. Extends the sunset date from July 1, 2007 to July 1, 2012 for the local coal and gas road improvement tax. This bill was incorporated into HB 1628.

Patron - Bowling

HB2919 Communications sales and use tax; distribution formula for localities. Provides for the inclusion of unpaid cable franchise fees by the Tax Commissioner when calculating each locality's share of the Communications Sales and Use Tax Trust Fund when the franchisee fails to pay them. The bill also requires the Auditor of Public Accounts to increase the amounts on a pro rata basis if a locality did not collect the tax revenues for the entire 12 months of Fiscal Year 2006.

Patron - Bowling

HB2925 Sales and use tax; limited exemption on computers. Adds computers and related peripheral equipment to the list of items that are exempt from the sales and use tax during a three-day period the first weekend in August, beginning in 2007. The exemption shall only apply to a selling price of \$1,500 or less for such computers and equipment. This bill was incorporated into HB 2167.

Patron - Rust

HB2929 Local license fees. Authorizes any county, city, or town to impose a business license fee in an amount not to exceed \$1,000 and to vary the amount of the fee according to the amount of the gross receipts of the business. Under current law, the maximum fee is \$50 for localities having a population of 25,000 or more and \$30 for localities having a population of less than 25,000. The bill does not alter current law that permits localities to impose a license tax on any business on which a license fee is not imposed.

Patron - Miller, J.H.

HB2930 Local business, professional and occupational business licenses; state licenses. Provides that local business licenses and state licenses shall be denied or suspended if the business employs or uses unlawful workers. This bill was incorporated into HB 3130.

Patron - Miller, J.H.

HB2940 Sales and use tax exemption; personal computers and computer printers. Provides an exemption from sales and use tax on personal computers and computer printing equipment with a selling price of \$2,000 or less purchased during the three-day period beginning each year on the first Friday of August and ending on the first Sunday in August. This bill was incorporated into HB 2167.

Patron - Miller, J.H.

HB2942 Transportation Trust Fund; dedication of certain recordation tax revenue. Dedicates to the Transportation Trust Fund the additional recordation tax revenue generated by the recordation tax increase enacted during the 2004 Special Session I.

Patron - Miller, J.H.

HB2988 Individual income tax; filing threshold amounts. Increases the filing thresholds for the state income tax from \$7,000 to \$12,000 for individuals and from \$14,000 to \$24,000 for couples for taxable years beginning on and after January 1, 2008. This bill was incorporated into HB 3022.

Patron - Melvin

HB2997 Motor fuels tax. Modifies the rates of taxation on motor fuels to be the greater of (i) the current specific cents-per-gallon rates or (ii) percentage rates, 7.3% for gasoline and gasohol, and 6.5% for diesel. The percentage rates would be applied against the average price per gallon of the fuel, less federal and state taxes, as determined by the Commissioner of the Division of Motor Vehicles over rolling six-month periods.

Patron - Scott, J.M.

HB3026 Income tax; home accessibility features for the disabled tax credit. Broadens the current tax credit that is granted for adding to existing residences home accessibility features for the disabled to also include such features in new residential construction, and increases from 25% to 100% the portion of the expenses allowed for the credit for any veteran of the armed forces of the United States who has been determined pursuant to federal law to have a 100% permanent and total service-connected disability and who occupies or will occupy as his principal residence the retrofitted home. This bill was incorporated into HB 2498.

Patron - Lingamfelter

HB3053 Income tax credit; veterinarian pro bono services tax credit and companion animal adoption tax credit. Allows a nonrefundable credit to (i) veterinarians of \$50 for each spaying, neutering or euthanasia procedure or other routine service performed at no cost on animals from public pounds and 501 (c) (3) shelters, and (ii) individuals for \$100 who adopt animals from pounds or nonprofit shelters. The veterinarian services tax credit amount may not exceed \$2,500 annually per veterinarian.

Patron - Hull

HB3070 Recordation tax exemptions; Hampton Roads Proton Beam Therapy Institute at Hampton University. Exempts from recordation tax certain nonprofit corporations or limited liability companies that are owned or controlled by a nonprofit college or other institution of higher

education with a purpose of owning or operating nonprofit educational, research, training, or treatment facilities in medical, scientific, public health, and public safety disciplines.

Patron - Ward

HB3103 Income tax; public safety officials' tax credit. Provides a nonrefundable income tax credit of \$800 annually to police officers and professional firefighters.

Patron - Miller, P.J.

HB3125 Income tax; energy-efficient equipment tax credit. Grants an income tax credit for taxable years beginning on or after January 1, 2007, to taxpayers (individuals and corporations) who purchase energy-efficient equipment for heating, cooling, and electricity generation for their commercial property used in a business. The amount of the credit equals 25% of such equipment expenditures, but may not be more than \$7,500 total.

Patron - Caputo

HB3128 Admissions tax; Scott County. Authorizes Scott County to impose a tax on admissions to any off-track horse race wagering facility in the amount of \$0.25 for each patron admitted.

Patron - Kilgore

HB3130 BPOL tax; refusal to grant and revocation of business licenses. Prohibits the issuance of a business license to any individual who cannot provide legal documents proving such individual is legally eligible to be employed or to work in the United States. The bill also authorizes commissioners of the revenue to revoke a license that has already been issued to such an individual.

Patron - Byron

HB3165 Corporate income tax; higher education research and development tax credit. Allows corporations that invest in research and development programs in Virginia's institutions of higher education a tax credit in the amount of 20% of such investments, effective for taxable years beginning on or after January 1, 2008. The annual total credit per taxpayer is limited to \$100,000, and the total amount of credits that may be granted annually by the Department of Taxation is \$20 million.

Patron - Moran

HB3176 Local real estate tax exemptions. Provides that any person who substantially changes real estate, upon which a historic landmark was formerly situated, into commercial or industrial use property shall be eligible for a partial exemption from real estate taxes for the commercial or industrial property provided that such person was not the party who demolished the historic landmark.

Patron - Saxman

SB765 Real property assessments. Provides that certain restrictions on the use or development of resource protection areas be considered in determining fair market value.

Patron - Colgan

SB830 Supplemental transportation funding for Northern Virginia. Permits the counties and cities that are members of the Northern Virginia Transportation Authority to impose additional local taxes and fees to be used by the Authority for transportation projects in the localities comprising the Authority. The additional local option taxes and fees are: (i) an initial registration fee at the time a vehicle is first registered in the county or city by the vehicle owner at the rate of 0.50% of the value of the vehicle; (ii) a retail sales and use tax at the rate of 0.50%; and (iii) a grantor's tax at a rate of

\$0.05 per \$100 of the value of the real estate. All moneys received by the Authority from these additional taxes and fees would be used for the primary benefit of those counties and cities imposing all of the additional taxes and fees. The membership of the Authority would be altered to provide for two additional members from the House of Delegates, one additional member from the Senate, and a mayor from a town within a county that is a member of the Authority. The Authority would use all the revenues generated under the bill as follows: 1. the first \$50 million in each fiscal year would be distributed to the Washington Metropolitan Area Transit Authority (WMATA) to provide funds to the Authority as may be required under federal law for the payment of certain federal funds to WMATA. The Authority would make the annual distribution to WMATA from such revenues (i) only to the extent required under federal law for the payment of federal funds to WMATA, and (ii) only if the Counties of Arlington and Fairfax and the City of Alexandria are imposing all of the additional local taxes and fees authorized under the bill; 2. the next \$25 million received in each fiscal year would be distributed to the Virginia Railway Express for capital projects or operating costs directly relating to transportation by rail, but only if Prince William County is imposing all of the additional local taxes and fees authorized under the bill; and 3. all other revenues would be used for transportation projects for the localities embraced by the Authority as determined by the Authority.

Patron - Devolites Davis

SB843 Supplemental transportation funding for Northern Virginia. Increases the state grantor's tax by \$0.40 per \$100 of value in the Counties of Arlington, Fairfax, Loudoun, and Prince William and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park. The bill would also authorize the governing bodies of such counties and cities to impose a local (i) initial registration fee at the time a vehicle is first registered by the vehicle owner at the rate of 0.50% of the value of the vehicle and (ii) retail sales and use tax at the rate of 0.50%. All revenues from the increase in the state grantor's tax and the local option registration fee and sales tax would be distributed to the Northern Virginia Transportation Authority. The Authority would be required to use each dollar of revenue from the increase in the state grantor's tax for transportation projects in the county or city from which such revenue was generated. The Authority would use the revenues from the local option taxes for the primary benefit of the counties and cities imposing the local option taxes. The revenues from the local option taxes would be used as follows: 1. the first \$50 million in each fiscal year would be distributed to the Washington Metropolitan Area Transit Authority (WMATA) to provide funds to WMATA as may be required under federal law for the payment of certain federal funds to WMATA. The Authority would make the annual distribution to WMATA from such revenues (i) only to the extent required under federal law for the payment of federal funds to WMATA, and (ii) only if the Counties of Arlington and Fairfax and the City of Alexandria are imposing all of the additional local taxes and fees authorized under the bill; 2. the next \$25 million received in each fiscal year would be distributed to the Virginia Railway Express for capital projects or operating costs directly relating to transportation by rail, but only if Prince William County is imposing all of the additional local taxes and fees authorized under the bill; and 3. all other revenues would be used for transportation projects for the localities embraced by the Authority as determined by the Authority. The membership of the Authority would be altered to provide for two additional members from the House of Delegates, one additional member from the Senate, and a mayor from a town within a county that is a member of the Authority.

Patron - Devolites Davis

FSB853 Admissions tax; Charles City County. Permits Charles City County to impose an admissions tax.
Patron - Lambert

FSB854 Charles City County; transient occupancy tax. Adds Charles City County to the list of counties that may levy the transient occupancy tax at a rate of five percent, with the revenues collected from that portion of the tax over two percent designated and spent solely for tourism, marketing of tourism or initiatives that, as determined in consultation with the local tourism industry organizations, attract travelers to the locality and generate tourism revenues in the locality.
Patron - Lambert

FSB990 Income tax credits; machinery and equipment used in recycling process. Extends the sunset date from January 1, 2007, to January 1, 2015, for the income tax credit for machinery and equipment used to produce goods from recyclable materials. The bill would also make the credit available to individual income taxpayers by way of their ownership in various pass-through entities. Currently, only corporate income taxpayers may claim the credit, and the credit may not be claimed by individual income taxpayers, including those holding an interest in a pass-through entity.
Patron - Blevins

FSB994 Sales and use tax exemption; commercial and industrial exemptions. Provides a sales and use tax exemption for personal property purchased by a contractor on or after July 1, 2007, and used solely in any construction project for a local school division.
Patron - Blevins

FSB1011 Business, professional, occupational license tax; motor fuels tax exemption. Clarifies that the motor fuels tax is exempt from gross receipts for purposes of the BPOL tax. This bill was incorporated into SB 772.
Patron - Saslaw

FSB1020 Sales and use tax; increase authorized in certain localities. Authorizes Arlington County, Fairfax County, the City of Alexandria, the City of Fairfax, and the City of Falls Church to impose an additional 0.25% local sales and use tax. The revenue is to be used solely for each locality's financial obligations to the Washington Metropolitan Area Transit Authority. The authority to impose the additional tax is contingent on matching federal funds being appropriated and distributed to the Washington Metropolitan Area Transit Authority.
Patron - Whipple

FSB1021 Setoff Debt Collection Act; setoff against federal tax refunds for local tax debt. Allows local governments, with the Department of Taxation's assistance, to collect past due local taxes from federal income tax returns. The provisions of the act will take effect on the effective date of federal legislation enacted by the United States Congress allowing such debt to be offset against federal income tax refunds.
Patron - Whipple

FSB1055 Neighborhood Assistance Act tax credit. Moves the Neighborhood Assistance Act Tax Credit program from Title 63.2 (Welfare (Social Services)) to Title 58.1 (Taxation) and provides a cross-reference to the tax credit program in Title 63.2 (§ 63.2-2002).
Patron - Edwards

FSB1058 Local real estate tax exemptions. Provides that any person who substantially changes real estate, upon

which a historic landmark was formerly situated, into commercial or industrial use property shall be eligible for a partial exemption from real estate taxes for the commercial or industrial property provided that such person was not the party who demolished the historic landmark.

Patron - Watkins

FSB1081 Communications sales and use tax; distribution formula for localities. Provides for the inclusion of unpaid cable franchise fees by the Tax Commissioner when calculating each locality's share of the Communications Sales and Use Tax Trust Fund when the franchisee fails to pay them. The bill also requires the Auditor of Public Accounts to increase the amounts on a pro rata basis if a locality did not collect the tax revenues for the entire 12 months of Fiscal Year 2006.

Patron - Puckett

FSB1118 BPOL tax; refusal to grant and revocation of business licenses. Authorizes local governing bodies by ordinance to provide that no business license be issued, or provide for the revocation of a license that has already been issued, to any person who (i) is an alien and who cannot provide legal documents proving such person is legally eligible to be employed or to work in the United States, or (ii) has as an employee of the business any such alien. The bill would require commissioners of the revenue to enforce the ordinance.

Patron - Cuccinelli

FSB1135 Tax on mobile telecommunications services; Charles City County. Authorizes the board of supervisors of Charles City County to adopt a tax on mobile telecommunications services in the county. The tax will be collected by service providers, transmitted to the Tax Commissioner, and distributed to the county in accordance with the procedures set forth in the Virginia Communications Sales and Use Tax Act.

Patron - Lambert

FSB1155 Interstate 81 regional transportation authorities; transportation funding. Allows the governing bodies of two or more contiguous counties or cities along the Interstate 81 corridor or three or more counties or cities in the same construction district along the Interstate 81 corridor to form a regional transportation authority. Such an authority shall prepare a regional transportation plan and may construct or acquire transportation facilities specified in such a plan. An authority would also be responsible for long-range transportation planning for regional transportation projects. An authority may impose and collect tolls on facilities within its confines, subject to the approval of the Commonwealth Transportation Board, and cities or counties within the authority may, by ordinance, levy and impose an additional local sales and use tax, provided that all cities or counties within the authority adopt by ordinance the additional tax. An authority shall report annually on the allocation and expenditure of funds, including the use of funds to reduce congestion and improve air quality within the confines of the authority.

Patron - Potts

FSB1206 Streamlined Sales and Use Tax Agreement. Conforms the Commonwealth's sales and use tax laws to the provisions of the Streamlined Sales and Use Tax Agreement.

Patron - Hanger

FSB1214 Cigarette tax. Provides that any county not currently authorized to levy a tax upon the sale or use of cigarettes shall have the power to do so. The tax shall be in an amount and on terms the governing body may by ordinance

prescribe, not to exceed the amount levied under state law. The revenues collected from the tax shall be designated and spent solely for the purpose of (i) purchasing agricultural conservation easements, (ii) funding initiatives that, as determined in consultation with local farm organizations, preserve farmlands in such county, (iii) funding a local purchase of development rights program that such county has established or will establish, or (iv) any combination thereof. Fairfax and Arlington Counties, which are currently authorized to levy a tax upon the sale or use of cigarettes, are not subject to the provisions of this bill that limit the amount of the tax and that designate the purposes for which the revenues collected from the cigarette tax must be spent.

Patron - Hanger

FSB1261 Income tax; toll payment tax credit. Provides a tax credit against individual income tax for taxpayers making electronic toll collection payments, such as Smart Tag, in an amount equal to 10% of the total amount paid annually for tolls on Virginia highways, for taxable years beginning on or after January 1, 2007.

Patron - Herring

FSB1266 Income tax; telework expenses tax credit. Provides a tax credit to employers for expenses incurred in allowing employees to telework pursuant to a signed telework agreement. An employer would be eligible for a credit of up to \$1,200 per teleworking employee, depending on the number of days per month an employee will telework and whether the employer's primary place of business is located in a nonattainment area under the federal Clean Air Act. There is also a 100% tax credit for costs the employer incurs for conducting a telework assessment in the year prior to implementing a formal telework program. This assessment credit is capped at \$20,000 per employer. The aggregate amount of tax credits that will be issued is capped at \$2 million annually for taxable years 2008 and 2009.

Patron - Herring

FSB1291 Business, professional and occupational license tax; contractors. Requires every contractor who is required to have a valid state contractor's license to provide proof of such license when applying for and renewing a local business license.

Patron - Norment

FSB1328 Commonwealth Airport Fund; distribution of revenues. Changes the distribution of revenues of the Commonwealth Airport Fund for funds in excess of \$12.1 million.

Patron - Williams

FSB1335 Supplemental transportation funding for Northern Virginia. Authorizes the governing body of each of the Counties of Arlington, Fairfax, Loudoun, and Prince William and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park to impose a retail sales and use tax at the rate of 0.50%. No county or city would be able to impose the tax unless at least six of the nine counties and cities adopt a local ordinance to impose the tax on or before November 15, 2007. If at least six of the nine counties and cities adopt the local ordinance by such date, then in any of the remaining nine localities that have not adopted the local ordinance by March 1, 2008, there would be imposed a state retail sales and use tax at the rate of 0.50%. All revenues from the state and local 0.50% sales tax would be distributed to the Northern Virginia Transportation Authority (the Authority). The Authority would be prohibited from using any revenues received from

the state sales tax to pay debt service on or other costs related to any bonds of the Authority.

Patron - Colgan

FSB1344 Recordation tax; exemptions. Provides an exemption from recordation taxes for deeds of trust or mortgages given by a nonprofit corporation or limited liability company that is owned or controlled by a nonprofit college or other nonprofit institution of learning.

Patron - Lambert

FSB1365 Repeal of tangible personal property tax relief. Repeals tangible personal property tax relief on passenger cars, motorcycles, and pickup or panel trucks for tax years beginning on or after January 1, 2009. Under the bill, the annual \$950 million currently dedicated for tangible personal property tax relief would be appropriated for transportation purposes.

Patron - Potts

FSB1366 Transportation funding. Repeals Virginia's motor fuels taxes and increases the retail sales and use tax by an additional one percent, with the revenues from the increase deposited into the Transportation Trust Fund. The state and local retail sales and use tax would not apply to motor fuels, with the exception of the two percent sales and use tax on motor fuels in Northern Virginia. The new rate for the combined retail sales and use tax would be six percent. The bill would not affect the amount of the current fee imposed for the Virginia Petroleum Storage Tank Fund.

Patron - Williams

FSB1379 Transportation Future Fund. Establishes the Transportation Future Fund (the Fund) to support the design and construction of surface transportation infrastructure of long-term statewide significance. Fund investments include design and construction of the Third Crossing of Hampton Roads; construction of the Southeastern Parkway and improvements to U.S. Route 460 and Interstate Route 64 in Hampton Roads; expansion of Metrorail service to Tyson's Corner; completion of environmental impact studies associated with the Eastern and Western Bypasses in the Virginia suburbs of Washington, D.C.; completion of location studies and reservation of rights-of-way in connection with a Potomac River bridge between the American Legion Bridge (Interstate Route 495) and the U.S. Route 15 bridge; establishment of high-occupancy toll lanes on Interstate Routes 95, 395, and 495 in the Virginia suburbs of Washington, D.C., in the Fredericksburg-Washington corridor; expansion of Interstate Route 66 both within and outside the Capital Beltway; and completion of environmental impact studies associated with improvements to rail service, additional truck lanes, and improvements to choke points and dangerous locations in the Interstate Route 81 corridor. The Fund is to be financed through a one cent increase in the sales and use tax and through establishment of toll roads.

Patron - Potts

FSB1394 Neighborhood Assistance Act tax credit. Makes several changes to the Neighborhood Assistance Act tax credit including (i) moving the tax credit from Title 63.2 to Title 58.1, (ii) increasing the annual cap for tax credits allowed under the program from \$8 million to \$12 million, (iii) providing that \$3.75 million of the cap increase would be dedicated for education programs and \$3 million would be dedicated for donations to a special fund from which grants would be awarded to licensed, private schools for students with disabilities, and (iv) reducing the tax credit percentage for donations made by corporations and individuals from 45% to 40% along with eliminating the restriction placed upon individuals from claiming a tax credit for the donation if a charitable contribu-

tion deduction is also taken. The Department of Education would administer the Schools for Students with Disabilities Fund from which grants would be made to licensed, private schools for students with disabilities. The Department would be required to establish an application process for such schools seeking grants from the Fund. The Department would review the application and make a determination of whether to award a grant, based in part on the intended use of grant moneys by the applicant. The Fund would be funded from monetary donations for which the Department would allocate the annual \$3 million in tax credits. The Board of Education would be required to establish regulations for the grants program, including regulations for procedures to allocate the \$3 million in tax credits in fiscal years in which there is an oversubscription of tax credits.

Patron - Stosch

FSB1399 Retail sales taxes on motor fuels; Virginia Department of Rail and Public Transportation; Washington Metropolitan Area Transit Authority Funding. The bill transfers the Motor Vehicle Fuels Sales Tax collected in the localities comprised by the Northern Virginia Transportation District to the Transportation Trust Fund rather than for support of the Washington Metropolitan Area Transit Authority (WMATA). The bill makes the Virginia Department of Rail and Public Transportation (VDRPT) responsible for funding Virginia's share of WMATA's expenses.

Patron - O'Brien

FSB1424 Real property tax; exemption for elderly and disabled. Allows localities to grant higher percentages of tax relief to the elderly based on increasing age, especially for those who are 75 years of age and older.

Patron - Quayle

Trade and Commerce

Passed

PHB1969 Truth in Music Advertising Act; civil penalty. Makes it unlawful for a person, performer or performing group, or its agent, to advertise or conduct a live musical performance or production in the Commonwealth through the use of an affiliation, connection, or association, known to be false, deceptive or misleading, with intent to defraud the public, between a performing group and a recording group. Violators are subject to a civil penalty of not less than \$5,000 nor more than \$15,000 per violation.

Patron - Albo

PHB2417 Enterprise zone real property investment grants. Decreases from 30 to 20 the percentage of a real property investment for which real property investment grants may be awarded. This bill is identical to SB 1057.

Patron - Kilgore

PHB2626 Virginia Racing Commission; advance deposit account wagering; temporary licenses. Requires the Virginia Racing Commission to adopt regulations concerning the conduct of advance deposit account wagering and authorizes the issuance of temporary licenses to operate advance deposit account wagering under certain circumstances. The bill specifies the distribution of the amounts wagered using advance deposit account wagering. The bill contains an emergency clause and requires the Virginia Racing Commission to

adopt emergency regulations to implement the provisions of the bill.

Patron - Reid

PHB3087 Health spas; comparable alternative facilities. Allows a health spa owner to transfer ownership of a facility and all its contracts to a new owner. A health spa owner remains authorized to close a facility and transfer its contracts to another facility it owns, if the other facility is reasonably of like kind, in nature and quality, and if the other facility is within five miles of the closed facility.

Patron - Suit

PSB1057 Enterprise zone real property investment grants. Decreases from 30 to 20 the percentage of a real property investment for which real property investment grants may be awarded. This bill is identical to HB 2417.

Patron - Watkins

PSB1140 Scrap metal processors. Establishes requirements regarding purchases of scrap metal by scrap metal processors. Scrap metal processors shall not purchase nonferrous scrap, metal articles, and proprietary articles directly from a person who is not an authorized scrap seller or its agent without recording the seller's identification information and the time and date of the transaction, the license number of the seller's vehicle, and a description of the items received from the seller, in a permanent ledger. The ledger shall be available for review by law-enforcement officials or conservators of the peace. Scrap metal processors are prohibited from purchasing such objects from persons under age 18. Negligent violations are subject to a civil penalty not to exceed \$7,500, and knowing violations are a Class 1 misdemeanor. Materials used in the provision of health care by a licensed professional are exempt.

Patron - Wagner

PSB1231 Operation of tanning facilities. Requires prospective tanning facility customers to sign a written statement warning of potential dangers. If the prospective customer is under age 15 and not emancipated, the parent or legal guardian must sign the statement every six months. Statements shall be kept at the facility. Facility owners are required to identify each customer's skin type based on the Fitzpatrick scale, and advise customers as to their maximum time of recommended exposure. Tanning devices shall be cleaned or sanitized after each use. Tanning facilities shall not claim that the use of tanning devices is safe, free from risk, or will provide health benefits.

Patron - Howell

PSB1397 Commercial production of unlawful audio and audio-visual recordings. Clarifies penalty language in the law proscribing the commercial production of unlawful audio and audio-visual recordings.

Patron - McDougale

Failed

PHB1877 Credit report security freeze; penalties. Authorizes an individual who is a victim of identity theft to freeze access to his credit report. If an identity theft victim has placed a freeze on his credit report, a consumer reporting agency is prohibited from releasing the credit report, or any information in it, without the identity theft victim's express authorization. The measure provides a means by which an identity theft victim can release his report, permanently, temporarily, or to a specific third party. Certain disclosures are exempt from the freeze. A consumer reporting agency shall not

charge a fee for establishing a freeze, removing a freeze, or temporarily lifting a freeze. Violations are a prohibited practice under the Consumer Protection Act.

Patron - Caputo

HB2060 Public dissemination of social security numbers. Proscribes under the Personal Information Privacy Act and the Government Data Collection and Dissemination Practices Act the intentional communication to the general public of another's social security number regardless of whether the social security number was obtained from a public record or from a private source. The bill adds a punishment for violation of the Personal Information Privacy Act subjecting a violator to civil penalties of \$1,000 per day, with each day being a separate violation.

Patron - McQuigg

HB2086 Radio frequency identification devices (RFID); disclosure on consumer goods. Requires the seller of a consumer good containing an RFID tag to conspicuously label the consumer good indicating such fact.

Patron - Eisenberg

HB2352 Sale of secondhand articles; penalty. Repeals the requirement that dealers in secondhand building fixtures obtain a permit from the local chief of police or sheriff. The measure also authorizes dealers to keep records and file reports in an electronic format, and requires dealers to make the records available to law-enforcement officials. Law enforcement officers may search for and take possession of missing or stolen items. Violations are made a Class 4 misdemeanor for a first offense and a Class 1 misdemeanor for a second and subsequent offense. The length of time that buyers of certain used equipment are required to keep bills of sale is increased from six months to one year.

Patron - Cosgrove

HB2552 Gift certificates. Expands the existing provisions regarding gift certificate disclosures to prohibit the issuer of a gift certificate from charging a maintenance fee, service fee, inactivity fee, or other fee on the gift certificate. Gift certificate issuers are also prohibited from placing an expiration date or otherwise limiting the time for the redemption of a gift certificate and from issuing a gift certificate that diminishes in value over time unless the gift certificate was issued pursuant to an awards or loyalty program where no money or thing of value exchanged or was donated to a charitable organization. The definition of a gift certificate is expanded to include any record that contains a microprocessor chip, magnetic strip, or other storage medium that is prefunded and for which the value is adjusted upon each use. The definition also includes card-activated prepaid long distance telephone service. The measures apply to all issuers of gift certificates in the Commonwealth; currently, the gift certificate disclosure requirements apply only to merchants.

Patron - Ebbin

HB2600 Personal information privacy; protection of disposed records; penalty. Requires businesses to take all reasonable measures to protect against unauthorized access to or use of personal information in connection with or after its disposal. Reasonable measures include policies and procedures requiring the burning, pulverizing or shredding of papers containing personal information so that the information cannot be read or reconstructed and the destruction or erasure of electronic media so that the information cannot be read or reconstructed. A violation constitutes a prohibited practice under the Virginia Consumer Protection Act.

Patron - Plum

HB2681 Security freezes on credit reports; penalty. Authorizes any consumer to freeze access to his credit report. If a consumer has placed a freeze on his credit report, a consumer reporting agency is prohibited from releasing the credit report, or any information in it, without the consumer's express authorization. The measure provides a means by which a consumer can release his report permanently, temporarily, or to a specific third party. Consumer reporting agencies may charge a consumer up to \$20 for each freeze, removal of the freeze, or temporary lift of the freeze. A violation is a prohibited practice under the Consumer Protection Act.

Patron - Frederick

HB2804 Identity theft; security freezes. Authorizes an individual who is over the age of 65 to freeze access to his credit report. If such a person has placed a freeze on his credit report, a consumer reporting agency is prohibited from releasing the credit report, or any information in it, without the person's express authorization. The measure provides a means by which a consumer can release his report permanently, temporarily, or to a specific third party. Consumer reporting agencies may charge a fee not to exceed \$20 for each freeze, removal of the freeze, or temporary lift of the freeze. A violation of this measure is a prohibited practice under the Virginia Consumer Protection Act.

Patron - Byron

HB2805 Enterprise zone incentive grants. Provides that the Governor shall include in his budget bill an additional appropriation to make full payment on prorated incentive grants awarded in the prior fiscal year. If the additional appropriation is enacted by the General Assembly, those business firms that are still operating the qualifying business in the enterprise zone and that have at least five employees of such business in full-time positions would be eligible for a proportional share of the additional appropriation.

Patron - Byron

HB2807 Enterprise zone grants; additional appropriations and method for requests. Allows businesses to apply for additional enterprise zone grant moneys when grant requests exceed original appropriations and additional funds are appropriated by the General Assembly.

Patron - Byron

HB2824 Pre-recorded simulcast horse racing; allocations to Commonwealth Transportation Trust Fund. Provides for simulcast of, and wagering on, pre-recorded horse races and further provides that, after payment of prizes, 49% of proceeds from such races shall be distributed to the Commonwealth Transportation Trust Fund.

Patron - Hamilton

HB2963 Security freezes on credit reports; penalty. Authorizes any consumer to freeze access to his credit report. If a consumer has placed a freeze on his credit report, a consumer reporting agency is prohibited from releasing the credit report or any information in it without the consumer's express authorization. The measure provides a means by which a consumer may release his report, permanently, temporarily, or to a specific third party. Consumer reporting agencies may charge a consumer up to \$10 for each freeze, removal of the freeze, or temporary lift of the freeze; however, no charge shall be assessed to victims of identity theft. A violation is a prohibited practice under the Consumer Protection Act.

Patron - Bell

HB3036 Enterprise zone real property investment grants; mixed-use percentage. Changes from 30% to 20% the

amount of floor space in a mixed-use building that must be devoted to commercial, office, or industrial use in an enterprise zone. The provisions of the bill would apply to properties placed in service on or after July 1, 2007.

Patron - McClellan

FHB3056 Credit report security freeze; penalties.

Authorizes an individual to freeze access to his credit report. If a consumer has placed a freeze on his credit report, a consumer reporting agency is prohibited from releasing the credit report, or any information in it, without the consumer's express authorization. The measure provides a means by which a consumer can release his report, permanently, temporarily, or to a specific third party. Certain disclosures are exempt from the freeze. A consumer reporting agency may charge a fee of no more than \$5 for establishing a freeze, removing a freeze, or temporarily lifting a freeze. Violations are a prohibited practice under the Consumer Protection Act.

Patron - Callahan

FSB805 Security freezes on credit reports; penalty.

Authorizes any consumer to freeze access to his credit report. If a consumer has placed a freeze on his credit report, a consumer reporting agency is prohibited from releasing the credit report, or any information in it, without the consumer's express authorization. The measure provides a means by which a consumer can release his report, permanently, temporarily, or to a specific third party. Consumer reporting agencies may charge a consumer up to \$10 for each freeze, removal of the freeze, or temporary lift of the freeze. A violation is a prohibited practice under the Consumer Protection Act.

Patron - Puller

FSB823 Public dissemination of social security numbers. Proscribes under the Personal Information Privacy Act and the Government Data Collection and Dissemination Practices Act the intentional communication to the general public of another's social security number regardless of whether the social security number was obtained from a public record or from a private source. The bill adds a punishment for violation of the Personal Information Privacy Act subjecting a violator to civil penalties of \$1,000 per day, with each day being a separate violation.

Patron - Devolites Davis

FSB946 Identity theft; security freezes. Authorizes an individual who is under the age of 18, over the age of 65 if living in a nursing facility or other institution, or a veteran to freeze access to his credit report. If a consumer has placed a freeze on his credit report, a consumer reporting agency is prohibited from releasing the credit report, or any information in it, without the consumer's express authorization. The measure provides a means by which a consumer can release his report permanently, temporarily, or to a specific third party. Consumer reporting agencies may charge a consumer up to \$10 for each freeze, removal of the freeze, or temporary lift of the freeze. A person violating the requirements is liable to an injured person for the greater of actual damages or \$1,000, and reasonable costs and attorney fees.

Patron - Quayle

FSB1030 Credit report security freeze; penalties.

Authorizes an individual to freeze access to his credit report. If a consumer has placed a freeze on his credit report, a consumer reporting agency is prohibited from releasing the credit report, or any information in it, without the consumer's express authorization. The measure provides a means by which a consumer can permanently or temporarily un-freeze his report. Certain disclosures are exempt from the freeze. A consumer reporting agency may charge a fee of no more than \$10 for establishing a

freeze, removing a freeze, or temporarily lifting a freeze, except that a consumer reporting agency shall not charge a fee to a victim of identity theft. Violations are a prohibited practice under the Consumer Protection Act.

Patron - O'Brien

FSB1302 Enterprise zone grants; additional appropriations and method for requests. Allows businesses to apply for additional enterprise zone grant moneys when grant requests exceed original appropriations and additional funds are appropriated by the General Assembly.

Patron - Newman

FSB1410 Recorded simulcast horse racing; allocations to Commonwealth Transportation Trust Fund. Provides for simulcast of and wagering on recorded horse races. The bill also provides for the distribution proceeds after payment of prizes, including 50.5% to be distributed to the Commonwealth Transportation Trust Fund. In addition the bill requires the Virginia Racing Commission to establish regulations prohibiting satellite facilities or unlimited licensed race-tracks not under common majority ownership to operate within 75 miles of one another.

Patron - Norment

Unemployment Compensation

Passed

FHB964 Unemployment tax filing; domestic service employees. Requires the Virginia Employment Commission to permit employers to pay unemployment taxes and file reports annually, commencing in 2009, for employment of domestic service in the private home of the employer if the quarterly payroll is not more than \$5,000. Currently such payments and filings are made quarterly.

Patron - Bulova

FHB2066 Unemployment compensation; maximum weekly benefit. Increases the maximum weekly benefit from \$347 to \$363 for claims effective on or after July 1, 2007.

Patron - Nixon

FHB2272 Electronic filing of employer's reports with the Virginia Employment Commission. Requires employers with 100 or more employees to file quarterly reports electronically commencing January 1, 2009. Currently, employers with 250 or more employees are required to file quarterly reports on a magnetic medium. Any employer required to file electronically who fails to do so without good cause shown shall, unless he has obtained a waiver, be assessed a penalty of \$75.

Patron - Purkey

FSB1056 Special Unemployment Compensation Administration Fund; discretionary expenditures. Increases the maximum amount of discretionary expenditures that may be paid from the Special Unemployment Compensation Administration Fund in any fiscal year from \$200,000 to \$375,000.

Patron - Watkins

Failed

FHB2865 Unemployment compensation; exclusion for temporary staffing services. Excludes services provided

by an individual in the employ of a temporary staffing service from the definition of "employment" for purposes of unemployment compensation.

Patron - McEachin

Virginia Energy Plan

Passed

SB841 Virginia Coastal Energy Research Consortium; membership. Adds Virginia Commonwealth University and the University of Virginia to the Virginia Coastal Energy Research Consortium and adds each institution's president or his designee to the board of the Research Consortium. The board is also expanded to include members appointed by the Hampton Roads Technology Council and the Hampton Roads Clean Cities Coalition.

Patron - Devolites Davis

SB1152 Energy grant programs. Provides that the provisions of the 2006 Energy Policy Act establishing the Renewable Electricity Production Grant Program and Solar and Wind Energy System Acquisition Fund shall not become effective until appropriations are made to those funds. As originally enacted, the Act provided that the Funds' enabling legislation would expire on July 1, 2009, if any funds were not deposited to the Funds by July 1, 2009. The measure also provides that the grants do not apply to activities occurring prior to January 1, 2007, revises the process by which eligible persons may apply for a grant, and requires that eligible wind-power generators must meet applicable performance and quality standards as specified by the Department of Mines, Minerals and Energy.

Patron - Wagner

Failed

SB1122 Offshore oil and gas royalties. Obligates the state to distribute at least 50% of all royalty payments received from offshore oil and gas production equally among residents of the Commonwealth. The other 50% shall be credited to the Transportation Trust Fund.

Patron - Cuccinelli

SB1396 Offshore energy. States that it is the policy of the Commonwealth (i) to support federal funding for the Department of the Interior, Minerals Management Service, (ii) to support the inclusion of the area off Virginia's Atlantic coast for further study and analysis and possible lease sales as part of the Department of the Interior's 2007-2012 Five Year Leasing Plan with respect to exploration 50 miles or more off the Atlantic shoreline, and (iii) to urge the President of the United States to revoke the administrative withdrawal from exploratory and leasing activity of submerged lands that are 50 miles or more off the Atlantic shoreline of the Commonwealth.

Patron - Wagner

Waters of the State, Ports and Harbors

Passed

HB1715 Casting garbage. Increases the fine for dumping garbage into the waters of the state from a maximum of \$100 to \$1,000.

Patron - Kilgore

HB1758 Obstructing or contaminating waters. Increases the penalty for obstructing or contaminating state waters to a Class 1 misdemeanor. Currently, the penalty is a fine of not less than \$100 nor more than \$500 or confinement in jail for not more than 12 months, or both.

Patron - Kilgore

HB1847 Waste load allocations. Allows the State Water Control Board to grant waste load allocations for the Chesapeake Bay watershed nutrient credit exchange program to facilities operating under a Virginia Pollution Abatement permit under limited conditions.

Patron - Saxman

HB1859 Water quality monitors. Establishes as a goal of the Department of Environmental Quality having citizen volunteers monitor 3,000 stream miles by 2010.

Patron - Wittman

HB2180 Stormwater inspectors. Removes the certification of stormwater inspectors required by the Department of Environmental Quality. This requirement is no longer needed because much of the stormwater program has been transferred to the Department of Conservation and Recreation.

Patron - Saxman

HB2483 Water quality monitoring. Establishes April 30 of each year as the deadline for the public to submit its recommendations of which specific water segments should be included in the State Water Control Board's water quality monitoring plan. The Board is to respond to the recommendations by August 31. Currently, the Board has until April 30 to respond to citizen recommendations that have been submitted by December 31 of the preceding year.

Patron - Bulova

HB2487 Low-flow protections. Requires any Virginia Water Protection Permit issued after July 1, 2007, authorizing the withdrawal of water from the Potomac River and its tributaries for any purpose other than municipal water supply, to incorporate low-flow protections if the withdrawal exceeds 500,000 gallons per day. As a condition of permit, the permittee will be required to augment instream flow during low-flow periods by having available offstream storage equal to the amount of water that is consumed in excess of 500,000 gallons per day. The bill provides several ways for a permittee to comply with this requirement.

Patron - Bulova

HB2539 Virginia Water Protection Permit. Restructures the Virginia Water Protection Permit statute by placing the provisions into a separate article of the State Water Control Law titled "Water Resources and Wetlands Protection Program." The provisions are currently included as a section under the general powers of the Water Control Board. Existing permits are exempted from any changes and shall remain in

effect until their specified expiration dates or until they are otherwise amended, modified, repealed, or revoked.

Patron - Landes

HB2694 Virginia Resources Authority. Expands projects that can be financed through the Authority to include programs or projects for land conservation or land preservation. This bill incorporates HB 1713 and is identical to SB 1211.

Patron - Cline

HB2802 Land application of biosolids. Consolidates the program that regulates the 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. The bill also requires DEQ 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 in the Commonwealth. The bill becomes effective on January 1, 2008, provided that adequate funds have been appropriated and adequate positions have been authorized to administer the program. This bill is identical to SB 1339 and incorporates HB 2079 and HB 3170.

Patron - Byron

SB798 Sewage overflows. Authorizes the State Water Control Board to issue administrative orders to owners of municipal sewer systems that need corrective actions to prevent sanitary sewer overflows. Places a "safe harbor" provision into Virginia law similar to that found in § 309 of the Clean Water Act.

Patron - Locke

SB957 Portsmouth Port and Industrial Commission. Authorizes the Portsmouth Port and Industrial Commission to provide financing for facilities for an organization, other than a religious organization, that is exempt from federal income taxation pursuant to § 501(a) of the Internal Revenue Code. This bill is identical to HB 2989.

Patron - Quayle

SB1211 Virginia Resources Authority. Expands projects that can be financed through the Authority to include programs or projects for land conservation or land preservation. This bill is identical to HB 2694, which incorporates HB 1713.

Patron - Hanger

SB1300 Storage of sewage sludge. Provides that a locality may adopt an ordinance requiring that a special exception or a special use permit be obtained to begin the storage of sewage sludge in its jurisdiction. No ordinance may require a special exception or a special use permit to begin the storage of sewage sludge if such sludge will be stored on the same farm to which it will be land applied.

Patron - Newman

SB1313 Land application of sewage sludge. Requires that the local government certify, within 30 days, as part of the state permit application to store sewage sludge, that the site of the proposed storage is in compliance with all local ordinances. The bill also gives localities the authority to adopt an ordinance that reasonably restricts the storage of sewage sludge to certain areas or parcels based on public health, welfare, or safety criteria. Any such ordinance will not apply to a farmer who stores sewage sludge for land application on his own farm within 45 days. The Department of Environmental Quality or the Department of Health permit application filled

out by the person applying the sewage sludge is not considered complete until there is such local certification.

Patron - Hawkins

SB1339 Land application of biosolids. Consolidates the program that regulates the 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. The bill also requires DEQ 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 in the Commonwealth. The bill becomes effective on January 1, 2008, provided that adequate funds have been appropriated and adequate positions have been authorized to administer the program. This bill is identical to HB 2802.

Patron - Newman

Failed

HB1713 Virginia Resources Authority. Expands projects that can be financed through the Authority to include programs or projects for land conservation or land preservation. This bill was incorporated into HB 2694.

Patron - Lewis

HB1931 Hampton Roads Sanitation District Commission. Adds four additional members to the Commission. The four additional members are elected officials of the localities within the service area of the Hampton Roads Sanitation District. Two of these shall be officials representing localities south of the James River and two shall represent localities north of the James River. At least one member from each division must represent a locality in which a sewage treatment facility owned and operated by the Hampton Roads Sanitation District is located.

Patron - Rapp

HB2079 Land application of biosolids. Consolidates the program that regulates the 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. The bill also requires the on-site presence of state or local officials when biosolids are being applied and assesses a fee of \$7.50 on each dry ton of sewage sludge applied in the Commonwealth. The bill becomes effective on July 1, 2008, provided that adequate funds have been appropriated and adequate positions have been authorized to administer the program. This bill was incorporated into HB 2802.

Patron - Wittman

HB2085 Virginia Petroleum Storage Tank Fund. Requires that reports submitted to the Virginia Petroleum Storage Tank Fund be submitted by a professionally certified engineer, geologist, or soil scientist.

Patron - Eisenberg

HB2938 Potomac River Compact. Restores the jurisdictional provision of the Maryland-Virginia Compact of 1785, allowing the Commonwealth to prosecute crimes committed against Virginians as long as the defendant is not a citizen of Maryland. The provision was dropped from the Compact of 1958, which did not become effective in Virginia until July 17, 2000.

Patron - Miller, J.H.

HB3088 Discharges into the Levisa Fork. Prescribes the size of a mixing zone for the discharge of salty mine water into the Levisa Fork or its tributaries. Anyone who violates the mixing zone standard would be guilty of a Class 1 misdemeanor. The bill requires that any discharge permit that conflicts with this mixing zone standard for the Levisa Fork River or its tributaries be promptly amended to comply with the standard established in the bill. The bill also prohibits the issuance or maintaining of a permit or certificate allowing the discharge or dumping of PCBs upon the banks of or into the Levisa Fork. This is emergency legislation.

Patron - Bowling

SB1402 Discharges into the Levisa Fork. Prescribes the size of a mixing zone for the discharge of salty mine water into the Levisa Fork or its tributaries. Anyone who violates the mixing zone standard would be guilty of a Class 1 misdemeanor. The bill requires that any discharge permit that conflicts with this mixing zone standard for the Levisa Fork River or its tributaries be promptly amended to comply with the standard established in the bill. The bill also prohibits the issuance or maintaining of a permit or certificate allowing the discharge or dumping of PCBs upon the banks of or into the Levisa Fork. This is emergency legislation.

Patron - Puckett

Welfare (Social Services)

Passed

HB1687 Criminal history and central registry check; birth parents. Exempts birth parents revoking an entrustment agreement pursuant to § 63.2-1223 or 63.2-1817, or revoking a placement agreement, from criminal history and central registry checks.

Patron - Toscano

HB1692 Home Energy Assistance Program. Reduces the frequency of the reports required from the Department of Social Services regarding the effectiveness of low-income energy assistance programs in the Commonwealth. Currently, reports are due by October 1 of each year until October 1, 2007, on which date the reporting requirement is scheduled to cease. The measure provides that after October 1, 2007, reports will be due biennially.

Patron - Kilgore

HB1897 Adoption; records of child. Provides that the investigative report that must be made to the circuit court shall include a statement by the child-placing agency or local director of social services that all reasonably attainable background, medical and psychological records of the child have been provided to the prospective adoptive parents and a list of the records provided.

Patron - Albo

HB1905 Home study for adoption; simultaneous meeting. Changes the requirement that a social worker meet with the birth parent(s) and prospective adoptive parents simultaneously to an optional provision. Provides that such meetings may occur simultaneously or separately, upon the agreement of both parties.

Patron - Albo

HB1985 Adoption laws. Provides that a birth father, including one married to the birth mother, may consent to the

termination of all of his parental rights prior to the birth of the child and that an executed denial of paternity by the putative father is sufficient to rebut the presumption that he is the father. The court is allowed to dispense with requirements regarding filing of the birth father's identifying information in certain instances. The bill provides that if a birth parent or legal guardian executing a consent, entrustment, or other document related to the adoption, cannot provide the identification required by a notary the birth parent may execute a self-authenticating affidavit as to his identity. Reduces from 21 to 15 days the amount of time a father has to object to an entrustment after notice to make it consistent with provisions changed in 2006. The bill allows a court to waive certain procedural provisions with regard to the spouse of an adoptive parent where the procedural provisions apply only to one adoptive parent. No notice or consent is required of any birth parent of a child whose adoption was finalized in a foreign country or for whom a guardianship order was granted when the child was approved by the United States Citizenship and Immigration Services for purposes of adoption. When there has been an interstate transfer of the child in a parental placement adoption all matters relating to the adoption of the child including, but not limited to, custody and parentage shall be determined in the court of appropriate jurisdiction in the state that was approved for finalization of the adoption by the interstate compact authorities. Clarifies that if the putative father's identity is reasonably ascertainable, he must be noticed as the Putative Father Registry dictates. The background check requirement is waived for a birth parent who revokes an entrustment or placement agreement. A number of the changes conform the law to changes made during the 2006 Session. This bill is identical to SB 1041.

Patron - Toscano

HB2319 Definition of abused or neglected child. Specifies that a decision by parent or another person with legal authority over a child to refuse a particular medical treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if (i) such decision is made jointly by the parents or other person with legal authority for the child, and the child; (ii) the child has reached 14 years of age and is sufficiently mature to have an informed opinion on the subject of his medical treatment; (iii) the parents or other person with legal authority, and the child have considered alternative treatment options; and (iv) the parents or other person with legal authority, and the child believe in good faith that such decision is in the child's best interest. Stipulates that this test shall not be construed to limit the provisions of § 16.1-278.4 on children in need of services. This bill is identical to SB 905.

Patron - Welch

HB2504 Criminal history and central registry check for placements of children. Establishes mandatory background checks for prospective foster or adoptive parents that consist of three parts: (i) a sworn statement or affirmation disclosing whether an individual has a criminal conviction or pending charges or has been the subject of a founded case of child abuse or neglect; (ii) fingerprinting forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigation to obtain criminal history information; and (iii) searches of the central child abuse and neglect registry maintained pursuant to § 63.2-1515 and similar registries required by federal law in any other state where a prospective parent or other adult in the home has resided in the preceding five years. Provides that in the case of an emergency, a local board must search the central registry and obtain a written affirmation from the individual prior to placement. Prohibits approval of foster or adoptive homes where an individual has record of an offense set forth in § 63.2-1719 or a founded complaint of

child abuse or neglect as maintained in registries pursuant to § 63.2-1515 and the Adam Walsh Child Protection and Safety Act (42 U.S.C.S. 16901 et seq.). The bill has an effective date of April 1, 2007.

Patron - Toscano

HB2517 Child abuse or neglect; criminal history records; dissemination of such information. Authorizes dissemination of criminal history record information and search results from the child abuse and neglect registry of individuals and other adult household members to support removal of a child during an evaluation for placement or to support an investigation of child abuse or neglect. Such information may be admissible in court if an abuse or neglect petition is filed, however, if the individual who is the subject of such information contests its accuracy through testimony under oath, the court shall not receive the information without certified copies of the individual's conviction.

Patron - Iaquinto

HB3207 Assisted living facilities; aging in place. Provides that the Department shall not order the removal of a resident from an assisted living facility if (i) the resident, the resident's family, the resident's physician, and the facility consent to the resident's continued stay in the facility and (ii) the facility is capable of providing, obtaining or arranging for the provision of necessary services for the resident, including but not limited to home health care or hospice care.

Patron - Peace

SB790 Virginia Caregivers Grant Program. Modifies the definition of caregivers eligible to receive a grant under the program to include legal guardians and raises the Virginia adjusted gross income limit under the program from \$50,000 to \$75,000 for a married caregiver.

Patron - Stosch

SB818 Fee for testimonials; international adoptions. Provides that the Secretary of the Commonwealth may charge five dollars for each authentication after the first testimonial for documents bearing the testament of the same person on the same date.

Patron - Cuccinelli

SB888 Insurance notice requirements for family day homes. Requires any person who operates a family day home approved by a licensed family day system, a licensed family day home, or a voluntarily registered family day home to furnish a written notice to the parent or guardian of each child under care stating whether there is liability insurance in force to cover the operations of the family day home and to notify each parent or guardian in writing, within 10 business days, after termination of coverage.

Patron - Deeds

SB905 Definition of abused or neglected child. Specifies that a decision by parents or another person responsible to refuse a particular medical treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if (i) such decision is made jointly by the parents or other person responsible and the child; (ii) the child has reached the age of 14 and is sufficiently mature to have an informed opinion on the subject of his medical treatment; (iii) the parents or other person responsible and the child have considered alternative treatment options; and (iv) the parents or other person responsible and the child believe in good faith that such decision is in the child's best interest. This bill is identical to HB 2319.

Patron - Rerras

SB944 Provision of health care coverage in child support orders. Amends relevant sections to authorize that either or both parents may provide health care coverage required by a child support order. Requires that, prior to referring any dependent children to the Family Access to Medical Insurance Security plan, the Department of Social Services shall confirm that neither parent has access to health care coverage for the dependent children through the parents' employment.

Patron - Quayle

SB985 Administrative support remedies available to individuals not receiving public assistance; fees. Establishes additional fees for individuals who authorize the Department of Social Services to enforce child support obligations but who do not receive public assistance. The bill has an effective date of October 1, 2007.

Patron - Edwards

SB1041 Adoption laws. Provides that a birth father, including one married to the birth mother, may consent to the termination of all of his parental rights prior to the birth of the child and that an executed denial of paternity by the putative father is sufficient to rebut the presumption that he is the father. The court is allowed to dispense with requirements regarding filing of the birth father's identifying information in certain instances. The bill provides that if a birth parent or legal guardian executing a consent, entrustment, or other document related to the adoption, cannot provide the identification required by a notary the birth parent may execute a self-authenticating affidavit as to his identity. Reduces from 21 to 15 days the amount of time a father has to object to an entrustment after notice to make it consistent with provisions changed in 2006. The bill allows a court to waive certain procedural provisions with regard to the spouse of an adoptive parent where the procedural provisions apply only to one adoptive parent. No notice or consent is required of any birth parent of a child whose adoption was finalized in a foreign country or for whom a guardianship order was granted when the child was approved by the United States Citizenship and Immigration Services for purposes of adoption. When there has been an interstate transfer of the child in a parental placement adoption all matters relating to the adoption of the child including, but not limited to, custody and parentage shall be determined in the court of appropriate jurisdiction in the state that was approved for finalization of the adoption by the interstate compact authorities. Clarifies that if the putative father's identity is reasonably ascertainable, he must be noticed as the Putative Father Registry dictates. The background check requirement is waived for a birth parent who revokes an entrustment or placement agreement. A number of the changes conform the law to changes made during the 2006 Session. This bill is identical to HB 1985.

Patron - O'Brien

SB1133 Virginia Initiative for Employment Not Welfare Program. Modifies the Temporary Assistance for Needy Families Program to increase Virginia Initiative for Employment Not Welfare (VIEW) requirements. This bill also eliminates food stamps from the subsidies replaced by the Full Employment Program, eliminates community work experience placement, and certain VIEW program exemptions. The bill authorizes posttermination payments of up to \$50 per month for recipients who work at least 30 hours per week.

Patron - Deeds

SB1146 Neighborhood Assistance Act; eligibility requirements. Requires the State Board of Social Services to adopt regulations that provide that at least 50% of the persons

served by the neighborhood organization are impoverished people.

Patron - Wagner

SB1208 Background check required; children's residential facilities. Strengthens criminal background check requirements for employees, volunteers, and providers of contractual services to children's residential facilities. Requires Departments to obtain the results of the background check before allowing an applicant to work with children. Adds numerous statutory offenses, including abduction, carjacking, threats, stalking, use of a machine gun, child pornography, incest, and felony drug possession, to the list of crimes that preclude employment at children's residential facilities. Additional offenses parallel those identified as "barrier crimes" in § 63.2-1719. Permits a children's residential facility to hire applicants with a misdemeanor conviction for assault and battery, provided 10 years have elapsed and the offense did not occur in the context of former employment or volunteer work. Prohibits state children's residential facilities from hiring employees or accepting volunteers who have a founded case of child abuse or neglect. The new requirements only apply to persons who did not work or volunteer at the facility prior to July 1, 2007.

Patron - Hanger

Failed

HB1688 Consent revocation period for parental placement adoptions. Removes the provision that prohibits a consenting birth parent from withdrawing an executed consent to parental placement adoption once the child is 10 days old. The bill also changes from 10 to seven days the time during which consent is revocable.

Patron - Toscano

HB1839 Child Care Provider Registry. Creates the Virginia Child Care Provider Registry. Allows child care providers to voluntarily register with the Registry, to authorize the Registry to run checks to determine whether registrants are the subject of founded complaints of child abuse or neglect and to make the results of such searches public. Requires local departments to report founded complaints to the Department of Social Services and the Department to update the Registry upon receipt of such reports.

Patron - Fralin

HB1911 Requirements of parental placement adoption; legal counsel. Authorizes legal counsel to appear on behalf of birth parents or adoptive parents for purposes of consent hearings required for parental placement adoptions.

Patron - Albo

HB1912 Requirements of parental placement adoption; exchange of identifying information. Eliminates requirement that parents shall exchange identifying information and makes the exchange of information including full names and addresses optional for birth and adoptive parents.

Patron - Albo

HB2046 Adoption laws; administrative changes. Changes the adoption laws to bring them up to date with the amendments made last session. Makes the change regarding notice of the entrustment and adoption from 21 to 15 days consistent throughout the adoption statutes and clarifies that if the putative father's identity is reasonably ascertainable, he must be noticed as the Putative Father Registry dictates. This bill was incorporated into HB 1985.

Patron - McQuigg

HB2612 Public Assistance; eligibility for TANF benefits. Provides that a person shall not be ineligible for Temporary Assistance for Needy Families (TANF) benefits solely as the result of a felony drug possession conviction.

Patron - Watts

HB2987 Foster care children; tobacco products. Directs the Board of Social Services to adopt regulations restricting the use of tobacco products by and around children receiving foster care services. The regulations shall include but need not be limited to provisions (i) forbidding the use or possession of tobacco products by children; (ii) limiting use of tobacco products in the children's living quarters; and (iii) limiting the use of tobacco products in motor vehicles when transporting children.

Patron - Eisenberg

HB3105 Program directors at licensed child day centers; approved credentials. Adds program directors to the list of individuals who may possess an approved credential. Adds requirement that the Department of Social Services, State Board of Social Services, Child Care Council, or State Board of Education shall recognize individuals who possess an approved credential as being fully qualified to hold the position of program leader, program director, or child care supervisor in any private licensed child day center or private preschool.

Patron - Nixon

SB757 Neighborhood Assistance Act. Makes several changes to the program including (i) increasing the annual cap for tax credits allowed under the program from \$8 million to \$12 million, (ii) providing that \$1 million of the cap increase would be dedicated for education programs and \$3 million for providing grants to private schools for students with disabilities, and (iii) reducing the tax credit percentage for donations made by corporations and individuals from 45% to 40% along with eliminating the restriction placed upon individuals from claiming a tax credit for the donation if a charitable contribution deduction is also taken. The Department of Education would administer the Schools for Students with Disabilities Fund from which grants would be made to private schools for students with disabilities. The Department would be required to establish an application process for such schools seeking grants from the Fund. The Department would review the application and make a determination of whether to award a grant, based in part on the intended use of grant moneys by the applicant. The Fund would be funded from monetary donations for which the Department would allocate the annual \$3 million in tax credits. The Board of Education would be required to establish regulations for the grants program, including regulations for procedures to allocate the \$3 million in tax credits in fiscal years in which more than \$3 million in monetary donations were made to the Fund.

Patron - Stosch

SB835 Eligibility for Temporary Assistance for Needy Families (TANF) and food stamps; drug-related felonies. Provides exemption to receive TANF benefits for persons who have been convicted of a felony drug offense pursuant to § 18.2-250 and fully comply with criminal court orders and treatment programs, as permitted by federal law. This bill incorporates SB 934 and is contingent upon an appropriation of funds.

Patron - Devolites Davis

SB865 Social services; time limit on receipt of TANF. Allows the children of VIEW participants to continue receiving TANF financial assistance beyond the initial 24-month period if (i) the VIEW-participating parent is no longer

the children's legal guardian, (ii) another relative of the children now has legal custody, and (iii) the children otherwise meet the eligibility requirements set forth in §§ 63.2-602 through 63.2-607. This bill is contingent upon appropriation of funds.

Patron - Miller

SB934 Eligibility for TANF and food stamps; drug-related felonies. Provides exemption to receive TANF benefits for persons who have been convicted of a felony drug offense pursuant to § 18.2-250 and comply with criminal court orders and treatment programs, as permitted by federal law. This bill was incorporated into SB 835.

Patron - Ticer

SB935 Mandatory cross-reporting by protective services agencies. Adds animal control officers to the list of persons required to report known or suspected child or adult abuse or neglect. Requires mandatory cross-reporting of known or suspected animal abuse by individuals required to report child or adult abuse or neglect.

Patron - Ticer

SB1017 Adoption; exception to requirement that spouses file a joint petition. Provides that in its discretion, upon good cause shown, a court may exempt any spouse from the requirement to file a joint petition.

Patron - Norment

SB1353 Child day-care regulations. Establishes staff-to-child ratios, activity space guidelines, and training and qualification guidelines for program directors, program leaders, and general staff for regulated child day-care centers.

Patron - Wagner

Wills and Decedents' Estates

Passed

HB2833 Augmented estate; inclusion of insurance policies. Clarifies that, notwithstanding what other statutes state regarding insurance policies and other benefits, they are to be included in the augmented estate. The bill is in response to the Supreme Court's opinion in *Sexton v. Cornett*.

Patron - Waddell

HB3083 Nonexoneration of liens against property bequeathed. States that any mortgage, pledge, security interest or other lien on a specific item of property shall pass encumbered by said lien unless a contrary intent is clearly set out in the will. A general directive in the will to pay debts shall not be evidence of a contrary intent. Excepts out circumstances where an agent holding a durable power of attorney or a conservator, guardian or committee grants the lien in question.

Patron - Toscano

HB3205 Wills; writings intended as wills. States that if a document is not in compliance with the requirements of executing a will, the document can still be valid as a will if the proponent proves by clear and convincing evidence that the decedent intended the document to be (i) the decedent's will, (ii) a partial or complete revocation of the will, (iii) an addition to or alteration of the will, or (iv) a partial or complete revival of a formerly revoked will or portion thereof. The remedy provided for in this bill may not be used to excuse any failure to comply with the requirement for a testator's signature, except where two persons mistakenly sign each other's will, or signs

the self-proving certificate to a will instead of the will itself. The remedy is also only available in proceedings filed in the appropriate circuit court within one year after the decedent's death, and where all interested persons are made parties to the proceedings.

Patron - Armstrong

SB1263 Creditors of decedent's estate. Provides that debts and taxes owed to political subdivisions of the Commonwealth are to be considered claims that are seventh in line to be paid from a decedent's estate. Currently, such debts and taxes are not treated as a separate class of claims.

Patron - Herring

Failed

SB1257 Written notice of probate; exceptions. Provides that personal representatives of a decedent's estate or proponents of a decedent's will need not provide written notice of probate or qualification and notice of entitlement to copies of wills, inventories, accounts, and reports if the value of assets passing under a will or by intestacy does not exceed \$15,000. Currently, this exception applies when the value of the assets does not exceed \$5,000.

Patron - Herring

SB1264 Course of descents; clarify. Clarifies the statute concerning the course of descents when a party dies intestate by adding subdivisions within the statute.

Patron - Herring

SB1381 Intestate succession; desertion by parents. Clarifies that if a parent is barred from inheriting from his child through intestate succession because he had willfully deserted or abandoned the child, no person may inherit from the child's estate through intestate succession where the person's only claim on the estate is through the parent who deserted or abandoned the child, unless the person has established a personal relationship with the child and maintained such relationship until the child's death. The bill also clarifies that the prohibition against a parent inheriting from a child applies regardless of whether the child was still a minor at the time of death.

Patron - Locke

Workers' Compensation

Passed

HB1635 Workers' compensation; occupational disease presumption; police officers of the Norfolk Airport Authority. Establishes a presumption that hypertension or heart disease causing the death or disability of an officer of the police department established and maintained by the Norfolk Airport Authority is an occupational disease compensable under the Workers' Compensation Act. This bill is identical to SB 747.

Patron - Alexander

HB2294 Workers' compensation; government employees. Classifies policemen, firefighters, sheriffs and their deputies, and certain other individuals who are generally deemed to be employees of their employing locality for purposes of the Virginia Workers' Compensation Act, as employees of the Commonwealth while rendering aid outside of the

Commonwealth pursuant to a state-approved request under the Emergency Management Assistance Compact.

Patron - McClellan

SB747 Workers' compensation; occupational disease presumption; police officers of the Norfolk Airport Authority. Establishes a presumption that hypertension or heart disease causing the death or disability of an officer of the police department established and maintained by the Norfolk Airport Authority is an occupational disease compensable under the Workers' Compensation Act. This bill is identical to HB 1635.

Patron - Miller

SB897 Workers' compensation; infectious disease presumption. Adds conservation officers of the Department of Conservation and Recreation to those public safety employees who are entitled to the presumption that certain infectious diseases are occupational diseases compensable under the Workers' Compensation Act.

Patron - Deeds

SB1169 Workers' Compensation; offset for Longshore payments. Authorizes an employer to deduct, from payments made as compensation under the Virginia Workers' Compensation Act to an injured employee, any payments that are made to the injured worker under the Longshore and Harbor Workers' Compensation Act. This bill contains an emergency clause and will take effect upon its passage.

Patron - Stolle

Failed

HB2219 Workers' compensation; alternative dispute resolution. Authorizes an employer primarily engaged in the construction business and a collective bargaining representative of its employees, with which the employer has a signatory agreement, to negotiate a dispute resolution system, which may include mediation and binding arbitration. The system would be an alternative to dispute resolution procedures in the Workers' Compensation Act. Such agreements may also address the use of an agreed list of health care providers for treatment and examinations, light duty and return-to-work programs, and vocational rehabilitation or retraining. Settlements must be approved by the Workers' Compensation Commission. Arbitration decisions may be reviewed in the same manner as decisions of deputy commissioners.

Patron - Amundson

HB2428 Workers' compensation; family members of public safety personnel. Requires the employer of a firefighter, paramedic, emergency medical technician, police officer, or other specified public safety personnel, who is entitled to the presumption that his hepatitis, meningococcal meningitis, tuberculosis, or HIV is an occupational disease, to furnish medical care under the provisions of the Virginia Workers' Compensation Act to a member of the immediate family of such person if the person unintentionally transmitted the infectious disease to his family member.

Patron - Albo

HB2688 Workers' compensation; benefits paid to unauthorized aliens; penalties. Makes an employer, rather than the employer's workers' compensation insurance carrier, liable for payment of workers' compensation benefits payable to an unauthorized alien. In addition, an employer is required to promptly reimburse a third party that has paid benefits to an unauthorized alien for payments it has made to the injured alien. An employer that verified the work authorization status

of the injured worker, through use of the Basic Pilot Program operated by the United States Department of Homeland Security, obtained certain employment eligibility verification documentation, or is exempt from compliance with federal employment verification procedures under federal law, is exempt from these provisions. In addition, if an unauthorized alien who is eligible for disability is inadmissible to the United States under federal immigration law, the payor of the disability benefits shall require the unauthorized alien to present himself in person at a bank or financial institution located within a foreign country before receiving disability payments. A person violating these provisions is guilty of a Class 2 misdemeanor and subject to a civil penalty of \$25,000.

Patron - Reid

HB2952 Medical records; fees for copying. Provides that the provisions that control the fees that may be charged for medical records in civil cases also apply with respect to Workers' Compensation Act proceedings.

Patron - Kilgore

SB903 Workers' compensation; occupational disease presumption; police officers of the Norfolk Airport Authority. Establishes a presumption that hypertension or heart disease causing the death or disability of an officer of the police department established and maintained by the Norfolk Airport Authority is an occupational disease compensable under the Workers' Compensation Act.

Patron - Rerras

SB979 Workers' compensation; panel of physicians. Provides that if an employer fails to furnish an injured employee with a panel of at least three physicians from which he may select an attending physician within 30 days after an accident, then at the request of the employee, the employer shall on one occasion furnish such a panel, from which the employee may select an attending physician.

Patron - Edwards

SB1013 Workers' compensation; alternative dispute resolution. Authorizes an employer primarily engaged in the construction business and a collective bargaining representative of its employees, with which the employer has a signatory agreement, to negotiate a dispute resolution system, which may include mediation and binding arbitration. The system would be an alternative to dispute resolution procedures in the Workers' Compensation Act. Such agreements may also address the use of an agreed list of health care providers for treatment and examinations, light duty and return-to-work programs, and vocational rehabilitation or retraining. Settlements must be approved by the Workers' Compensation Commission. Arbitration decisions may be reviewed in the same manner as decisions of deputy commissioners.

Patron - Saslaw

Constitutional Amendments

Passed

SJ340 Constitutional amendment (first resolution); property exempt from taxation. Authorizes the General Assembly to enact legislation that will allow any locality to exempt or partially exempt from property taxes motor vehicles owned or leased by any member of the armed forces serving in an area of military conflict.

Patron - Devolites Davis

☐SJ354 **Constitutional amendment (first resolution); property exempt from taxation.** Authorizes the General Assembly to enact legislation that will allow localities by ordinance to exempt from real property taxes, or defer real property taxes on, up to 20% of the value of residential or farm property that is the owner-occupant's primary dwelling and lived in continuously. This resolution incorporates SJRs 362, 371, 386, 398, 425 and 443.

Patron - Rerras

Failed

☐HJ18 **Constitutional amendment (first resolution); Transportation Funds.** Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, and Highway Maintenance and Operating Fund. All revenues dedicated to Transportation Funds on January 1, 2007, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan or reduction must be repaid with reasonable interest within four years.

Patron - Marshall, R.G.

☐HJ558 **Constitutional amendment (first resolution); Highway Maintenance and Operating Fund and Transportation Trust Fund.** Provides that the Highway Maintenance and Operating Fund and the Transportation Trust Fund shall be permanent funds. Starting with the Commonwealth's fiscal year beginning July 1, 2009, the General Assembly shall appropriate to each Fund an amount no less than the amount appropriated to the respective Fund in the immediately preceding fiscal year. The amendment limits the use of Trust Fund moneys to highway construction, maintenance, and improvements and to furthering the public interest in public transportation, railways, seaports, and airports. The General Assembly may use Fund proceeds for other purposes only by a four-fifths vote of the members in each house. However, Fund proceeds used for other purposes must be repaid to the Fund within four years.

Patron - Frederick

☐HJ559 **Constitutional amendment (first resolution); real property assessments and tax rates.** Provides that assessments of real property shall not increase annually by more than one percent plus the percentage increase, if any, in the rate of inflation. Increases in the rate of taxation on real property are limited to one percent per year.

Patron - Frederick

☐HJ560 **Constitutional amendments (first resolution); Virginia Redistricting Commission.** Establishes a 13-member Virginia Redistricting Commission to redraw Congressional and General Assembly district boundaries after each decennial census. Provides procedure for appointment of Commission members and standards to govern redistricting plans, including the current Constitution's standards on population equality, compactness, and contiguity and additional standards to minimize splits of localities and to prohibit consideration of incumbency and political data. The amendments also provide for 40 senators and 100 delegates rather than the present ranges of 33 to 40 senators and 90 to 100 delegates.

Patron - Shuler

☐HJ565 **Constitutional amendment (first resolution); Transportation Funds.** Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, and Highway Maintenance and Operating Fund. All revenues dedicated to Transportation Funds on January 1, 2007, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes.

Patron - Peace

☐HJ568 **Constitutional amendment (first resolution); Governor's term of office.** Permits the Governor to succeed himself in office. The amendment allows two four-year terms (either in succession or not in succession) but prohibits election to a third term. The amendment allows Governors elected in 2009 and thereafter to serve two successive terms. Service for more than two years of a partial term counts as service for one term.

Patron - Purkey

☐HJ569 **Constitutional amendment (first resolution); Board of Education.** Provides for the appointment of the members of the Board of Education as follows: four members, including a member designated as president, appointed by the Governor; three members appointed by the House of Delegates; and two members appointed by the Senate, in accordance with the rules of each house. Members are to be appointed for four-year terms. Terms are staggered. No person may be appointed to more than two consecutive full terms. Members in office when the amendment takes effect will serve until their successors are appointed. Presently, the Constitution provides that all nine members are appointed by the Governor.

Patron - Purkey

☐HJ570 **Constitutional amendments (first resolution); Governor's term of office; Board of Education.** One amendment permits the Governor to succeed himself in office. The amendment allows two four-year terms (either in succession or not in succession) but prohibits election to a third term. The amendment allows Governors elected in 2009 and thereafter to serve two successive terms. Service for more than two years of a partial term counts as service for one term. A second amendment provides for the appointment of the members of the Board of Education as follows: four members, including a member designated as president, appointed by the Governor; three members appointed by the House of Delegates; and two members appointed by the Senate, in accordance with the rules of each house. Members are to be appointed for four-year terms. Terms are staggered. No person may be appointed to more than two consecutive full terms. Members in office when the amendment takes effect will serve until their successors are appointed. Presently, the Constitution provides that all nine members are appointed by the Governor.

Patron - Purkey

☐HJ571 **Constitutional amendment (first resolution); Governor's term of office.** Extends the Governor's term to six years beginning with the Governor elected in 2009, continues the prohibition on successive terms, and provides six-year terms for the lieutenant governor and attorney general since the terms for those offices are set by reference to the term of the governor.

Patron - Purkey

FHJ572 Constitutional amendments (first resolution); balance of executive and legislative branch powers. Proposes several amendments to the Constitution to (i) extend the Governor's term to six years beginning with the Governor elected in 2009, (ii) continue the prohibition on successive terms, (iii) provide six-year terms for the lieutenant governor and attorney general, (iv) authorize the General Assembly to nullify or suspend administrative regulations, (v) transfer five of the nine appointments on the Board of Education made by the Governor to the legislature, and (vi) permit the General Assembly to extend a session for any period by a two-thirds vote. This resolution reflects recommendations of the Joint Subcommittee to Study the Balance of Powers Between the Legislative and Executive Branches pursuant to HJR 707 (2005) and is identical to SJR 338.

Patron - Purkey

FHJ579 Constitutional amendment (first resolution); exercise of eminent domain powers. Prohibits the taking of private property by eminent domain for the predominant use of any private person or entity or for the transfer of ownership to any private person or entity. Further defines the permissible public uses for which property may be taken and the "just compensation" that must be paid for the property taken. The proposed amendment specifies that it is a judicial question whether private property is being condemned for a permissible public use. This resolution was incorporated into HJR 723.

Patron - Peace

FHJ580 Constitutional amendment (first resolution); bills raising revenue must originate in House. This proposed amendment is similar to the origination clause of Article I, § 7 of the United States Constitution. Amendments by the Senate would be subject to the same limitations generally applicable, such as the single object rule of Article IV, § 12 of the Virginia Constitution.

Patron - Lingamfelter

FHJ581 Constitutional amendment (first resolution); property tax exemption for certain veterans. Requires the General Assembly to exempt from taxation the property that is the principal residence of a veteran (or widow or widower of a veteran) of the armed forces of the United States who has been determined pursuant to federal law to have a one hundred percent permanent and total service-connected disability.

Patron - Lingamfelter

FHJ585 Constitutional amendment (first resolution); General Assembly single chamber. Replaces current Senate and House of Delegates with a single unicameral legislature consisting of 140 members elected biennially to staggered four-year terms following the 2011 redistricting. Makes conforming changes to articles on executive, judiciary, local government, corporations, taxation and finance, and future changes. The proposed amendment is based on Article III, § 7 of the Nebraska Constitution, which was amended in 1934 to establish a unicameral legislature.

Patron - Cole

FHJ586 Constitutional amendment (first resolution); property exempt from taxation. Amends the Constitution of Virginia to exempt from property taxes privately owned motor vehicles used for nonbusiness purposes. This resolution is identical to HJR 655.

Patron - Cole

FHJ588 Constitutional amendment (first resolution); impact fees and proffers. Provides that any locality may adopt an ordinance providing for the assessment of impact

fees or acceptance of proffers related to the impact of new development.

Patron - Marshall, R.G.

FHJ590 Constitutional amendment (first resolution); impact fees. Requires the General Assembly to provide by general law that any locality may adopt an ordinance providing for the assessment of impact fees.

Patron - Marshall, R.G.

FHJ593 Constitutional amendment (first resolution); powers of the General Assembly; administrative rules and regulations. Allows the General Assembly to suspend or nullify administrative rules and regulations by a majority vote of the members elected to each house and authorizes the standing committees of each house or joint legislative commissions designated by the General Assembly to suspend rules and regulations when the General Assembly is not in regular session.

Patron - Griffith

FHJ600 Constitutional amendment (first resolution); payment of sales or use taxes in advance of collections. Prohibits any law that requires a person to pay to the State funds in anticipation of the collection of sales or use taxes by that person on behalf of the Commonwealth.

Patron - Saxman

FHJ601 Constitutional amendment (first resolution); state debt. Reduces the maximum amount of permissible general obligation debt (Section 9 (b) debt) that may be authorized by the General Assembly and submitted to the voters for approval. The formula to set the maximum is revised to equal 25% of an amount calculated by multiplying the average annual amount of state tax revenues from income and retail sales taxes for the most recent three fiscal years by a factor of 1.075 rather than the present factor of 1.15.

Patron - Saxman

FHJ610 Constitutional amendment (first resolution); establish uniform election date. Establishes a uniform schedule for general elections of state and local officers to coincide with federal elections held in November of even-numbered years. Directs the General Assembly to provide by law for the transition to all general elections being held in November of even-numbered years. Extends terms of incumbents to implement the new schedule.

Patron - Cole

FHJ614 Constitutional amendment (first resolution); recall of Governor, Lieutenant Governor, or Attorney General. Requires the filing of a petition signed by qualified voters equaling at least 25% of the number of votes cast in the last election for President to initiate the recall of the Governor, Lieutenant Governor, or Attorney General. Provides for the holding of an election to recall the officer and further implementation by the General Assembly.

Patron - Hargrove

FHJ620 Constitutional amendment (first resolution); Virginia Redistricting Commission. Establishes the Virginia Redistricting Commission to redraw Congressional and General Assembly district boundaries after each decennial census. Appointments to the five-member Commission are to be made in the census year as follows: one each by the majority and minority leaders of each house. The four partisan members then select an independent chair by majority vote; or, if they cannot agree on a selection, they certify the names receiving votes to the Supreme Court, which will name the fifth member. The Commission is directed to certify district plans for the

General Assembly within 30 days of receipt of the new census data, and for the House of Representatives within 90 days of receipt. The standards to govern redistricting plans include the current Constitution's standards on population equality, compactness, and contiguity and additional standards to minimize splits of localities. Commissioners are ineligible for any elected office in the Commonwealth for two years.

Patron - Amundson

FHJ624 Constitutional amendment (first resolution); property exempt from taxation. Directs the General Assembly to enact legislation that will permit localities to exempt from property taxes up to 20% of the value of residential or farm property that is designed for continuous habitation as a home and is owner-occupied.

Patron - Brink

FHJ626 Constitutional amendment (first resolution); limit on growth in state general fund appropriations and revenues. Limits general fund growth in any fiscal year to the preceding year's general fund appropriation plus the percentage increase in gross state product for the most recently available year and the percentage increase in state population. The General Assembly may exceed this limitation with a two-thirds vote of the members elected in each house. The amendment also provides that 50% of general fund revenues in excess of the limitation is to be returned to the citizens of Virginia and 50% goes into the Revenue Stabilization Fund.

Patron - Ware, R.L.

FHJ655 Constitutional amendment (first resolution); property exempt from taxation. Amends the Constitution of Virginia to exempt from property taxes privately owned motor vehicles used for nonbusiness purposes. This resolution is identical to HJR 586.

Patron - Rust

FHJ656 Constitutional amendment (first resolution); Transportation Funds. Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, Priority Transportation Fund, and other funds dedicated to transportation by general law. All revenues dedicated to Transportation Funds on July 1, 2006, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. Such general law must be enacted by a two-thirds vote of the members elected to each house. The amendment limits the use of the Funds to transportation and related purposes. The General Assembly may borrow from the Funds for other purposes only by a two-thirds vote of the members elected to each house, and the loan or reduction must be repaid with reasonable interest within three years.

Patron - Welch

FHJ675 Constitutional amendment (first resolution); Transportation Trust Fund. Provides that the Transportation Trust Fund established in 1986 will be a permanent fund and receive all revenues generated by the 1986 package of tax and fee increases and any later enactments dedicating additional revenues to the Fund. The amendment limits the use of Trust Fund moneys to purposes of highway construction, maintenance, and improvements, public transportation, railroads, seaports, and airports. The General Assembly may use fund proceeds for other purposes only by a two-thirds vote of the members in each house. However, fund proceeds used for other purposes must be repaid to the Fund within three years.

Patron - Marshall, D.W.

FHJ676 Constitutional amendment (first resolution); Transportation Funds. Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, Priority Transportation Fund, and other funds dedicated to transportation by general law. All revenues dedicated to Transportation Funds on January 1, 2007, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes.

Patron - Cline

FHJ677 Constitutional amendment (first resolution); Transportation Funds. Provides that moneys in six funds (the Commonwealth Transportation, Transportation Trust, Highway Maintenance and Operating, Priority Transportation, Shortline Railway Preservation and Development, and Rail Enhancement) shall be used for (i) administering, planning, constructing, improving, or maintaining the roads embraced in the systems of highways for the Commonwealth and its localities or furthering the interests of the Commonwealth in the areas of highways, public transportation, railroads, seaports, or airports; (ii) making payments on bonds or other obligations that have been issued or entered into to finance transportation projects; (iii) making loans to finance transportation projects; and (iv) providing for the operation of state agencies related to transportation. The amendment restricts borrowing from transportation funds for other purposes by requiring a four-fifths recorded vote of each house of the General Assembly and requires repayment with interest in four years.

Patron - Albo

FHJ678 Constitutional amendment (first resolution); marriage. Proposes to amend, by referendum at the November 2008 election, the new constitutional amendment dealing with marriage. This proposed amendment would add a savings clause for rights, benefits, obligations or status pertaining to unmarried persons not otherwise altered or abridged.

Patron - Ebbin

FHJ679 Constitutional amendment (first resolution); Transportation Funds. Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, and Highway Maintenance and Operating Fund. All revenues dedicated to Transportation Funds on January 1, 2007, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Funds moneys to transportation and related purposes. The proposed amendment also protects transportation funds routed through a political subdivision, authority, or private entity.

Patron - Iaquinto

FHJ680 Constitutional amendment (first resolution); restoration of civil rights. Authorizes the General Assembly to provide by general law for the restoration of civil rights for persons convicted of felonies who have completed service of their sentence including any period or condition of probation, parole, or suspension of sentence. The present Constitution provides for restoration of rights by the Governor. The amendment retains the right of the Governor to restore civil

rights and adds the alternative for restoration of rights pursuant to general law.

Patron - Jones, D.C.

FHJ684 Constitutional amendment (first resolution); spending limits on government. Provides for annual state and local government spending limits with surplus revenues returned to taxpayers.

Patron - Frederick

FHJ714 Constitutional amendment (first resolution); taking of private property for public uses. Establishes that the power of eminent domain shall not be exercised when the purpose of the taking or damaging of private property is economic development, the transfer of ownership to a private party, or an increase in tax revenues or employment. This restriction does not apply to entities regulated by the State Corporation Commission. A taking or damaging of private property with the incidental effect of increasing employment, economic development, or tax revenues shall not be sufficient to justify or invalidate the taking or damaging of private property. This resolution was incorporated into HJR 723.

Patron - Rapp

FHJ715 Constitutional amendments (first resolution); Virginia Redistricting Commission. Establishes 13-member Virginia Redistricting Commission to redraw Congressional and General Assembly district boundaries after each decennial census. Provides procedure for appointment of Commission members and standards to govern redistricting plans including the current Constitution's standards on population equality, compactness, and contiguity and additional standards to minimize splits of localities and to prohibit consideration of incumbency and political data. The amendments also provide for 40 senators and 100 delegates rather than the present ranges of 33 to 40 senators and 90 to 100 delegates.

Patron - Plum

FHJ716 Constitutional amendment (first resolution); homestead exemption from property taxation. Provides that the General Assembly may authorize by general law a homestead exemption for up to 20% of the median sales price of homes on lots not exceeding one acre during the immediately preceding year for each homestead actually occupied as the primary permanent residence of a resident of the Commonwealth.

Patron - Watts

FHJ717 Constitutional amendment (first resolution); property tax exemption for certain veterans. Requires the General Assembly to exempt from taxation the property that is the principal residence of a veteran (or widow or widower of a veteran) of the armed forces of the United States who has been determined pursuant to federal law to have a one hundred percent permanent and total service-connected disability. This resolution is identical to HJR 581.

Patron - Frederick

FHJ718 Constitutional amendment (first resolution); Virginia Redistricting Commission. Establishes the Virginia Redistricting Commission to redraw congressional and General Assembly district boundaries after each decennial census. Appointments to the 11-member Commission are to be made in the census year by the most recently retired Chief Justice of the Virginia Supreme Court. Appointments are to be made to represent each congressional district. Persons to be appointed to the Commission shall be retired justices or judges of the Supreme Court, Court of Appeals, or circuit courts. The Commission is directed to certify district plans for the General

Assembly within one month of receipt of the new census data and for the House of Representatives within three months.

Patron - Barlow

FHJ719 Constitutional amendment (first resolution); Virginia Redistricting Commission. Establishes the Virginia Redistricting Commission to redraw Congressional and General Assembly district boundaries after each decennial census. Starting in 2010 and every 10 years thereafter, the Virginia Supreme Court chooses four members of the five-member commission from lists of three nominees from each of the two political parties having the highest and next-highest membership in the General Assembly; these four select a fifth member who is chairman. The Commission is directed to create an efficient system of representation based on standards that include the current Constitution's standards on population equality, compactness, and contiguity, and additional standards to minimize splits of localities. Commissioners cannot have held public or political party office in the preceding five years.

Patron - Moran

FHJ720 Constitutional amendment (first resolution); Transportation Funds. Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, Priority Transportation Fund, and other funds dedicated to transportation by general law. All revenues dedicated to Transportation Funds on January 1, 2007, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan or reduction must be repaid with reasonable interest within three years.

Patron - Moran

FHJ721 Constitutional amendment (first resolution); marriage. Proposes repeal of the new constitutional amendment dealing with marriage by referendum at the November 2008 election. The new amendment approved by voters effective January 1, 2007: (i) defines marriage as "only a union between one man and one woman," (ii) prohibits the Commonwealth and its political subdivisions from creating or recognizing "a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance, or effects of marriage," and (iii) prohibits the Commonwealth or its political subdivisions from creating or recognizing "another union, partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities, or effects of marriage."

Patron - Englin

FHJ722 Constitutional amendment (first resolution); taking of private property for public uses. Establishes limitations on takings of private property. Private property may not be taken under the power of eminent domain unless it is (i) taken for the ownership, possession, occupation, and enjoyment by the public at large, or by public agencies; (ii) to be used for the creation or functioning of a public utility or railroad company that possesses the power of eminent domain; or (iii) is 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 shall not constitute public uses. Property shall not be taken for private commercial enterprise, for economic development, or for any other private use, except with the con-

sent of the owner from whom the property is taken. Property shall not be taken from one owner and transferred to another, whether the transfer is by sale, lease, or otherwise. Any taking of private property must be necessary to achieve the alleged public use. The public interest must dominate the private gain, and any taking under the pretext of an alleged public use shall be impermissible. Any taking for the purpose of conferring a private benefit on a particular private party is impermissible. Whenever an attempt is made to take property for a use alleged to be public, the question of whether the contemplated use is truly public shall be a judicial question and determined without regard to any legislative assertion. This resolution was incorporated into HJR 723.

Patron - Joannou

[F]HJ723 Constitutional amendment (first resolution); taking of private property for public uses. Establishes limitations on takings of private property. Private property may not be taken under the power of eminent domain unless it is (i) taken for the possession, occupation, and enjoyment by the public at large, or by public agencies; (ii) to be used for the creation or functioning of a public service corporation or company, including but not limited to railroad companies that possesses the power of eminent domain; (iii) taken for public highways or other public transportation facilities; or (iv) 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 shall not constitute public uses. Prohibits taking property for private commercial enterprise, economic development, or any other private use, except with the consent of the owner from whom the property is taken. Any taking for the purpose of conferring a private benefit on a private party or identifiable individuals is impermissible. Whenever an attempt is made to take property for a use alleged to be public, the question of whether the contemplated use is truly public shall be a judicial question and determined without regard to any legislative assertion. This resolution incorporates HJRs 579, 714, 722 and 772.

Patron - Bell

[F]HJ724 Constitutional amendment (first resolution); religious freedom. Amends the current religious freedom provisions of the Constitution of Virginia to "secure further the people's right to acknowledge God;" to permit prayer and the recognition of "religious beliefs, heritage, and traditions on public property, including public schools." The current constitutional provision parallels the federal free exercise and establishment clauses of the U.S. Constitution and provides for the free exercise of religion "according to the dictates of conscience" and prohibits the General Assembly from compelling persons to participate in religious activity.

Patron - Carrico

[F]HJ771 Constitutional amendment (first resolution); property exempt from taxation. Authorizes the General Assembly to provide for increases in the property tax exemptions authorized for persons 65 years of age or older based on increases in the age of such persons. This resolution is identical to SJR 362.

Patron - Miller, J.H.

[F]HJ772 Constitutional amendment (first resolution); taking of private property. Establishes limits on the ability to take private property. Private property may not be taken unless the land taken is for the ownership, possession, occupation, and enjoyment by the public at large, or by public agencies, or the land taken is used for the creation or functioning of a public utility or railroad. Takings are also permitted if land taken is blighted and the taking eliminates a direct threat

to public health or safety. An increase in tax base, tax revenues, employment, or general economic health and welfare shall not constitute public uses. Property shall not be taken for any private use, except with consent of the owner. Takings must be necessary to achieve the alleged public use, and the public interest must dominate the private gain. Taking under the pretext of an alleged public use, or to confer a benefit on a particular class of identifiable individuals or a private party, is impermissible. The issue of whether a use is truly public shall be determined without regard to any legislative assertion that the use is public. This resolution was incorporated into HJR 723.

Patron - Cline

[F]SJ180 Constitutional amendment (first resolution); Transportation Funds. Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, Priority Transportation Fund, and other funds dedicated to transportation by general law. All revenues dedicated to Transportation Funds on July 1, 2006, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan or reduction must be repaid with reasonable interest within three years. The amendment limits the use of general and other non-transportation funds for transportation purposes except for certain debt service payments and, additionally, in an amount not to exceed \$80 million in any fiscal year.

Patron - Howell

[F]SJ307 Constitutional amendment (first resolution); restoration of civil rights. Authorizes the General Assembly to provide by general law for the restoration of civil rights for persons convicted of nonviolent felonies who have completed service of their sentence including any period or condition of probation, parole, or suspension of sentence. The present Constitution provides for restoration of rights by the Governor. The amendment retains the right of the Governor to restore civil rights and adds the alternative for restoration of rights pursuant to general law.

Patron - Miller

[F]SJ317 Constitutional amendment (first resolution); Transportation Trust Fund. Provides that the Transportation Trust Fund established in 1986 will be a permanent fund and be funded annually by the General Assembly by appropriations equivalent to the revenues generated by the 1986 package of tax and fee increases or the appropriation for the fiscal year ending June 30, 2006, whichever is greater. The amendment limits the use of Trust Fund moneys to highway construction, improvements, administration, and maintenance, and to improve public transportation, railways, seaports, and airports. The General Assembly may borrow from the Fund for other purposes or reduce the level of required appropriations to the Fund only by a three-fifths vote of members in each house, and the loan or reduction must be repaid within four years. This resolution was incorporated into SJR 373.

Patron - Cuccinelli

[F]SJ338 Constitutional amendments (first resolution); balance of executive and legislative branch powers. Proposes several amendments to the Constitution to (i) extend the Governor's term to six years beginning with the Governor elected in 2009, (ii) continue the prohibition on successive

terms, (iii) provide six-year terms for the lieutenant governor and attorney general, (iv) authorize the General Assembly to nullify or suspend administrative regulations, (v) transfer five of the nine appointments on the Board of Education made by the Governor to the legislature, and (vi) permit the General Assembly to extend a session for any period by a two-thirds vote. This resolution reflects recommendations of the Joint Subcommittee to Study the Balance of Power Between the Legislative and Executive Branches pursuant to HJR 707 (2005) and is identical to HJR 572.

Patron - Devolites Davis

FSJ339 Constitutional amendment (first resolution); legislative sessions. Provides for an organizational session of the General Assembly beginning on the second Wednesday in December or on another day that may be designated in accordance with a joint rule of the General Assembly and lasting no longer than three days. The business of the organizational session would be limited to administrative and procedural matters, the confirmation of gubernatorial and other appointees, and the election of judicial officers. This resolution reflects recommendations of the Joint Subcommittee to Study the Balance of Power Between the Legislative and Executive Branches pursuant to HJR 707 (2005).

Patron - Devolites Davis

FSJ352 Constitutional amendment (first resolution); Virginia Redistricting Commission. Establishes the Virginia Redistricting Commission to redraw Congressional and General Assembly district boundaries after each decennial census. Appointments to the 13-member Commission are to be made in the census year as follows: two each by the President pro tempore of the Senate, Speaker of the House of Delegates, minority leader in each house, and the state chairman of each of the two political parties receiving the most votes in the prior gubernatorial election. The 12 partisan members then select the 13th member by a majority vote, or, if they cannot agree on a selection, they certify the two names receiving the most votes to the Supreme Court, which will name the 13th member. The Commission is directed to certify district plans for the General Assembly within one month of receipt of the new census data or by March 1 of the year following the census, whichever is later, and for the House of Representatives within three months of receipt of the census data or by June 1 of the year following the census, whichever is later. The standards to govern redistricting plans include the current Constitution's standards on population equality, compactness, and contiguity and additional standards to minimize splits of localities and to prohibit consideration of incumbency and political data.

Patron - Deeds

FSJ362 Constitutional amendment (first resolution); property exempt from taxation. Authorizes the General Assembly to provide for increases in the property tax exemptions authorized for persons 65 years of age or older based on increases in the age of such persons. This resolution is identical to HJR 771 and was incorporated into SJR 354.

Patron - Quayle

FSJ371 Constitutional amendment (first resolution); assessment of property for tax purposes. Provides that tax assessments made by any county, city, or town of real property used by its owners solely for single family residential purposes may, by ordinance adopted by the local governing body, be reduced on an annual basis in an amount up to the first \$100,000 of assessed value, provided that such property is the primary residence of its owners. This resolution was incorporated into SJR 354.

Patron - Norment

FSJ373 Constitutional amendment (first resolution); Transportation Funds. Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, and Highway Maintenance and Operating Fund. All revenues dedicated to Transportation Funds on January 1, 2007, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Funds moneys to transportation and related purposes. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan or reduction must be repaid with reasonable interest within three years. The amendment also limits the use of general and other nontransportation funds for transportation purposes except for certain debt service payments and, additionally, in an amount not to exceed \$80 million in any fiscal year. This resolution incorporates SJRs 317 and 376.

Patron - Norment

FSJ376 Constitutional amendment (first resolution); Transportation Funds. Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, Priority Transportation Fund, and other funds dedicated to transportation by general law. All revenues dedicated to Transportation Funds on January 1, 2007, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. This resolution was incorporated into SJR 373.

Patron - O'Brien

FSJ386 Constitutional amendment (first resolution); local real estate tax relief. Provides that localities may, by ordinance, exempt, defer, or freeze the real estate taxes of persons 65 or older or permanently and totally disabled regardless of annual income or financial worth. Localities would be directly authorized to pass such ordinances, and the General Assembly would be prohibited from legislating in regard to such matters except that it may define those persons who are permanently and totally disabled. The current real estate tax relief provisions in the Constitution require that the General Assembly pass enabling legislation for local real estate tax relief programs and also require that such programs be limited to persons 65 or older or permanently and totally disabled who bear an extraordinary real estate tax burden in relationship to their income and financial worth. This resolution was incorporated into SJR 354.

Patron - Wagner

FSJ398 Constitutional amendment (first resolution); property exempt from taxation. Directs the General Assembly to enact legislation that will permit localities to exempt from property taxes up to 20% of the value of residential or farm property that is designed for continuous habitation as a home and is owner-occupied. This resolution was incorporated into SJR 354.

Patron - Whipple

FSJ425 Constitutional amendment (first resolution); property tax assessments. Provides that real property will be assessed at fair market value at the time of purchase plus the fair market value of improvements to the property at the time

of the assessment. This resolution was incorporated into SJR 354.

Patron - Ruff

FSJ443 Constitutional amendment (first resolution); property exempt from taxation. Directs the General Assembly to enact legislation that will permit localities to provide for a partial exemption from, or deferral of, local real property taxes on a taxpayer's primary residence and up to five acres of land associated with his residence. This resolution was incorporated into SJR 354.

Patron - Hanger

Other Resolutions

Passed

HJ566 National Action Week of the United States Bone and Joint Decade. Designates October 12-20, in 2007 and in each succeeding year through 2011, as National Action Week of the United States Bone and Joint Decade in Virginia in support of the national program.

Patron - Peace

HJ575 Energy Conservation Awareness Week. Designates the first week in October, in 2007 and each succeeding year, as "Energy Conservation Awareness Week" in Virginia in support of the national initiative.

Patron - Cosgrove

HJ587 Internet Safety Month. Designates the month of September, in 2007 and in each succeeding year, as Internet Safety Month in Virginia.

Patron - Fralin

HJ609 Designate Asian-Indian American Day. Designates January 26, in 2007 and in each succeeding year, as Asian-Indian American Day in Virginia.

Patron - Albo

HJ615 Capitol Square; Washington Equestrian Monument; report. Directs the Capitol Square Preservation Council, in cooperation with the Clerk of the House of Delegates and the Clerk of the Senate, to plan a commemoration of the unveiling of the George Washington Equestrian Monument in Capitol Square, the 150th anniversary of which will be February 22, 2008.

Patron - O'Bannon

HJ622 Resolution; Commonwealth Educational Roundtable. Requests the Board of Education to establish and regularly convene a Commonwealth Educational Roundtable to facilitate the implementation and continuation of efforts to improve and sustain quality educational leadership in the Commonwealth's public schools.

Patron - Hamilton

HJ627 Designates the third week in September, in 2007 and in each succeeding year, as Civics Education Week in Virginia.

Patron - Tata

HJ632 Korean American Day. Designates January 13, in 2007 and in each succeeding year, as Korean American Day.

Patron - Hugo

HJ647 Nanotechnology Users Network. Requests the Secretary of Technology, in conjunction with the Virginia Research and Technology Advisory Council, to develop recommendations to enable the networking of and access to nanotechnology instrumentation at Commonwealth institutions of higher education, forming a Nanotechnology Users Network.

Patron - Purkey

HJ658 View from James River from Libby Hill Park. Acknowledges the panoramic view of the James River from Libby Hill Park for its historic and critical association with the early development of the City of Richmond and its connection to Richmond-upon-Thames.

Patron - McClellan

HJ659 Jamestown Day. Designates May 13, in 2007 and in each succeeding year, as Jamestown Day in Virginia.

Patron - Callahan

HJ725 Dale Earnhardt Day. Designates April 29, in 2007 and in each succeeding year, as Dale Earnhardt Day in Virginia.

Patron - Marshall, D.W.

HJ726 Healthy Virginians/Healthy Students Week. Designates the third week in September, in 2007 and in each succeeding year, as Healthy Virginians/Healthy Students Week in Virginia.

Patron - Tyler

HJ728 Acknowledging the involuntary servitude of Africans and the exploitation of Native Americans, and calling for reconciliation. Acknowledges with profound regret, on behalf of the Commonwealth, the slavery of Africans and the exploitation of Native Americans, and calls for reconciliation among all Virginians. This resolution is identical to SJR 332.

Patron - McEachin

HJ730 Recognizing Gloucester County's important role in the Yorktown Campaign of 1781.

Patron - Morgan

HJ744 Appreciating and celebrating American values. Expresses the sense of the General Assembly that persons of diverse heritages, cultures, and faiths are welcome in the Commonwealth, and that they are encouraged to exercise their constitutional rights and express their beliefs.

Patron - McEachin

HJ773 Recognizing "Hampton Roads: America's First Region" as the brand for Southeast Virginia.

Patron - Oder

HJ774 Mental health services. Recognizes the Department of Mental Health, Mental Retardation, and Substance Abuse Services as the primary state agency responsible for the planning and delivery of mental health services in the Commonwealth. This resolution also states that neither the Department of Social Services nor the Office of Comprehensive Services is the default system for the provision of mental health services.

Patron - Kilgore

HJ775 Lunar New Year; importance to Virginia's Asian and Pacific Americans. Recognizes the importance of the Lunar New Year and all other Asian new year observances to Virginia's Asian and Pacific American communities.

Patron - Ebbin

☐HR56 Designates the third Saturday of June, in 2007 and in each succeeding year, as "Juneteenth" Freedom Day in Virginia.

Patron - Ware

☐SJ332 Acknowledging the involuntary servitude of Africans and the exploitation of Native Americans, and calling for reconciliation. Acknowledges with profound regret, on behalf of the Commonwealth, the slavery of Africans and the exploitation of Native Americans, and calls for reconciliation among all Virginians. This resolution is identical to HJR 728.

Patron - Marsh

☐SJ334 Financial Aid Awareness Month. Designates February, in 2007 and in each succeeding year, as Financial Aid Awareness Month in Virginia.

Patron - Ruff

☐SJ343 Civics Education Week in Virginia. Designating the third week in September, in 2007 and in each succeeding year, as Civics Education Week in Virginia.

Patron - Reynolds

☐SJ420 Hampton Roads: America's First Region. Recognize "Hampton Roads: America's First Region" as the brand for Southeast Virginia.

Patron - Quayle

☐SJ446 Korean American Day. Designates January 13, in 2007 and in each succeeding year, as Korean American Day.

Patron - Devolites Davis

☐SJ479 Commemorates the settlement of Jamestown on the occasion of its 400th anniversary.

Patron - Norment

Failed

☐HJ567 Resolution; humane treatment of animals; report. Requests the Department of Education to include standards on animal safety and the humane treatment of animals in future revisions of the Standards of Learning. However, in the event that the Department of Education determines that such a revision of the Standards of Learning is not feasible, the Department shall propose alternative methods of achieving the objective of including instruction on the humane treatment of companion animals to children in the public schools through the character education curriculum.

Patron - Alexander

☐HJ583 Encouraging the Department of Health to seek federal funding and support from the Virginia Congressional Delegation. Encourages the Department of Health to continue to seek federal funding and support from the Virginia Congressional Delegation for the Virginia Cord Blood Bank Initiative. Recommendation of the Joint Subcommittee Studying Medical, Ethical, and Scientific Issues Relating to Stem Cell Research Conducted in the Commonwealth.

Patron - Marshall, R.G.

☐HJ595 Disease management of COPD. Encourages the Department of Medical Assistance Services to consider disease management of chronic obstructive pulmonary disease (COPD) in an effort to reduce financial and clinical burdens.

Patron - Dance

☐HJ605 Emergency preparedness plans for Virginia Community College System. Requests the Virginia Community College System and the Office of Commonwealth Preparedness to establish a partnership to provide resources for emergency preparedness training.

Patron - Caputo

☐HJ606 I-66 shoulder lanes. Requests VDOT to allow vehicular traffic to use shoulder lanes on I-66 for an additional hour in the morning and an additional hour in the afternoon.

Patron - Caputo

☐HJ616 Memorializes the Virginia Congressional Delegation and the Governor to urge Congress to timely reauthorize the State Children's Health Insurance Program (SCHIP) to ensure federal funding for FAMIS.

Patron - O'Bannon

☐HJ639 Encouraging the development of guidelines to ensure religious freedom in higher education. Encourages the State Council of Higher Education to establish guidelines to ensure religious freedom at institutions of higher education in the Commonwealth.

Patron - Cline

☐HJ657 Department of Medical Assistance Services; managed care. Encourages the Department of Medical Assistance Services to expand the use of managed care to new regions of the state and additional eligibility groups.

Patron - Melvin

☐HJ727 Local school divisions; childhood obesity. Encourages local school divisions to continue efforts to address childhood obesity.

Patron - Tyler

☐HJ757 General Assembly; television coverage of legislative sessions. Expresses the sense of the General Assembly that television coverage of the sessions of the House of Delegates and the Senate should be provided to public and private broadcasting interests for transmission to the citizens of the Commonwealth.

Patron - Caputo

☐HR44 Memorialize the Governor of Maryland and the Mayor of the District of Columbia. Urges construction of Interstate Route 95 through the District of Columbia.

Patron - Marshall, R.G.

☐HR45 House of Delegates; webcasts and telecasts of proceedings. Directs the House Committee on Rules to adopt procedures for a one-year pilot project that provides for video and audio transmission, through the Internet and public television, of the daily sessions of the House of Delegates.

Patron - Landes

☐HR47 House of Delegates; webcasts of proceedings. Directs the House Committee on Rules to adopt procedures, no later than the first day of the 2008 Regular Session, that provide for Internet broadcasting (webcasts) of the video and audio transmission of the daily sessions of the House of Delegates. This resolution was incorporated into HR 45.

Patron - Englin

☐SJ324 Alson H. Smith Teachers' Day. Designate August 28th, in 2007 and in each succeeding year, as Alson H. Smith Teachers' Day.

Patron - Potts

FSJ333 Commending Native Americans and African Americans on their contributions to the Commonwealth and American life. Commends and recognizes the many achievements and contributions of Native Americans, particularly of Virginia, and African Americans to the Commonwealth, nation, and the world, upon the commencement of the commemoration of the 400th anniversary of the first permanent English settlement in Jamestown in 2007. This resolution was incorporated into SJR 332.

Patron - Marsh

FSJ349 "65 Percent Solution." Recognizes the problems with and implications of the "65 Percent Solution," a proposal to urge states to amend their laws to require that at least 65% of the operating budget for public schools must be spent on classroom expenses, or to enact legislation that supports this goal. This resolution also expresses opposition to the implementation of the "65 Percent Solution" and cautions that the plan should be carefully considered.

Patron - Miller

FSJ374 Resolution; school divisions of the Commonwealth. Encourages the school divisions of the Commonwealth to strengthen their commitment to childhood obesity prevention by increasing opportunities for participation in healthy activities and emphasizing good nutrition in the public schools.

Patron - Whipple

FSJ375 Humane Treatment for Companion Animals Education Week. Designates the first full week in February, in 2007 and in each succeeding year, as Humane Treatment for Companion Animals Education Week in Virginia and encourages the Department of Education to advise all public school divisions in Virginia to participate in the week.

Patron - Whipple

FSJ383 "65 Percent Solution." Recognizes the problems with and implications of the "65 Percent Solution," a proposal to urge states to amend their laws to require that at least 65% of the operating budget for public schools must be spent on classroom expenses, or to enact legislation that supports this goal. This resolution also expresses opposition to the implementation of the "65 Percent Solution" and cautions that the plan should be carefully considered.

Patron - Miller

FSJ384 Department of Medical Assistance Services; managed care. Encourages the Department of Medical Assistance Services to expand the use of managed care to new regions of the state and additional eligibility groups.

Patron - Lambert

FSJ387 Memorializing the Congress to oppose implementation of the NAFTA Superhighway System and the creation of a North American Union. Calls on Congress to take such constitutional action as may be necessary to prevent the executive branch of the federal government from unilaterally implementing the NAFTA Superhighway System and the creation of a North American Union.

Patron - Reynolds

FSJ394 Energy Conservation Awareness Week. Designates the first week in October, in 2007 and each succeeding year, as "Energy Conservation Awareness Week" in Virginia in support of the national initiative.

Patron - Watkins

FSJ416 Memorializes the Virginia Congressional Delegation and the Governor to urge Congress to timely

reauthorize the State Children's Health Insurance Program (SCHIP) to ensure federal funding for FAMIS.

Patron - Martin

FSJ442 Resolution to Congress; Security and Prosperity Partnership of North America. A Concurrent Resolution from the Legislature of the State of Virginia to the Congress of the United States of America and to the Congressional Delegation of the State of Virginia. Petitions Congress to withdraw the U. S. from the Security and Prosperity Partnership of North America and any other bilateral or multilateral activity that seeks to create a North American Union.

Patron - Lucas

FSR47 Encouraging the Commissioners of the State Corporation Commission to attend public hearings on applications for construction of high voltage transmission lines and for increases in toll rates. Encourages the Commissioners of the State Corporation Commission to attend hearings that are conducted to receive public comment on applications for approval to construct overhead electrical transmission lines of at least 150 kilovolts and on applications for increases in toll rates under the Virginia Highway Corporation Act of 1988.

Patron - Herring

Miscellaneous (Including Budget and Bonds)

Passed

PHB1650 Budget Bill. Appropriates public revenues and provides a portion of such revenues for the two years ending, respectively, on the thirtieth day of June, 2007, and the thirtieth day of June, 2008.

Patron - Callahan

PHB1711 Bonds; public institutions of higher learning. Authorizes the issuance of up to \$103,550,000 in 9(c) debt for capital projects at public institutions of higher learning. The bill contains an emergency clause.

Patron - Callahan

PHB2090 Claims; Walter S. Lingeback. Amends previous legislation providing relief to Walter S. Lingeback. In 1971, Mr. Lingeback purchased real property in Northumberland County pursuant to the treasurer's delinquent tax sale. Under law at the time, Mr. Lingeback would have been eligible after a number of years to make application to obtain clear title; however, a statute that would have permitted him to continue the process to completion was repealed in 1984 pursuant to the recodification of Title 58 of the Code of Virginia because it was deemed "obsolete." The amendment allows Mr. Lingeback to institute a proceeding in the circuit court of Northumberland County to obtain a deed to such property in accordance with the provisions of the former § 58-1027 or former §§ 58-1029 through 58-1117 and extends the sunset provision from July 1, 2007, to July 1, 2008. This bill contains an emergency clause.

Patron - Tata

PHB2323 Claims; Anna Malenick Evans. Provides relief in the amount of \$49,892.98 to Anna Malenick Evans for damages that she incurred related to the replacement of a septic system. The system was damaged when Virginia Department of Transportation contractors drove heavy machinery across its drain lines. In addition, Ms. Evans asserts that the Prince William County Health Department failed to timely notify her of

problems with the septic system. The amount of the relief shall be paid from the Onsite Sewage Indemnification Fund.

Patron - Gilbert

HB3144 Award of service pistol and shotgun to Captain Kimberly S. Lettner. Provides for the transfer to Captain Kimberly S. Lettner of the service pistol and shotgun she used while employed with the Department of State Police.

Patron - Wardrup

SB770 Bonds; public institutions of higher learning. Authorizes the issuance of up to \$103,550,000 in 9(c) debt for capital projects at public institutions of higher learning. This bill contains an emergency clause.

Patron - Chichester

SB881 Awards service handgun of Trooper Kevin Carder Manion. Awards the service handgun of Trooper Kevin Carder Manion to his parents, William K. and Frances Carder Manion.

Patron - Deeds

SB1099 Washington Metropolitan Area Transit Commission. Provides that the Virginia member of the Washington Metropolitan Area Transit Commission will be appointed by the Governor from the Department of Motor Vehicles instead of from the State Corporation Commission.

Patron - Williams

Failed

HB1712 Virginia Public Building Authority; prison construction. Authorizes (i) the Virginia Public Building Authority to issue bonds in an amount not to exceed \$106,500,000 for the construction of a medium security prison in the Mt. Rogers Planning District, and for state parks; (ii) the Virginia College Building Authority to issue bonds not to exceed \$241,835,488 to fund the costs of numerous capital projects at public institutions of higher education; and (iii) authorizes the Commonwealth Transportation Board (CTB) to issue bonds in an amount not to exceed \$2 billion for transportation purposes. The bill dedicates certain insurance premium tax revenue, and \$163 million in surplus funds to pay debt service on the bonds issued by the CTB. The remaining surplus of \$64 million is appropriated to the Transportation Trust Fund.

Patron - Callahan

HB1725 Transportation; bonds for specific project. Authorizes the Commonwealth Transportation Board to issue bonds in the principal amount of \$550 million to finance the cost of adding an additional lane on both the northbound and southbound lanes of Interstate 95 from Dumfries to Massaponax in Spotsylvania County to expand the regular travel lanes (not the HOV lanes).

Patron - Cole

HB1812 Claims; William E. McQueen. Provides relief for William E. McQueen in the amount of \$8,576 to be paid by August 1, 2007. Mr. McQueen was arrested and charged with uttering and obtaining money under false pretenses. He was unable to post bond and therefore was held in custody until trial. A jury unanimously found him not guilty of the charges. The relief sought is to compensate Mr. McQueen for the 16 months that he was held in custody until his acquittal and release.

Patron - Dance

HB2432 Claims; Dylan Scott Stanley. Provides relief for Dylan Scott Stanley in the amount of \$50,000 to be

paid by August 1, 2007, to cover past and future medical expenses. His mother contracted a neurological virus while in the performance of her duties as a paramedic with the Fairfax County Department of Fire and Rescue. Dylan Stanley contracted the disease from his mother.

Patron - Albo

HB2879 Claims; Charles City County. Provides for the payment of \$166,000 to Charles City County to reimburse the county for costs associated with housing state prisoners in the Riverside Regional Jail facility.

Patron - McEachin

HB2889 Claims; Rodney Robinette and Susan Cowden. Provides relief for Rodney Robinette and Susan Cowden in the amount of \$175.00 to be paid by August 1, 2007. Mr. Robinette and Ms. Cowden paid \$175.00 to purchase property at an escheat sale. It was subsequently discovered that the property had improperly escheated to the Commonwealth.

Patron - Phillips

HB3067 Bonds for highway construction and mass transit. Authorizes the Commonwealth Transportation Board to issue bonds in an aggregate principal amount not to exceed \$2 billion (with no more than \$325 million to be issued in any one fiscal year), with 84.3% of the proceeds to be used for highway construction in each highway construction district on a pro rata basis according to population, and the remaining proceeds to be used for mass transit purposes. This bill was incorporated into HB 3202.

Patron - Callahan

SB750 Budget Bill. Appropriates public revenues and provides a portion of such revenues for the two years ending, respectively, on the thirtieth day of June 2007 and the thirtieth day of June 2008.

Patron - Chichester

SB857 Commonwealth Transportation Board; bonds for Route 58 Corridor. Authorizes the Commonwealth Transportation Board to issue bonds in an additional amount not to exceed \$196 million to fund certain specified transportation projects in the Route 58 Corridor.

Patron - Reynolds

Study Resolutions

Passed

HJ584 Continuing the Joint Subcommittee to Study Medical, Ethical, and Scientific Issues Relating to Stem Cell Research Conducted in the Commonwealth; report. Continues the study for another year for the purpose of monitoring the progress of the Virginia Cord Blood Bank Initiative and reviewing new and emerging issues in stem cell research.

Patron - Marshall, R.G.

HJ603 Personal rapid transit; report. Requests the Secretary of Transportation to study, over two years, the benefits, costs, and overall viability of personal rapid transit as a public transportation option for Virginia.

Patron - Oder

HJ611 Business, law, and policy graduate programs in state institutions of higher education; report.

Establishes a joint subcommittee to study science and technology education in business, law, and policy graduate programs in state institutions of higher education.

Patron - Purkey

☐HJ637 Childhood obesity; report. Establishes a joint subcommittee to study childhood obesity in Virginia's public schools. The joint subcommittee shall ascertain methods of combating childhood obesity in Virginia public schools and examine the relationship between the health and physical education curriculum; public health policies; social, economic, and cultural influences; media messages; and the incidence of overweight and obese students in the public schools. This joint subcommittee shall also examine methods to increase parental involvement and education to ensure proper nutrition of children, and survey other states to determine practices that have been useful in combating childhood obesity.

Patron - O'Bannon

☐HJ642 Virginia's competitiveness in attracting and retaining faculty for public institutions of higher education; report. Requests the State Council of Higher Education to conduct as a follow up to the development of its new strategic plan, an assessment of Virginia's competitiveness in attracting and retaining faculty at Virginia's public institutions of higher education.

Patron - Nutter

☐HJ650 Crab traps; report. Requests the Center for Coastal Resources Management at the Virginia Institute of Marine Science to continue its study of abandoned and discarded crab traps.

Patron - Lingamfelter

☐HJ652 Continuing the Joint Subcommittee to Study the Commonwealth's Program for Prisoner Reentry to Society for the purpose of receiving the recommendations and report of the Virginia Prisoner Reentry Policy Academy; report. Continues the Joint Subcommittee to Study the Commonwealth's Program for Prisoner Reentry to Society for the purpose of receiving the recommendations and report of the Virginia Prisoner Reentry Policy Academy. In conducting its study, the joint subcommittee shall (i) process its proposals for discussion to offer appropriate recommendations therefrom; (ii) monitor the work of the Virginia Prisoner Reentry Policy Academy and its pilot programs; (iii) receive the report and recommendations of the Academy regarding the results of the pilot programs; and (iv) synthesize the joint subcommittee's proposals and the Academy's recommendations and recommend such feasible and appropriate alternatives that may reasonably facilitate the successful reintegration of prisoners in their communities. In addition, the joint subcommittee shall (i) evaluate the existing education program for prisoners in Virginia, including the advantages and benefits of the program for prisoners, their families, and the community, and its effect on recidivism; (ii) identify program needs, including ways to accommodate more inmates, and recommend solutions; (iii) review prisoner education programs in other states; (iv) consider financial aid alternatives to assist inmates in accessing college, and ways to fund college education programs for prisoners in the Commonwealth; (v) examine the relationship between poor educational opportunities, delinquency, unidentified learning disabilities, and crime; and (vi) determine the number of inmates with learning disabilities, and the average reading level of inmates in state and local adult and juvenile correctional institutions. This resolution is a recommendation of the Joint Subcommittee to Study the Commonwealth's Program for Prisoner Reentry to Society, and is identical to SJR 327.

Patron - Welch

☐HJ683 Cost of substance abuse to the Commonwealth; report. Directs JLARC to study the cost of substance abuse to the Commonwealth to determine the financial savings available to the Commonwealth as a result of providing treatment to offenders diverted from incarceration.

Patron - Landes

☐HJ686 Green power program; report. Directs the Commission on Electric Utility Restructuring to include in its deliberations an evaluation of the efficacy of a voluntary program to encourage the production of electricity from renewable resources.

Patron - Plum

☐HJ688 Mid-Atlantic Regional Spaceport; report. Directs the Joint Commission on Technology and Science (JCOTS) to study the development and utilization of the Mid-Atlantic Regional Spaceport. In conducting its study, the Joint Commission on Technology and Science shall (i) identify any federal or state regulatory impediments, including taxation, to the development of the Mid-Atlantic Regional Spaceport; (ii) identify threats to the spaceport's viability, such as encroachment, zoning, mineral exploration and exploitation, and noncompatible uses of the spaceport; (iii) identify potential economic development opportunities and marketing strategies to attract launch companies to Virginia; (iv) identify potential state legal barriers to human spaceflight, including liability and assumption of risk issues; (v) identify specific areas where the Commonwealth needs to invest in infrastructure and marketing to enable the achievement of the spaceport's full potential; and (vi) develop a long-term strategic plan to make the Mid-Atlantic Regional Spaceport the premiere commercial hub for space travel in the United States. In its deliberations, the Commission shall provide for the contributions and participation of representatives of the aerospace, suborbital, or orbital launch industries, the Maryland Department of Business and Economic Development, the Secretary of Technology, Secretary of Commerce and Trade, Secretary of Finance, Executive Director of the Virginia Commercial Space Flight Authority, and Executive Director of the Virginia Economic Development Partnership or their designees. These persons shall contribute to and participate in the study in the manner deemed appropriate by the Commission in the furtherance of its work. This resolution incorporates HJR 621 and HJR 695.

Patron - Plum

☐HJ692 Continues the Joint Subcommittee Studying Long-Term Funding for the Purchase of Development Rights to Preserve Open-Space and Farmlands; report. Continues for an additional year the Joint Subcommittee Studying Long-Term Funding Sources for the Purchase of Development Rights to Preserve Open-Space Land and Farmlands. In conducting its study, the joint subcommittee shall review recent funding for the preservation of open-space and other conservation land; the future needs of the Commonwealth for open-space and other conservation land, including but not limited to: working farms and forests, wildlife habitat and gamelands, natural areas, parks, and historic resources; the mix of programs best suited to meet such needs, including but not limited to Purchase of Development Rights programs; the cost of such needs; and long-term funding to pay the costs. In addition, the joint subcommittee shall develop a plan for the sharing of the costs of land preservation among the Commonwealth and its local governments. Further, the joint subcommittee shall identify strategies for increasing land preservation, water supply protection and the availability of large parks to serve Northern Virginia. This resolution incorporates HJR 576 and is identical to SJR 401.

Patron - Cline

☐HJ694 The impacts of biosolids; report. Requests the Secretary of Natural Resources and the Secretary of Health and Human Resources to convene a panel of experts to study the impact of land application of biosolids (sewage sludge) on human health and the environment.

Patron - Byron

☐HJ696 Virginia Housing Commission; overcrowding of residential dwelling units and its impact on neighborhoods and localities; report. Directs the Virginia Housing Commission to study the impacts of and solutions for residential overcrowding.

Patron - Miller, J.H.

☐HJ701 Study; health care provider liability; report. Establishes a joint subcommittee to study the feasibility of offering liability protections to health care providers rendering aid during a state or local emergency. The joint subcommittee shall examine the estimated benefits to the citizens of the Commonwealth of enhanced liability protections for health care providers during emergencies as well as determine how many other states provide these kinds of liability protections. This resolution is identical to SJR 390.

Patron - Hamilton

☐HJ709 State park along South Mayo and North Mayo Rivers; report. Requests the Department of Conservation and Recreation to study the feasibility of establishing a state park along the South Mayo and North Mayo Rivers in Henry County and designating those rivers as scenic under the Scenic Rivers Act.

Patron - Hurt

☐HJ729 Virginia Preschool Initiative; report. Directs the Joint Legislative Audit and Review Commission to study the Virginia Preschool Initiative. In conducting its study, the Joint Legislative Audit and Review Commission shall (i) review the statutory authorization for the Virginia Preschool Initiative and funding therefor; (ii) determine the costs of the program to the state and localities since its inception; (iii) assess the manner in which the program has been implemented in the several school divisions and the effectiveness of the current program in preparing at-risk four-year-olds for school readiness and success; (iv) evaluate the continued K-12 academic performance of students who participated in the current preschool program; (v) identify and assess the program's accountability measures to promote effective programs and efficient use of public funds; (vi) study the concept of the Universal Preschool or Pre-K, including which other states have adopted these programs and their success, if any; (vii) evaluate the additional costs, if any, of aligning components of the Virginia Preschool Initiative with the Quality Standards checklist recommended by the National Institute for Early Education Research; (viii) determine whether research has been conducted concerning the efficacy of preschool programs for children of middle- and upper-income parents and report the findings and recommendations; and (ix) consider such other related matters as the Commission deems appropriate to meet the objectives of this study. The Commission must submit its executive summary and report to the 2008 Regular Session of the General Assembly.

Patron - Cox

☐HJ743 Tax incentives for fire and rescue squad volunteers; report. Creates a joint subcommittee to examine incentives used for fire and rescue squad volunteers to recruit and retain qualified individuals.

Patron - Rust

☐SJ327 Continuing the Joint Subcommittee to Study the Commonwealth's Program for Prisoner Reentry to Society; report. Continues the Joint Subcommittee to Study the Commonwealth's Program for Prisoner Reentry to Society. In conducting its study, the joint subcommittee shall (i) process its proposals for discussion to offer appropriate recommendations therefrom; (ii) monitor the work of the Virginia Prisoner Reentry Policy Academy and its pilot programs; (iii) receive the report and recommendations of the Academy regarding the results of the pilot programs; and (iv) synthesize the joint subcommittee's proposals and the Academy's recommendations and recommend such feasible and appropriate alternatives that may reasonably facilitate the successful reintegration of prisoners in their communities. In addition, the joint subcommittee shall (i) evaluate the existing education program for prisoners in Virginia; (ii) identify program needs; (iii) review prisoner education programs in other states; (iv) consider financial aid alternatives to assist inmates in accessing college; (v) examine the relationship between poor educational opportunities, delinquency, unidentified learning disabilities and crime; and (vi) determine the number of inmates with learning disabilities and the average reading level of inmates. The joint subcommittee is limited to four meetings during the 2007 Interim. This resolution incorporates SJR 363 and is identical to HJR 652.

Patron - Puller

☐SJ329 High school dropout and graduation rates; report. Requests the Board of Education to study high school dropout and graduation rates in the Commonwealth. In conducting its study, the Board of Education shall (i) evaluate the relevancy of the current process and procedures for defining, counting, and reporting school dropout statistics and consider the need for revisions in such process and procedures and compliance by school divisions; (ii) determine the number of students who dropped out of school before the seventh grade and the reasons therefor and the number of students who graduated annually, for school years 2003, 2004, 2005, and 2006; (iii) ascertain whether, by whom, and the manner in which students at risk of dropping out are counseled to remain in school; (iv) identify local school division initiatives and efforts to retain and retrieve students at risk of dropping out, particularly student populations with low high school graduation rates; and (v) recommend such policy, statutory, fiscal, or regulatory changes as the Board may deem necessary to increase the high school graduation rates, particularly among student populations with high dropout rates. The Board must submit its executive summary and report to the 2008 Session of the General Assembly.

Patron - Locke

☐SJ347 Farm-to-School Task Force; report. Requests the Secretary of Agriculture and Forestry and the Secretary of Education to establish a farm-to-school task force to develop a plan for implementing a Farm-to-School Program in Virginia.

Patron - Potts

☐SJ361 Study; waste minimization; report. Requests the Joint Legislative Audit and Review Commission to study waste minimization, reuse, and recycling. JLARC will evaluate the success of programs in Virginia and other states, and recommend a plan to achieve long-term waste minimization. This is a two-year study.

Patron - Ticer

☐SJ366 Virginia Housing Commission; state incentives for targeted affordable housing development and regional planning initiatives; report. Directs the Virginia Housing Commission to study state incentives for (i) develop-

ments that locate affordable housing near identified employment centers, high-density districts, and transit areas including acknowledgement of the impact of commuting on affordable housing, and (ii) local jurisdictions that participate in regional planning efforts for projected job growth impact analysis that includes all income ranges and housing types.

Patron - Whipple

PSJ372 Health insurance experience pool for educators and local government employees; report. Establishes a joint subcommittee to study the feasibility of a state-wide health insurance experience pool for educators and local government employees, including state and local early retirees not eligible for Medicare. The joint subcommittee must submit its findings and recommendations to the 2008 Session of the General Assembly. This resolution incorporates SJR 308.

Patron - Norment

PSJ377 Financial incentives in other states to support adoption; report. Requests the Department of Taxation to examine current financial incentives in other states to support adoption. The Commonwealth currently does not offer any tax assistance to promote adoption. Cites prior studies that reveal the pressing need to find homes for children, but conclude that financial costs are a barrier to adoption.

Patron - O'Brien

PSJ378 Revision of driver training program curricula; report. Establishes a joint subcommittee to study revision of the curriculum for driver training programs.

Patron - O'Brien

PSJ380 Mid-Atlantic Regional Spaceport; report. Directs the Joint Commission on Technology and Science to study the enhanced development of cargo, space exploration, and space tourism at the Mid-Atlantic Regional Spaceport. In conducting its study, JCOTS shall (i) identify any federal or state regulatory impediments, including taxation, to the development of the Mid-Atlantic Regional Spaceport; (ii) identify threats to the spaceport's viability, such as encroachment, zoning, mineral exploration and exploitation, and noncompatible uses of the spaceport; (iii) identify potential economic development opportunities and marketing strategies to attract launch companies to Virginia; (iv) identify potential state legal barriers to human spaceflight, including liability and assumption of risk issues; (v) identify specific areas where the Commonwealth needs to invest in infrastructure and marketing in order to enable the achievement of the spaceport's full potential; and (vi) develop a long-term strategic plan to make the Mid-Atlantic Regional Spaceport the premiere commercial hub for space travel in the United States.

Patron - Rerras

PSJ385 Fuel efficiency and transportation funding; report. Creates a joint subcommittee to study long-term funding solutions for transportation that do not depend on the motor vehicle fuels tax. The development of alternative fuels and fuel-efficient vehicles has many benefits for the Commonwealth, but will inversely affect the revenue generated by the motor vehicles fuels tax due to decreased consumption. The joint subcommittee would also be directed to study ways to encourage and promote the use of alternative-fuels and fuel-efficient vehicles.

Patron - Wagner

PSJ390 Health care provider liability; report. Creates a joint subcommittee to study the feasibility of offering liability protections to health care providers rendering aid during a state or local emergency. The joint subcommittee shall examine the estimated benefits to the citizens of the Common-

wealth of enhanced liability protections for health care providers during emergencies as well as determine how many other states provide these kinds of liability protections. This resolution is identical to HJR 701.

Patron - Newman

PSJ395 Joint Legislative Audit and Review Commission; substance abuse issues that impact state and local fiscal expenditures; report. Directs JLARC to study the impact of issues related to substance abuse on state and local fiscal expenditures. In conducting its study, the Commission shall examine existing programs, the need for new programs, and funding initiatives that could potentially save significant sums of money focusing on prevention and treatment of substance abuse.

Patron - Hanger

PSJ401 Continues the Joint Subcommittee Studying Long-Term Funding for the Purchase of Development Rights to Preserve Open-Space and Farmlands; report. Continues for an additional year the Joint Subcommittee Studying Long-Term Funding Sources for the Purchase of Development Rights to Preserve Open-Space Land and Farmlands. In conducting its study, the joint subcommittee shall review recent funding for the preservation of open-space and other conservation land; the future needs of the Commonwealth for open-space and other conservation land, including but not limited to: working farms and forests, wildlife habitat and gamelands, natural areas, parks, and historic resources; the mix of programs best suited to meet such needs, including but not limited to Purchase of Development Rights programs; the cost of such needs; and long-term funding to pay the costs. In addition, the joint subcommittee shall develop a plan for the sharing of the costs of land preservation among the Commonwealth and its local governments. Further, the joint subcommittee shall identify strategies for increasing land preservation, water supply protection and the availability of large parks to serve Northern Virginia. This resolution incorporates SJR 396 and is identical to HJR 692.

Patron - Hanger

PSJ418 Redistricting the judicial circuits; report. Establishes a joint committee of the Senate Committee for Courts of Justice and the House Committee for Courts of Justice to study redistricting the judicial circuits.

Patron - McDougle

Failed

FHJ576 Continues the Joint Subcommittee Studying Long-Term Funding for the Purchase of Development Rights to Preserve Open-Space and Farmlands; report. Continues for an additional year the Joint Subcommittee Studying Long-Term Funding Sources for the Purchase of Development Rights to Preserve Open-Space Land and Farmlands. This resolution was incorporated into HJR 692.

Patron - Lewis

FHJ582 Effects of no-fault divorce; report. Establishes a joint subcommittee to study the effect of no-fault divorce on the formation, duration, and dissolution of marriage in the Commonwealth with particular attention paid to the effect of no-fault divorce on marriage and divorce rates.

Patron - Marshall, R.G.

FHJ589 Light rail transportation along the Washington and Old Dominion Rail Trail; report. Creates a joint subcommittee to study for one year the feasibility and desir-

ability of constructing light rail transportation along the existing Washington and Old Dominion Rail Trail.

Patron - Marshall, R.G.

FHJ591 Costs of development; report. Establishes a joint committee of the House Committee on Counties, Cities and Towns, House Committee on Transportation, Senate Committee on Local Government, and Senate Committee on Transportation to study the identifiable costs of new residential and commercial development in Virginia.

Patron - Marshall, R.G.

FHJ594 State Council of Higher Education for Virginia; report. Requesting the State Council of Higher Education for Virginia to study the feasibility of establishing an online public institution of higher education.

Patron - Poisson

FHJ597 Sales tax nexus; report. Creates a joint subcommittee composed of eight members of the General Assembly to study sales tax nexus. The joint subcommittee will evaluate: (i) the current law for the establishment of nexus for sales and use tax purposes, (ii) the requirements for creating sufficient nexus for tax purposes, (iii) the pros and cons nexus creates in the area of taxation, and (iv) whether the application of the nexus law in relation to separate corporate subsidiaries should be changed.

Patron - Peace

FHJ602 Unfunded state mandates; report. Establishes a joint subcommittee to undertake a comprehensive examination of the impact of unfunded state mandates on localities, the scope and cost of presently unfunded mandates, and any possible means to lessen or limit the impact of both unfunded and underfunded mandates.

Patron - Saxman

FHJ607 Funding for transportation programs; report. Creates a 10-member joint subcommittee to study financing for state highway, passenger rail, and mass transit programs.

Patron - Caputo

FHJ608 Directing the General Assembly to study the costs of development; report. Establishes a joint subcommittee to study the identifiable costs of new residential and commercial development in Virginia and the manner in which those costs are currently borne or would likely be borne.

Patron - Marshall, R.G.

FHJ612 Small business acting collectively to obtain health insurance; report. Establishes a joint subcommittee to study whether state laws and regulations impede the ability of small businesses to act collectively in procuring health insurance. The study shall propose recommendations for legislation to eliminate any barriers created by state laws and regulations found to be so impeding small businesses.

Patron - Purkey

FHJ613 Commonwealth's uninsured population; report. Directs the Joint Legislative Audit and Review Commission to study the Commonwealth's uninsured population. The study is to address the number of uninsured Virginians, the reasons they do not have health insurance, the duration of periods of being without insurance, their eligibility for health insurance coverage or government health care programs, the health services they utilize, and the effect that the provision of these health services has on private health insurance premiums and government spending.

Patron - Purkey

FHJ621 Mid-Atlantic Regional Spaceport; report. Establishes a joint subcommittee to study the development and utilization of the Mid-Atlantic Regional Spaceport. In conducting its study, the joint subcommittee shall (i) identify any federal or state regulatory impediments, including taxation, to the development of the Mid-Atlantic Regional Spaceport; (ii) identify potential economic development opportunities and marketing strategies to attract launch companies to Virginia; (iii) identify potential state legal barriers to human spaceflight, including liability and assumption of risk issues; and (iv) develop a long-term strategic plan to make the Mid-Atlantic Regional Spaceport the premiere commercial hub for space travel in the United States. This resolution was incorporated into HJR 688.

Patron - Kilgore

FHJ623 Highway classification system; report. Establishes a joint subcommittee to study the desirability, feasibility, and consequences of replacing administrative classification of highways with a functional classification system.

Patron - McQuigg

FHJ625 Institution of higher education in the City of Virginia Beach; report. Establishes a joint subcommittee to study the feasibility of establishing a four-year degree-granting institution of higher education in the City of Virginia Beach.

Patron - Tata

FHJ630 System for charging user fees; report. Creates a joint subcommittee to study the feasibility of creating and implementing an equitable system for charging highway user fees.

Patron - Marshall, R.G.

FHJ631 Pay parity for licensed practical nurses and nursing aides; report. Requests the Board of Nursing to (i) study pay rates for LPNs, nursing aides, and other nursing staff in other states; (ii) analyze pay scales for LPNs, nursing aides, and other nursing staff in Virginia; (iii) identify factors affecting pay rates in Virginia; and (iv) identify steps that can be taken to ensure that Virginia's rates are competitive with rates throughout the nation, making Virginia an attractive environment to LPNs and nursing aides seeking to establish careers.

Patron - Carrico

FHJ634 Virginia Retirement System benefits; report. Directs the Joint Legislative Audit and Review Commission to evaluate all benefit programs administered by the Virginia Retirement System, including, but not limited to service and disability retirement, pension death benefits, life insurance, deferred compensation, short and long-term disability benefits, long-term care insurance, health insurance credits, law-enforcement benefits, and defined contribution plans.

Patron - Tata

FHJ635 Joint Commission on Health Care; stroke prevention and care; report. Directing the Joint Commission on Health Care to study stroke prevention and care across the Commonwealth. Describes stroke as a leading cause of death in Virginia. In addition, strokes create large numbers of patients with long-term disabilities that incur high medical costs. Recognizes national recommendations for coordinated systems of care to improve stroke prevention and treatment.

Patron - O'Bannon

FHJ636 Joint Commission on Health Care; housing opportunities for persons with mental illness; report. Directs the Joint Commission on Health Care to study ways to improve housing opportunities for persons with mental illness.

Describes the rising costs and challenge of finding housing for consumers with mental illness, which may undermine their treatment.

Patron - O'Bannon

FHJ640 Fiscal autonomy for elected school boards; report. Directs the Joint Legislative Audit and Review Commission to study implications of granting fiscal autonomy to elected school boards in the Commonwealth. In conducting its study, the Joint Legislative Audit and Review Commission shall (i) examine state constitutional and statutory issues regarding school board supervisory authority, (ii) study the respective roles of local school boards and the relevant local governing body in delivering and funding public education, (iii) examine fiscal authority models in other states and (iv) consider such other issues as it deems appropriate. The Joint Legislative Audit and Review Commission must submit an executive summary of its findings and recommendations to the 2008 Session of the General Assembly.

Patron - Amundson

FHJ641 Accessibility to vision care services and products by Virginia consumers; report. Directs the Joint Legislative Audit and Review Commission to study the impact of current law impeding accessibility to vision care services and products by Virginia consumers. In conducting its study, the Joint Legislative Audit and Review Commission is to (i) review the independent studies reported by and conducted by the Federal Trade Commission and (ii) review complaints relating to quality issues against all optometrists in selected states that do not have commercial and mercantile location prohibitions similar to those in Virginia.

Patron - Putney

FHJ643 Severe shortage of medical doctors; report. Establishes a joint subcommittee to study how Virginia should address the existing and upcoming shortage of medical doctors. Recognizes the possibility of a dire shortage of medical doctors in the United States by 2020 and the lengthy training required to prepare doctors for practice. To find solutions, the joint subcommittee shall consider geographic regions, practice specialties, medical school admissions and costs, malpractice issues, the nursing shortage, and COPN regulation.

Patron - Purkey

FHJ644 Indigent health care in the Commonwealth; report. Directs JLARC to (i) determine the volume of indigent health care provided by private, specialty, and not-for-profit hospitals in the Commonwealth; (ii) determine the financial cost of indigent health care to private, specialty, and not-for-profit hospitals in the Commonwealth; and (iii) identify and analyze potential tax and other incentives that may be offered to private and specialty hospitals and other health care providers to encourage the provision of care to indigent individuals.

Patron - Purkey

FHJ645 Market-based, consumer-driven health insurance reforms; report. Establishes a joint subcommittee to develop a market-based, consumer-driven health insurance model for the Commonwealth. In conducting its study, the joint subcommittee shall (i) examine the costs to Virginia's taxpayers of the expense of unreimbursed health care provided by hospitals and other providers to the uninsured and (ii) develop recommendations for legislation to implement the joint subcommittee's recommendations.

Patron - Purkey

FHJ646 K-12 education outreach collaboration; report. Requests the Department of Education to collaborate with university, industry, and local school board stakeholders

engaged in K-12 education outreach to identify best practices, pursue collaborative activities, and define a set of actions that will facilitate student participation and workforce development in math and science fields.

Patron - Purkey

FHJ648 Expedited processing of absentee ballots; report. Establishes a joint subcommittee to study expedited processing of absentee votes before election day. Created for one year to benefit the large anticipated voter participation in 2008, the 11-member joint subcommittee will examine: (i) the practices of other states that allow expedited processing of absentee ballots before election day; (ii) the experience in other states that accept absentee ballots without signature verification or electronically; (iii) the advantages and disadvantages of expediting procedures; and (iv) whether Virginia should authorize local election officials to expedite processing of absentee ballots before election day.

Patron - Watts

FHJ649 Increased use of electronic personal health records; report. Directs the Joint Commission on Health Care to study the increased use of electronic health information technology and electronic personal health records, including the current rate of use of health information technology and electronic personal health records in the Commonwealth, factors impeding the increased use of health information technology and electronic personal health records in the Commonwealth, and steps that could be taken to expand the use of health information technology and electronic personal health records in the Commonwealth.

Patron - Watts

FHJ651 Board of Education; report. Requests the Board of Education, in cooperation with the Prince William County School Division, to determine the feasibility and cost-effectiveness of utilizing alternative low-cost technologies to administer the Standards of Learning assessments.

Patron - Lingamfelter

FHJ653 Health insurance public subsidy; report. Requests the Department of Medical Assistance Services to study the effects of modifications to the health insurance public subsidy program. In conducting its study, the Department shall examine the potential for program expansion with consumer protection mechanisms and the impact of switching from mandatory to voluntary enrollment and shall accept input from stakeholders throughout the process.

Patron - Nutter

FHJ654 Fairfax County form of government; report. Requests the Fairfax County Board of Supervisors, together with members of the House of Delegates and the Senate of Virginia who currently represent districts within Fairfax County, to study the efficiency and effectiveness of the County's form of government.

Patron - Albo

FHJ681 Climate change; report. Establishes a joint subcommittee to study the risks and opportunities created in the Commonwealth as a result of the changing climate. Specifically, the joint subcommittee will report on steps the public sector can take to minimize harmful impacts on the environment, such as green building practices and forest preservation; identify business opportunities for Virginia industry arising in various economic sectors that benefit from the efforts to mitigate the harm from climate change, such as alternative fuel technology and feedstocks; review the costs and benefits of possible regulatory schemes, such as market-based and command control initiatives; and suggest ways that the Common-

wealth can act now to reduce the future cost of such regulation and explore the value of participating in a nonnational regulatory scheme.

Patron - Ebbin

FHJ682 Human trafficking; report. Establishes a joint subcommittee to study the extent of the problem of human trafficking in the Commonwealth. The joint subcommittee must also determine whether further efforts are needed to prevent and punish the crimes associated with human trafficking, and whether Virginia's endeavors are in concert with those of the federal government. The joint subcommittee must submit its executive summary and report to the 2008 Session of the General Assembly.

Patron - Ebbin

FHJ687 eCycling; report. Directs the Joint Commission on Technology and Science to study the collection, recycling, and disposal of electronic waste (eCycling). In conducting its study, the Joint Commission on Technology and Science shall (i) recommend limitations on electronic waste in state landfills; (ii) research state and regional eCycling programs across the country; and (iii) make recommendations relating to a statewide or regional eCycling program that will provide all citizens of the Commonwealth with an opportunity to recycle or properly dispose of electronic waste.

Patron - Plum

FHJ689 Fort Monroe; report. Requests the Virginia Congressional Delegation to direct the National Park Service to study the feasibility of creating a Fort Monroe National Park.

Patron - Gear

FHJ690 Fort Monroe; report. Creates a joint subcommittee to study the future of Fort Monroe.

Patron - Gear

FHJ691 Urban Partnership Agreement; report. Establishes an 11-member joint subcommittee to study an Urban Partnership Agreement between the Counties of Arlington, Fairfax, Loudoun, and Prince William, the Cities of Fairfax and Alexandria, the Virginia Department of Transportation, the Virginia Department of Rail and Public Transportation, and the United States Department of Transportation.

Patron - Frederick

FHJ693 Legislative efficiency; report. Directs the Joint Legislative Audit and Review Commission (JLARC) to study the operations of each house and all agencies in the legislative branch to develop recommendations for improving efficiency. JLARC is required to report to the General Assembly by the first day of the 2008 regular session. The resolution authorizes JLARC to contract for services to perform the review and report through a competitive procurement process complying with the Virginia Public Procurement Act.

Patron - Shannon

FHJ695 Mid-Atlantic Regional Spaceport; report. Establishes a joint subcommittee to study the enhanced development of cargo, space exploration, and space tourism at the Mid-Atlantic Regional Spaceport. In conducting its study, the joint subcommittee shall (i) identify any federal or state regulatory impediments, including taxation, to the development of the Mid-Atlantic Regional Spaceport; (ii) identify threats to the spaceport's viability, such as encroachment, zoning, mineral exploration and exploitation, and noncompatible uses of the spaceport; (iii) identify potential economic development opportunities and marketing strategies to attract launch compa-

nies to Virginia; (iv) identify potential state legal barriers to human spaceflight, including liability and assumption of risk issues; (v) identify specific areas where the Commonwealth needs to invest in infrastructure and marketing in order to enable the achievement of the spaceport's full potential; and (vi) develop a long-term strategic plan to make the Mid-Atlantic Regional Spaceport the premiere commercial hub for space travel in the United States. This resolution was incorporated into HJR 688.

Patron - Lewis

FHJ697 Insurance for family day homes. Requests the Bureau of Insurance of the State Corporation Commission to study the availability of liability insurance for operators of family day homes.

Patron - Bell

FHJ698 Public health effects of trona; report. Requests the Department of Health to study the public health effects of using trona to mitigate emissions in power plants.

Patron - Englin

FHJ699 Accuracy of discard dates on prescription drugs; report. Directs the Joint Commission on Health Care to study discard dates on prescription drugs and evaluate the feasibility of extending such discard dates.

Patron - Scott, J.M.

FHJ700 Virginia's interdiction laws and the effects of substituting the term "chronic alcoholic" for the term "habitual drunkard"; report. Directs the Joint Commission on Health Care to study (i) the system of interdiction currently in place, (ii) potential changes to the system that may increase effectiveness including substituting the term "chronic alcoholic" for "habitual drunkard," (iii) the need for specialized training of law-enforcement and court personnel to provide interdiction services, and (iv) funding, sources of funding, and legislation required to implement the revised system.

Patron - Hall

FHJ702 Open education content resources; report. Establishes a joint subcommittee to study the appropriateness and efficacy of open education content resources for public schools in Virginia. In conducting its study, the joint subcommittee shall (i) examine the costs of textbooks to public schools and institutions of higher education; (ii) assess the overall affordability of education for Virginia students; (iii) examine the rapid rise in textbook prices for institutions of education and associated cost increases due to bundling textbooks with redundant supplemental materials; (iv) evaluate the feasibility of using creative commons and public domain texts, and of developing digital supplemental materials; (v) review textbook adoption timelines and procedures for public schools and the procedures used at institutions of higher education; (vi) recommend ways of maintaining the professional and curricular integrity of school divisions while containing the costs of education; and (vii) consider such other related issues as the joint subcommittee deems appropriate. The joint subcommittee must submit its executive summary and report to the 2008 Session of the General Assembly.

Patron - Peace

FHJ703 Redistricting process; report. Creates a joint subcommittee to (i) evaluate the present Virginia redistricting process and its impact on competitive elections and district criteria, (ii) review alternative redistricting processes used in other states, (iii) examine the impact of federal legislation such as the Voting Rights Act, (iv) consider both constitutional and

statutory changes in the process, and (v) study the criteria that should be followed in developing redistricting plans.

Patron - Peace

☐HJ704 Prepaid long-term care policy; report.

Establishes a joint subcommittee to study the creation of a prepaid long-term care program for citizens of the Commonwealth. In conducting its study, the joint subcommittee shall examine the Virginia College Savings Plan as a model and determine whether a similar program to help Virginia's citizens save for their long-term health care is feasible.

Patron - Amundson

☐HJ705 Affordable housing for the work force; report.

Directs the Virginia Housing Commission to study the availability of affordable housing for the work force and the types of initiatives and incentives used in other states to provide such housing. It is a one-year study.

Patron - Amundson

☐HJ706 High school dropout and graduation rates; report.

Requests the Board of Education to study high school dropout and graduation rates in the Commonwealth. In conducting its study, the Board of Education shall (i) evaluate the relevancy of the current process and procedures for defining, counting, and reporting school dropout statistics and consider the need for revisions in such process and procedures and compliance by school divisions; (ii) determine the number of students who dropped out of school before the seventh grade and the reasons therefor, and the number of students who graduated annually, for school years 2003, 2004, 2005, and 2006; (iii) ascertain whether, by whom, and the manner in which students at risk of dropping out are counseled to remain in school; (iv) identify local school division initiatives and efforts to retain and retrieve students at risk of dropping out, particularly student populations with low high school graduation rates; and (v) recommend such policy, statutory, fiscal, or regulatory changes as the Board may deem necessary to increase the high school graduation rates, particularly among student populations with high dropout rates. The Board must submit its executive summary and report to the 2008 Session of the General Assembly.

Patron - Hall

☐HJ707 Establishment of protocols for law-enforcement officers killed in the line of duty; report.

Establishes a joint subcommittee to study and make recommendations concerning uniform protocols and practices to be followed in honoring a law-enforcement officer killed in the line of duty.

Patron - Hurt

☐HJ708 Eminent domain; report.

Directs the Joint Legislative Audit and Review Commission to study the current state of the law on the exercise of eminent domain and how that law is applied in the Commonwealth. The study should address whether the exercise of eminent domain is or may be subject to abuse and, if so, what amendments or changes should be made to correct the abuses.

Patron - Hall

☐HJ710 Joint Legislative Audit and Review Commission; financial oversight for adult group homes in the Commonwealth; report.

Notes the vulnerable status of elderly and disabled adults in group homes that may be subject to financial fraud. Requests that JLARC examine and propose standards for financial review of the operation of group homes for less than four adults and review the disbursement of their federal public benefits.

Patron - Hogan

☐HJ711 Virginia Housing Commission; employer-assisted housing programs; report. Directs the Virginia Housing Commission to study (i) current initiatives in other states and communities that establish employer-assisted housing programs, and (ii) incentives used by other states and communities to encourage employers to provide workforce housing for their employees, including but not limited to the use of tax credits and other tax-based incentives.

Patron - Hugo

☐HJ712 Privatization of driver education programs in the public schools; report.

Establishes a joint subcommittee to study the desirability and feasibility of privatizing driver education programs in the public schools. In conducting its study, the joint subcommittee shall (i) examine the benefits and costs of privatizing driver education programs in Virginia; (ii) review the history and legal authority for driver education programs and the interaction of public policies governing public education and motor vehicles; (iii) consider the transition process necessary to move from state-operated to private-operated driver education programs, including, but not limited to, the transfer of teachers and students, and the disposition of facilities and educational materials; (iv) assess the need for statutory, regulatory, fiscal, and policy changes regarding driver education programs and instruction; (v) determine the appropriateness of establishing a regulatory board to govern private driver training schools; and (vi) consider such other related matters as the joint subcommittee may deem appropriate. The joint subcommittee shall submit its executive summary and report to the 2008 Session of the General Assembly.

Patron - Hugo

☐HJ713 Department of Medical Assistance Services; cost of insulin and human growth hormone to the Commonwealth's Medicaid program; report.

Requests the Department of Medical Assistance Services to confer with the U.S. Food and Drug Administration on the implementation of certain guidelines relating to costs of insulin and human growth hormones for the Commonwealth's Medicaid program. This resolution is identical to SJR 397.

Patron - O'Bannon

☐HJ776 Impact of undocumented immigrants; report.

Creates a joint subcommittee to study the impact of undocumented immigrants residing in Virginia on the state's economy and government services and resources. This resolution was incorporated into HB 1673.

Patron - Saxman

☐HR43 Effects of no-fault divorce; report.

Requests that the House Committee on Courts of Justice study the effect of no-fault divorce on the formation, duration, and dissolution of marriage in the Commonwealth with particular attention paid to the effect of no-fault divorce on marriage and divorce rates.

Patron - Marshall, R.G.

☐SJ308 Health insurance costs of state and local early retirees; report.

Establishes a joint subcommittee to study the health insurance costs of state and local early retirees. This resolution was incorporated into SJR 372.

Patron - Miller

☐SJ325 Electoral College vote allocation method; report.

Creates a joint subcommittee to (i) evaluate Virginia's method of allocating its votes in the Electoral College, (ii) review alternative methods and reforms that have been proposed to address concerns that the current method violates Equal Protection and the Voting Rights Act, (iii) examine the

impact of proposed federal legislation, and (iv) consider both constitutional and statutory changes in the process.

Patron - Miller

FSJ326 Fair tax; report. Establishes a joint subcommittee to study the viability of a fair tax on the consumption of goods and services as an alternative tax system. During its two-year study, the joint subcommittee will (i) explore the revenue that could be generated from a fair tax on the consumption of goods and services, (ii) determine the amount of revenue that is currently generated from state and local general fund taxes, (iii) estimate the rate of a fair tax that would need to be imposed on the consumption of goods and services to generate approximately the same amount of revenue that is currently generated from state and local general fund taxes, (iv) study other issues relating to the adoption of a fair tax including the distribution of revenues, and (v) determine the viability of a fair tax on the consumption of goods and services as a replacement for current state and local general fund taxes.

Patron - Bell

FSJ335 Lottery profits; report. Directs the Joint Legislative Audit and Review Commission to study the distribution of net lottery profits, including the current distribution formula to determine if it can be improved.

Patron - Ruff

FSJ348 Costs of education versus incarceration; report. Directs the Joint Legislative Audit and Review Commission to study the cost of a K-12 education compared to the cost of incarceration over 5, 10, 15, and 20 years.

Patron - Miller

FSJ358 Northern Virginia; report. Requests the Department of Conservation and Recreation and a task force to develop a plan to obtain undeveloped land in Northern Virginia for parks and the protection of potable water resources.

Patron - Ticer

FSJ363 Increasing the accessibility of education programs and higher education opportunities to incarcerated persons; report. Establishes a joint subcommittee to study increasing the accessibility of education programs and higher education opportunities to incarcerated persons. In conducting its study, the joint subcommittee shall (i) evaluate the existing education program for prisoners in Virginia, including the advantages and benefits of the program for prisoners, their families, and the community, and its effect on recidivism; (ii) identify program needs, including ways to accommodate more inmates, and recommend solutions; (iii) review prisoner education programs in other states; (iv) consider financial aid alternatives to assist inmates in accessing college, and ways to fund college education programs for prisoners in the Commonwealth; (v) examine the relationship between poor educational opportunities, delinquency, unidentified learning disabilities, and crime; (vi) determine the number of inmates with learning disabilities, and the average reading level of inmates in state and local adult and juvenile correctional institutions; and (vii) consider such other related matters as the joint subcommittee may deem necessary and appropriate to satisfy the objectives of this study. This resolution was incorporated into SJR 327.

Patron - Quayle

FSJ364 Fiscal autonomy for elected school boards; report. Directs the Joint Legislative Audit and Review Commission to study implications of granting fiscal autonomy to elected school boards in the Commonwealth. In conducting its study, the Joint Legislative Audit and Review Commission shall (i) examine state constitutional and statutory issues

regarding school board supervisory authority, (ii) study the respective roles of local school boards and the relevant local governing body in delivering and funding public education, (iii) examine fiscal authority models in other states; and (iv) consider such other issues as it deems appropriate. The Joint Legislative Audit and Review Commission must submit an executive summary of its findings and recommendations to the 2008 Session of the General Assembly.

Patron - Blevins

FSJ365 Virginia Housing Commission; feasibility of granting additional authority to local government to develop innovative housing policies and programs; report. Directs the Virginia Housing Commission to study the feasibility of increasing the statutory options and tools that are available to localities to develop more innovative housing policies.

Patron - Whipple

FSJ381 Reasons women obtain abortions; report. Directs the Joint Commission on Health Care to study reasons women obtain abortions.

Patron - Puckett

FSJ382 Efficiency of summons form; report. Directs the Crime Commission to study whether the current version of the summons form published by the Supreme Court of Virginia could be amended in such a way as to be more efficient. Currently, a separate summons form must be filled out for each crime even if a single accused is charged with multiple crimes.

Patron - Obenshain

FSJ388 Health insurance public subsidy; report. Requests the Department of Medical Assistance Services to study the effects of modifications to the health insurance public subsidy program. In conducting its study, the Department shall examine the potential for program expansion with consumer protection mechanisms and the impact of switching from mandatory to voluntary enrollment and shall accept input from stakeholders throughout the process.

Patron - Blevins

FSJ393 Real property tax; report. Establishes a joint subcommittee to study the feasibility of multiple real property tax classifications; specifically, separate tax treatment for residential, agricultural, and commercial real property and a homestead exemption program. Created for two years, the eight-member joint subcommittee will examine: (i) the practices of other states that allow different tax rates for different classes of real property or provide a homestead exemption program for an owner-occupied principal residence; (ii) whether separate tax rate classes or a homestead exemption program would improve the real property tax and its equity; (iii) the advantages and disadvantages of these options; and (iv) whether Virginia should implement either or both of these programs.

Patron - Norment

FSJ396 Northern Virginia parkland; report. Requests the Governor to establish a task force to work with the Department of Conservation and Recreation to study land preservation, water supply protection, and the availability of large parks to serve future generations in Northern Virginia. This resolution was incorporated into SJR 401.

Patron - Ticer

FSJ397 Department of Medical Administrative Services; cost of insulin and human growth hormone to the Commonwealth's Medicaid program; report. Requests the Department of Medical Assistance Services to confer with the U.S. Food and Drug Administration on the implementation of certain guidelines relating to costs of insulin and human

growth hormones for the Commonwealth's Medicaid program. This resolution is identical to HJR 713.

Patron - Whipple

FSJ402 Financial impact of mandating services under the Comprehensive Services Act for all children with disabilities or in need of foster care services in Virginia; report. Directs JLARC to study the fiscal impact of mandating services under the CSA for all children with disabilities or in need of foster care services in Virginia and to report thereon.

Patron - Hanger

FSJ404 Eminent domain; report. Directs the Joint Legislative Audit and Review Commission to study which state entities are using the power of eminent domain, why they are using it, how often they use it, the average duration of a condemnation, the average differential in value between condemnor and condemnee, and the indirect costs of eminent domain in the Commonwealth.

Patron - Norment

FSJ419 Gang prevention activities and funding; report. Establishes a joint subcommittee to study the availability and efficacy of gang prevention activities with particular attention paid to the potential availability of funding for these activities.

Patron - Miller

FSJ487 VRS investments in Sudan; report. Requests the Virginia Retirement System to study the feasibility of restricting certain investments in certain companies related to Sudan.

Patron - Cuccinelli

Charters and Authorities

Passed

PHB1989 Charter; Town of Colonial Beach. Updates the charter to reflect the appointment, rather than election, of the treasurer.

Patron - Wittman

PHB2028 Charter; City of Winchester. Provides that the school board shall be a nine-member board with four members appointed from districts and five members appointed at-large.

Patron - Sherwood

PHB2189 Charter; City of Newport News. Changes the timing of the council's inaugural meeting and the date by which the city manager shall submit certain financial reports.

Patron - Oder

PHB2195 Charter; City of Hampton. Moves authority to appoint the city attorney from the city manager to the city council. This bill is identical to SB 1182.

Patron - Ward

PHB2239 Charter; Town of Troutville. Changes local elections from May to November.

Patron - Putney

PHB2241 Charter; City of Norfolk. Amends provisions related to the Norfolk Airport Authority related to the police powers of the Authority and the Authority's ability to enter into agreements for concurrent jurisdiction with the cities

of Norfolk and Virginia Beach. Also, numerous technical changes are made.

Patron - Howell, A.T.

PHB2400 Charter; Town of Stephens City. Provides that the Frederick County District Courts shall hear and determine charges of violations of town ordinances and that fines collected for violations of town ordinances shall be paid promptly into the treasury of the town. The bill eliminates the requirement that the town treasurer, clerk of the town council, town sergeant, and town manager be residents of the town or of Frederick County. Furthermore, this bill prescribes the power of and the procedure for the council to contract loans, incur debt, and issue bonds.

Patron - Athey

PHB2427 Charter; Town of Brookneal. Eliminates the requirement that the town manager reside within the corporate limits of the town during his term of office.

Patron - Byron

PHB2460 Charter; Town of Boykins. Deletes the requirement that the town sergeant reside in the town.

Patron - Tyler

PHB2645 Charter; City of Suffolk. Provides for the direct election of the mayor and shifts local elections to November. This bill is identical to SB 961.

Patron - Jones, S.C.

PHB2716 Charter; James City County. Allows the county to establish the Department of General Services and provide for the Chief of Police to be appointed by the county administrator.

Patron - Barlow

PHB2720 Charter; Town of Cheriton. Grants a new charter for the Town of Cheriton. The town was originally established without benefit of charter by the Circuit Court of Northampton County in 1951. The new charter contains powers typically found in town charters. This bill is identical to SB 1137.

Patron - Lewis

PHB2800 Virginia's Region 2000 Airport Authority Act. Authorizes the City of Lynchburg and the Counties of Amherst, Appomattox, Bedford, and Campbell to create an authority to be known as "Virginia's Region 2000 Airport Authority" for the purpose of establishing, operating, and maintaining an airport and air navigation facilities and a business/industrial park and related facilities for such city and counties.

Patron - Byron

PHB2989 Portsmouth Port and Industrial Commission. Authorizes the Portsmouth Port and Industrial Commission to provide financing for facilities for an organization, other than a religious organization, that is exempt from federal income taxation pursuant to § 501(a) of the Internal Revenue Code. This bill is identical to SB 957.

Patron - Melvin

PHB3019 Charter; City of Bristol. Provides that the city shall have the power, within and without the city and within or without the Commonwealth of Virginia, to provide consulting and management services for the operation of telecommunication services. In addition, the bill provides that the comptroller, as budget director, shall be skilled in public administration and the accepted practices and municipal budgetary procedure and shall compile, in cooperation with the

various department heads, the departmental estimates and other data necessary or useful to the city manager in the preparation of the annual budget. Furthermore, the building code division, which is to be part of the Planning Department and supervised by the Planning Director, shall include the environs control official amongst its staff. The duties of such environs control official shall be to enforce state law and local ordinances pertaining to garbage, trash, weeds, junk, and litter and the Virginia Uniform Statewide Building Code within the City of Bristol, Virginia. Finally, the bill provides that the school board shall submit its line-item budget estimates to the city manager no later than May 1 of each year. This bill is identical to SB 1072.

Patron - Johnson

SB799 Charter; City of Newport News. Raises the threshold from \$25,000 to \$50,000 for purposes of seeking bids for construction contracts. This change is in accordance with the Virginia Public Procurement Act.

Patron - Locke

SB907 Charter; Town of Timberville. Moves the regular municipal election date for the mayor and town council from May to November. The current mayor and town councilmen will have their terms extended by six months.

Patron - Obenshain

SB961 Charter; City of Suffolk. Provides for the direct election of the mayor and shifts local elections to November. This bill is identical to HB 2645.

Patron - Quayle

SB1018 Charter; City of Hampton. Eliminates the requirement that members of the city real estate board of review be property owners in the city.

Patron - Locke

SB1072 Charter; City of Bristol. Provides that the city shall have the power, within and without the city and within or without the Commonwealth of Virginia, to provide consulting and management services for the operation of telecommunication services. In addition, the bill provides that the comptroller, as budget director, shall be skilled in public administration and the accepted practices and municipal budgetary procedure and shall compile, in cooperation with the various department heads, the departmental estimates and other data necessary or useful to the city manager in the preparation of the annual budget. Furthermore, the building code division, which is to be part of the Planning Department and supervised by the Planning Director, shall include the environs control official amongst its staff. The duties of such environs control official shall be to enforce state law and local ordinances pertaining to garbage, trash, weeds, junk, and litter and the Virginia Uniform Statewide Building Code within the City of Bristol, Virginia. Finally, the bill provides that the school board shall submit its line-item budget estimates to the city manager no later than May 1 of each year. This bill is identical to HB 3019.

Patron - Wampler

SB1137 Charter; Town of Cheriton. Grants a new charter for the Town of Cheriton. The town was originally established without benefit of charter by the Circuit Court of Northampton County in 1951. The new charter contains powers typically found in town charters. This bill is identical to HB 2720.

Patron - Rerras

SB1141 Charter; City of Virginia Beach. Makes several changes to reflect the city's recent decision to hold local elections in November rather than May.

Patron - Wagner

SB1182 Charter; City of Hampton. Moves authority to appoint the city attorney from the city manager to the city council. This bill is identical to HB 2195.

Patron - Williams

SB1246 Charter; Town of Leesburg. Provides that the town may develop an affordable housing program with Loudoun County; grants the town authority to adopt certain codes of technical regulations; and, allows the town to create architectural control districts and develop design standards for such districts.

Patron - Herring

SB1316 Charter; City of Manassas Park. Changes the time of council elections from May to November.

Patron - Colgan

Failed

HB2131 Charter; Town of Clifton. Provides that the town council shall have the power to set and enforce speed limits that it deems appropriate within the corporate limits of the town.

Patron - Hugo

HB2668 Charter; City of Fairfax. Allows the City of Fairfax to establish a photo-monitoring system to enforce traffic light signals, subject to specific requirements and procedures set forth in the bill.

Patron - Bulova

HB2905 Charter; City of Suffolk. Provides for advisory referenda elections.

Patron - Spruill

SB899 Charter; City of Norfolk. Caps the city's increase in the real property levy to 105% of the previous year's total. The proposed charter amendments have not been through the procedural requirements set forth in the Code for amendment of charters.

Patron - Rerras

SB936 Charter; City of Alexandria. Requires that in historic districts the fair market value of a building proposed for demolition is based on the assumption that the building will not be moved or demolished. Further amendments clarify the meaning and implications of a good faith offer to buy such property.

Patron - Ticer

SB960 Charter; City of Suffolk. Provides for advisory referenda elections.

Patron - Quayle

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