

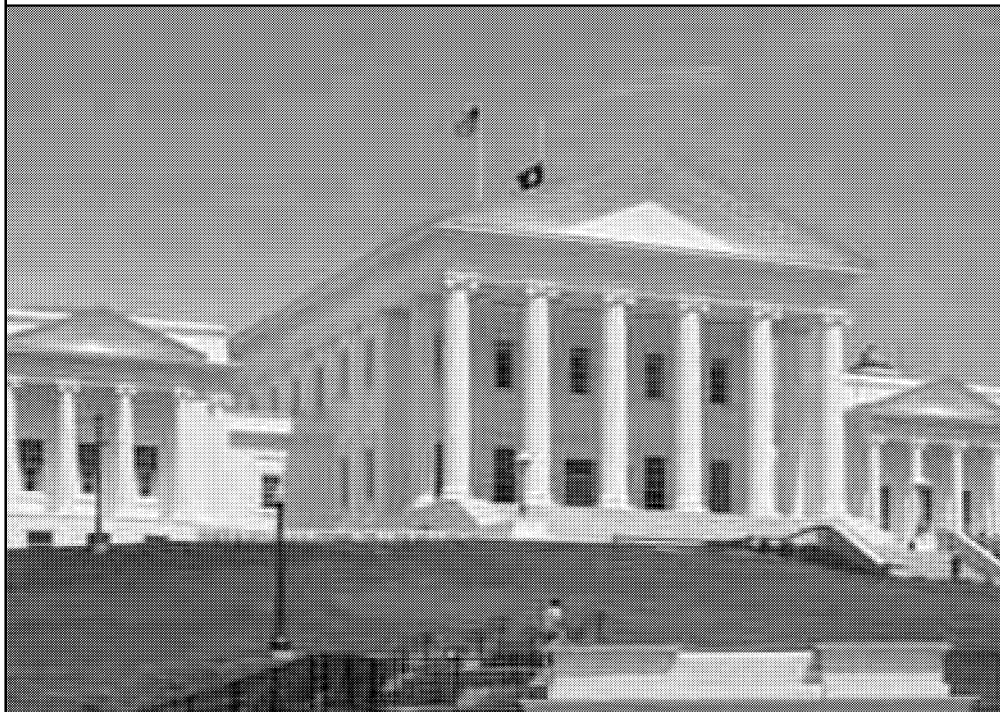
# VIRGINIA GENERAL ASSEMBLY



## 2008 SESSION SUMMARY



# VIRGINIA GENERAL ASSEMBLY



## 2008 SESSION SUMMARY

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

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# Preface

This publication presents a summary of legislation considered by the Virginia General Assembly at the 2008 Session. Bill summaries are arranged by subject areas corresponding to the appropriate titles in the Code of Virginia. Noncodified bills of a substantive nature are also contained under their proper subject headings. Within each heading, the material is further separated into *Passed*, *Failed*, and *Carried Over* categories. (The General Assembly sometimes incorporates provisions from several bills in one substitute bill. Thus a bill may have failed, but all or some of its provisions have been "incorporated" in another bill. The summary for the bill will so note.) Bills affecting more than one title are printed under the dominant subject area of the legislation.

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

The major substantive provisions of each measure are summarized. The appropriate bill number and patron are also noted so that one can obtain further information, if needed. A researcher should refer to the enrolled bill, the appropriate chapter of the 2008 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 2008 General Assembly through adjournment *sine die* on March 13, 2008. 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. Stephanie Kerns, 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.

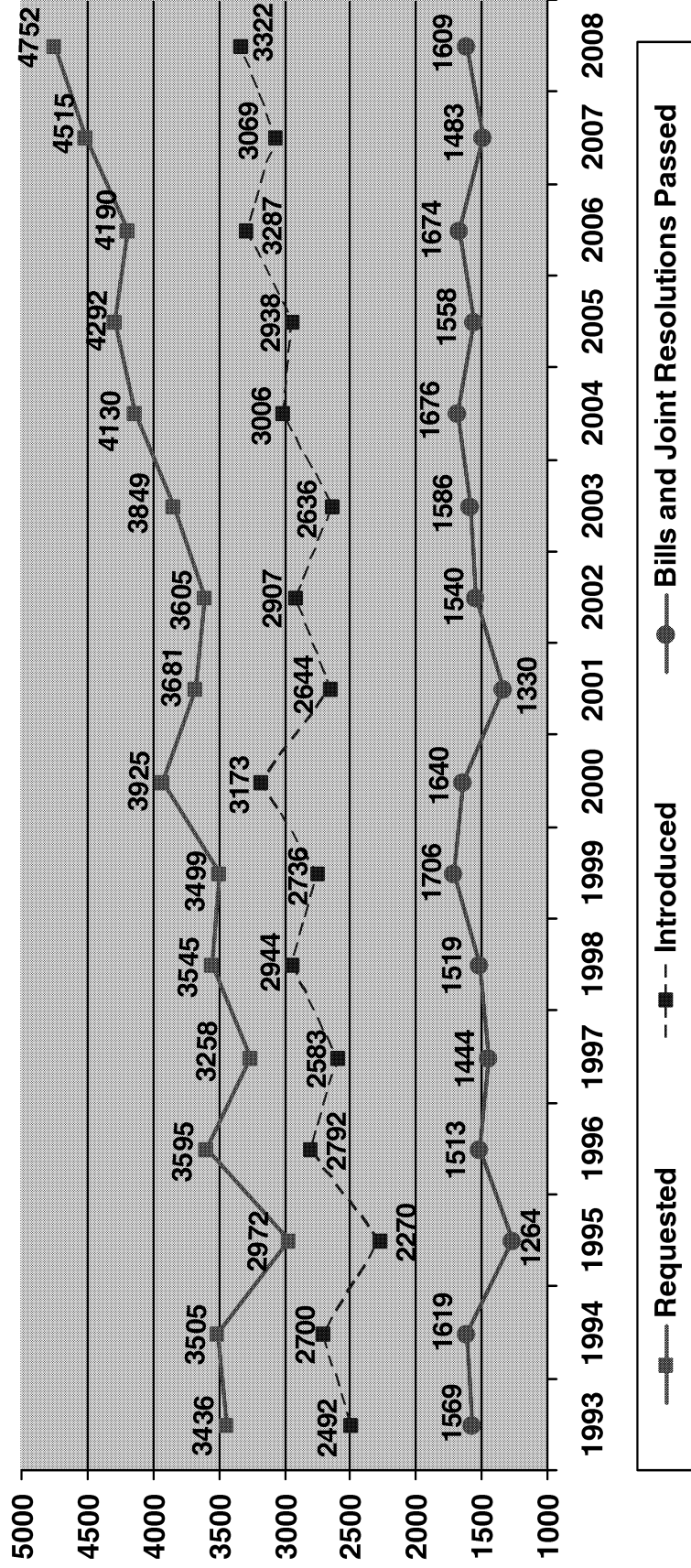
E. M. Miller, Jr.  
Director, Division of Legislative Services

# 2008 SESSION SUMMARY

	Introduced	Continued	Passed	Failed
<b>House Bills</b>	<b>1578</b>	<b>154</b>	<b>553</b>	<b>871</b>
<b>House Joint Resolutions</b>	<b>618</b>	<b>21</b>	<b>502</b>	<b>95</b>
<b>House Resolutions</b>	<b>37</b>	<b>0</b>	<b>32</b>	<b>5</b>
<b>House Total</b>	<b>2233</b>	<b>175</b>	<b>1087</b>	<b>971</b>
<hr/>				
<b>Senate Bills</b>	<b>800</b>	<b>130</b>	<b>336</b>	<b>334</b>
<b>Senate Joint Resolutions</b>	<b>271</b>	<b>11</b>	<b>218</b>	<b>42</b>
<b>Senate Resolutions</b>	<b>18</b>	<b>0</b>	<b>13</b>	<b>5</b>
<b>Senate Total</b>	<b>1089</b>	<b>141</b>	<b>567</b>	<b>381</b>
<hr/>				
<b>General Assembly Total</b>	<b>3322</b>	<b>316</b>	<b>1654</b>	<b>1352</b>

# Legislation

## Legislation Requested\*, Introduced and Passed \*before Deadline (1993-2008)







# Session 2008 Highlights

VIRGINIA DIVISION OF LEGISLATIVE SERVICES

## **Alcoholic Beverages**

### **Passed**

**Alcohol sales.** The measure allows ABC stores to be open on Sunday in any city with a population of 100,000 or more. Since 2004, ABC stores may be open, at the discretion of the ABC Board, in the counties of Fairfax, Arlington, Loudoun, and Prince William, and in the cities of Alexandria, Fairfax, Manassas, Manassas Park, Norfolk, and Virginia Beach. The cities of Portsmouth, Hampton, Newport News, Richmond, and Chesapeake are added.

### **Alcoholic beverage control.**

- The measure requires the ABC Board to adopt regulations allowing on-premises licensees to reduce the length of any suspension or reduce the amount of any civil penalty if the licensee can demonstrate that it provided certified alcohol server training to its employees; authorizes on-premises restaurant licensees to use food products containing more than 0.5% if sold to persons 21 years of age or older; and prohibits licensees from holding "happy hour" except during hours permitted by regulation.
- The measure removes the authority of the Alcoholic Beverage Control Board to revoke or suspend a license if an establishment has allowed noisy, lewd, or disorderly conduct upon the licensed premises and clarifies that the Board may revoke or suspend a license if a licensee allows obscene literature, pictures or materials upon the licensed premises.
- The measure requires licensees' gross receipts from the sale of food and nonalcoholic beverages served on the premises to amount

to at least an average of \$4,000 per month annually.

## **Animals**

### **Passed**

**Animal fighting.** The measure provides that engaging in the fighting of any animals is a Class 1 misdemeanor, while dog fighting remains a Class 6 felony. Possessing any materials intended to enhance the ability of animals to fight, attending an exhibition of animal fighting, or permitting a minor to become involved in animal fighting is a Class 6 felony.

**Commercial dog breeding.** The measure regulates animal breeding, including requiring a business license, cooperating with inspections by animal control officers, creating a fire emergency plan, maintaining records, and keeping no more than 50 adult dogs at one time.

## **Business and Employment**

### **Passed**

**Payday loans.** The measure provides that payday lenders may charge a fee of not more than 20% of the amount of the loan proceeds, plus a \$5 verification fee and interest at an annual rate not to exceed 36%. A payday lender is prohibited from making a payday loan if the loan would cause the borrower to have more than one payday loan outstanding at the same time and requires a cooling off period if a borrower has more than five payday loans within 180 days.

**The 2008 Session Highlights summarizes significant legislation considered by the 2008 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 Thursday, March 13, 2008.**

**Unemployment compensation.** The measure increases the wages that an employee must have earned in the two highest earnings quarters of his base period in order to be eligible for unemployment benefits from \$2,700 to \$3,000 for claims effective on or after July 5, 2009, and increases the maximum weekly unemployment compensation benefit from \$363 to \$378 for claims effective on or after July 6, 2008.

**Natural gas utilities.** The measure authorizes any natural gas utility to file a conservation and ratemaking efficiency plan under which the utility's authorized profit is decoupled from the volume of gas sold to consumers.

**Fire-resistant cigarettes.** The measure prohibits the manufacture or sale of cigarettes that do not extinguish themselves when the smoker ceases puffing.

**Home ownership protection.** The measure authorizes the State Corporation Commission to impose a fine not exceeding \$2,500 upon a mortgage lender or mortgage broker for violating any law or regulation applicable to the conduct of the lender's or broker's business. The measure also requires criminal background checks for mortgage lenders and brokers.

**Freezing access to credit reports.** The measure authorizes any consumer to freeze access to his credit report and prohibits a consumer reporting agency from releasing the credit report, or any information in it, without the consumer's express authorization.

### **Failed**

**Business assistance.** The measure abolishes the Department of Business Assistance and transfers its duties to the Virginia Economic Development Partnership.

**Employment discrimination.** The measure prohibits employers from discharging or taking other employment-related action against an employee for failure or refusal to use English at work. Currently, employers with more than five but less than 15 employees are prohibited from discharging an employee on the basis of national origin.

**Greenhouse gas emissions reporting.** The measure requires that the State Air Pollution Control Board adopt regulations requiring the reporting of greenhouse gas emissions from stationary sources.

**Clean energy future.** The measure requires that by July 1, 2020, 20% of the electric energy

sold by each supplier to retail customers in Virginia be generated from renewable energy sources.

## **Constitutional Amendments**

### **Failed**

**Property tax relief.** The proposed constitutional amendment would pave the way for localities to provide tax relief for up to 20% of the value of owner-occupied homesteads.

### **Carried Over**

**Redistricting commissions.** A variety of proposals would create independent commissions that would draw new congressional and General Assembly election district lines after each decennial census and remove responsibility for redistricting from the General Assembly.

## **Courts and Criminal Justice**

### **Passed**

**Repeal of abuser fees for certain drivers.** The measure repeals § 46.2-206.1, which provides for the imposition of civil remedial fees on certain drivers and provides for the Comptroller to issue a refund to persons who have already paid fees ordered to be paid by a court. It directs the clerk of the court that ordered the fees and DMV to credit the accounts of persons who still owe the fees so as to indicate that they have been paid and are no longer outstanding. DMV is also directed to reinstate the driver's license of any person whose license was suspended solely for failure to pay civil remedial fees.

**Ignition interlock for DUI offenses.** The measure provides that the court must order ignition interlock whenever the defendant violates a condition of his restricted license. Under current law, ignition interlock may be ordered by the court for a first DUI offense and must be ordered for a second and subsequent offense or if the defendant's blood alcohol content is .15 or higher.

**Firearms purchase and mental health treatment.** The measure clarifies that orders for both involuntary inpatient and outpatient mental health treatment must be forwarded by the court to the Central Criminal Records Exchange, and that persons ordered to involuntary inpatient or outpatient treatment are prohibited from purchasing, possessing, or transporting a firearm.

**Virginia Military Parents Equal Protection Act.**

The measure creates the Virginia Military Parents Equal Protection Act which limits a court's ability to permanently modify orders regarding the custody or visitation of a child of a parent deployed in military service.

**Animal fighting.** See Animals.

**No bail for illegal aliens.** The measure provides the presumption by judicial officers of no bail for illegal aliens charged with certain crimes.

**Mentally ill defendants.** The measure establishes a new standard for hospitalizing mentally ill criminal defendants.

**Involuntary commitment.** The measure changes the criteria for emergency custody orders, temporary detention orders, and involuntary commitment proceedings, allowing such orders or proceedings where it is found that the person may cause serious physical harm to himself or others or may suffer serious harm due to his inability to protect himself or provide for his basic needs.

**Admissibility of mental health records in child custody cases.** The measure repeals the current law that provides that in child custody or visitation cases, the mental health records concerning a parent shall be privileged and confidential.

**Failed**

**Parole of prisoners.** The measure would provide that a prisoner whose parole is revoked on a technical violation is not required to serve the minimum six months.

**Triggerman rule (Vetoed by the Governor).** 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 that accessories and principals in the second degree can be punished only as if guilty of first degree murder.

**Carried Over**

**Firearms background check.** The measure 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. (Referred to Crime Commission)

**Education****Passed**

**Textbook purchasing contracts in public schools.** The measure permits local school

boards to enter into contracts with publishers for the purchase of textbooks, including the purchase of print and electronic media and provides that if materials such as workbooks, writing books, and drawing books are sold to students, the local school board must provide the materials at a reduced price, or free of charge, to students who are unable to afford them.

**Parental notification of mental health treatment.** The measure requires the governing board of any public institution of higher education to establish policies and procedures requiring the notification of a parent of a dependent student when the student receives mental health treatment at the institution's student health or counseling center, if it is determined that there is a substantial likelihood that the student will, in the near future, cause serious physical harm to himself or others.

**Institutions of higher education and operational authority.** The measure provides operational authority for public institutions of higher education in the areas of information technology, procurement, and capital outlay under the Restructuring Act of 2005.

**Management agreement with VCU.** The measure provides a management agreement between the Commonwealth and Virginia Commonwealth University under the Restructured Higher Education Financial and Administrative Operations Act.

**Failed**

**Participation in interscholastic sports by nonpublic school students.** The measure directs a nonprofit corporation founded in Virginia in 1913 to organize and govern interscholastic activities in the public high schools and allows any nonpublic school student, who is eligible for free tuition in a Virginia public school, to participate in interscholastic sports.

**Public school calendar.** The measure would make local school boards responsible for setting the school calendar and determining the opening of the school year and eliminates the post-Labor Day opening requirement.

**Illegal aliens' admission to VA colleges.** The measure provides that an alien who is unlawfully present in the United States shall not be eligible for admission to any public institution of higher education in the Commonwealth.

**Carried Over**

**Baseball bats used in interscholastic sports.** The measure would require any nonprofit corporation founded in Virginia in 1913 that

currently organizes and governs interscholastic activities among the public high schools to develop, implement, and enforce rules requiring the exclusive use of wood or wood composite baseball bats in interscholastic baseball or softball activities.

### Elections

#### **Passed**

**Campaign finance.** The measure requires committees that receive contributions designated by the contributor for a specific candidate to give that candidate information that will enable him to report in his campaign finance filings the name and information that will identify the person who made the designated contribution. This change affects entities such as Red Storm and PAC Blue that solicit contributions through the Internet and funnel the proceeds to designated candidates.

**Recounts.** The measure provides that optical scan ballots will be rerun through tabulators in recount proceedings. Recent law has provided that the report produced by the tabulator in an election will be accepted in a recount proceeding unless the report is unclear or the recount court requests the ballots to be rerun.

#### **Failed**

**Bipartisan redistricting commission.** There were several proposals to establish an independent commission that would produce redistricting proposals for new congressional and General Assembly districts after each decennial census. The commission's proposed plans would then be submitted to the General Assembly which could accept, reject, or amend the plans. The General Assembly would retain final authority over the redistricting process.

#### **Carried Over**

**Absentee voting.** There were several proposals to broaden access to absentee voting privileges and provide "no excuse" absentee voting procedures.

**Emergencies and polling hours.** The measure establishes a process to obtain a court order to extend the polling hours in areas affected by an emergency that interferes with the election process or ability of voters to get to the polls.

### Environment and Natural Resources

#### **Passed**

**Dam break inundation zones.** The measure provides localities with the authority to address development in dam break inundation zones and directs developers to assist dam owners with required upgrades and requires additional disclosure and notification procedures for dam owners.

#### **Failed**

**Uranium mining.** The measure would establish the Virginia Uranium Mining Commission, as a legislative branch advisory commission to assess the risks and benefits of developing uranium resources in Virginia.

**Green Building Act.** The measure would require all major facility projects of state agencies to be designed to meet the standards of the U.S. Green Building Council's Leadership in Energy and Environmental Design building rating system or the Green Building Initiative's Green Globes building rating system.

**Greenhouse gas emissions reporting.** See Business.

**Clean energy future.** See Business.

### Freedom of Information Act (FOIA)

#### **Passed**

- **Exemptions for institutions of higher education.** The measure allows the identity of any person making a donation to a public university to remain anonymous and exempts certain public university fundraising activity records that reveal fundraising strategies relating to identifiable donors and their personal information.
- **Electronic meetings by public bodies.** The measure allows any local governing body or agency of local government to meet by electronic communication means without a quorum of the public body physically assembled at one location when the Governor has declared a state of emergency.
- **Social security numbers.** The measure prohibits the dissemination of another person's social security number, regardless of whether such number is obtained from a public or private record.
- **Government Data Collection and Dissemination Practices Act (GDCDPA).** The measure provides that no agency shall require an individual to furnish or disclose his social security number or driver's license number unless required by state or federal law and essential for the performance of that agency's duties.

**General Laws****Passed**

**Virginia Consumer Protection Act and foreclosure rescue.** The measure makes persons participating in or servicing foreclosure rescues for profit with the intent to defraud a consumer a violation of the Virginia Consumer Protection Act.

**Department of Veterans Services.** The measure requires that the agency, in cooperation with the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Department of Rehabilitative Services, establish a program to monitor and coordinate mental health and rehabilitative services support for Virginia veterans and members of the Virginia National Guard and Virginia residents in the Armed Forces Reserves not in active federal service.

**Office of the Children's Ombudsman.** The measure creates the Office of the Children's Ombudsman to provide ombudsman services, including investigation of complaints, advocacy, and the provision of information for children, parents, and citizens involved with child-serving agencies.

**Common Interest Community Board.** The measure establishes a Common Interest Community Board, creates a Common Interest Management Information Fund, and allows for a certification process for Common Interest Association managers.

**Regulation of locksmiths.** The measure sets up a regulatory scheme for the regulation of locksmiths by the Criminal Justice Services Board.

**Failed**

**Green Building Act.** See Environment and Natural Resources.

**Health and Mental Health****Passed**

**Donation of prescription medications.** The measure requires the Board of Pharmacy to establish regulations to establish a Prescription Drug Donation Program to accept certain unused prescription drugs and re-dispense them for use by patients receiving medical care in clinics organized to provide healthcare to the indigent.

**Adult Fatality Review Team.** The measure establishes the Adult Fatality Review Team to review suspicious deaths of any incapacitated

adult aged 18 or older and any adult aged 60 or older, who was the subject of an adult protective services investigation and whose death was due to abuse or neglect or acts that suggest abuse or neglect.

**Health terms in the Code.** The measure replaces the term "mentally retarded" with the term "persons with intellectual disability" and replaces the term "mental retardation" with the term "intellectual disability" in the Code of Virginia.

**Reporting of infectious diseases.** The measure adds persons in charge of residential or day programs, services, or facilities licensed by any agency of the Commonwealth to the list of nonphysicians who must report disease outbreaks.

**Health care provider liability protections.** The measure provides that health care providers who respond to a disaster are immune from civil liability for any injury or wrongful death arising from the delivery or withholding of health care.

**Mentally ill defendants.** See Courts.

**Involuntary commitment.** See Courts.

**Admissibility of mental health records in child custody cases.** See Courts.

**Failed****Statewide smoking ban.**

- Several measures would allow localities to adopt ordinances containing standards or provisions relating to smoking in restaurants that meet or exceed those established in the Virginia Indoor Clean Air Act.
- The measure would create the Virginia Smoke Free Air Act and prohibits smoking indoors in most buildings or enclosed areas frequented by the public.

**Local Government****Passed**

**Parks and recreation.** The measure authorizes the Virginia Resources Authority to finance park and recreation projects.

**Powers of zoning administrator.** The measure expands certain authority related to enforcement of occupancy limits in residential dwelling units to all zoning administrators.

**Public access of local budgets.** The measure requires local governing bodies and school boards to annually publish their approved budgets online, and if there is no local website, the budgets must be available in hard copy.

**Failed**

**Weapons in government facilities.** The measure provides that the governing body of any locality may, by ordinance, make it unlawful for any person to possess a dangerous weapon upon the property, including buildings and grounds thereof, of any facility that is owned or leased by that locality and used by it for governmental purposes.

**Carried Over**

**Impact fees.** The measure grants general impact fee authority to "high-growth" localities, and any 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.

**Motor Vehicles****Passed**

**Repeal of abuser fees for certain drivers.** See Courts and Criminal Justice.

**Night required driving hours for learner's permits.** The measure increases the minimum required driving hours from 40 to 45 hours for holders of learner's permits, at least 15 of which must be after sunset, and requires the completion of a DMV-supplied form certifying hours driven.

**Mopeds.** The measure provides that a person who operates a moped in excess of 35 miles per hour will be considered as operating a motorcycle.

**Speed limit on rural rustic roads.** The measure provides for a maximum speed limit of 35 mph on any highway designated a rural rustic road.

**Wireless telecommunications devices.** The measure prohibits use of wireless telecommunications devices by persons operating school buses, except in emergencies, or when the vehicle is lawfully parked and for the purposes of dispatching. Use of two-way radio devices authorized by school bus owners is permitted.

**Special license plates for Sesquicentennial of the American Civil War.** The measure authorizes the issuance of special license plates marking the sesquicentennial of the American Civil War that includes the cost of the state license plates and a one-time surcharge of \$15 with \$5 to go to the Virginia Sesquicentennial of the American Civil War Commission to support its operation and programs in Virginia.

**Failed**

**Driver's license examinations.** The measure requires that whenever an examination of an applicant for a driver's license requires the use of a foreign language interpreter, which is provided by DMV, the cost of the interpreter's services will be paid by the applicant. Applicants may not provide their own interpreters.

**Business logo special license plates.** The measure authorizes the issuance of special license plates bearing the symbols, emblems, or logotypes of business entities.

**Social Services****Passed**

**Veterans' services.** The measure requires the Department of Veterans Services to establish guidelines for the determination of eligibility for Virginia-domiciled veterans and their spouses, orphans, and dependents for participation in programs and benefits administered by the agency and establishes the Veterans Services Foundation to carry out its powers and duties.

**Temporary Assistance for Needy Families (TANF).** The measure provides that the 24-month period of ineligibility shall not apply when a child is removed from his parents' home as the result of a child protective services report or complaint, as defined in regulations established by the Board of Social Services, and placed with a relative.

**Screened Family Day Home Provider List.** The measure requires the Department of Social Services to establish and maintain a Screened Family Day Home Provider List on a website created by the agency that provides names of screened individuals, who wish to offer their services as family day home providers.

**EITC notice to TANF recipients.** The measure requires the Department of Social Services to provide annually a notice of the federal and state earned income tax credit to all recipients of Temporary Assistance for Needy Families (TANF), food stamps, or certain medical assistance.

**Comprehensive Services Act (CSA).** The measure requires the State Executive Council to oversee the development and implementation of mandatory uniform guidelines for intensive care coordination services for children who are at risk of entering, or being placed in, residential care through the CSA program. The community policy and management team is responsible for establishing policies for providing intensive care coordination services.

## **Taxes and Finance**

### **Passed**

**Repeal of abuser fees for certain drivers.** See Courts and Criminal Justice.

**School textbooks tax exemption.** The measure extends the current sales and use tax exemption on sales of school textbooks to students attending nonprofit colleges and other institutions of learning to students attending for-profit institutions of learning.

**Biodiesel income tax credit.** The measure allows an income tax credit to biodiesel fuels producers in Virginia who produce up to two million gallons of biodiesel fuels a year of \$0.01 per gallon but no more than \$5,000 annually for taxable years beginning on and after January 1, 2008.

**Energy and water conservation products tax holiday.** The measure adds water-efficient products to the products sales tax holiday held during a four-day period in the month of October.

**Bonds for institutions of higher learning.** The measure authorizes the issuance of 9(c) bonds in a principal amount not to exceed \$350,565,000 for revenue-producing capital projects at certain institutions of higher learning.

**Property tax on public service corporations and electric suppliers.** The measure provides that the additional real property tax authorized to be imposed on commercial property by the localities in the Hampton Roads Transportation Authority shall not be imposed on property of a public service corporation or electric supplier unless a final certificate of occupancy for a commercial or industrial use has been issued and remains in effect.

**Repeal of sales and use tax on motor vehicle repair services in certain localities.** The measure repeals the authority of the Hampton Roads Transportation Authority and the Northern Virginia Transportation Authority to impose a sales tax on charges for motor vehicle repair services.

### **Failed**

**Bonds for Virginia facilities and other projects. (Will be taken up in Special Session I)** The measure authorizes the issuance of bonds under the Virginia Public Building Authority in a principal amount not to exceed \$1,103,600,000, and under the Virginia College Building Authority with the principal amount of bonds issued for all such projects not to exceed \$1,353,729,000. The measure also authorizes

the State Treasurer to advance treasury loans in an amount not to exceed the costs of planning for certain capital projects with the total amount of treasury loans advanced for the costs of planning of all such projects not to exceed \$95,570,000.

**Sales and use tax exemption for computers.** The measure adds computers and computer-related equipment with a sales price of \$1,500 or less to the school supplies and clothing that are exempt from sales and use tax during a three-day period in August.

**BPOL tax and illegal workers.** The measure requires applicants seeking a local business license to certify that they do not employ illegal workers.

**Motor fuel tax.** The measure 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, which is an alternative to paying the motor carrier road tax.

### **Carried Over**

**Conditional zoning and impact fees.** The measure replaces the current cash proffer system with a system of impact fees.

**Apportionment for manufacturers.** The measure allows manufacturers to elect an apportionment formula of multiplying their income by the sales factor or using the formula prescribed for other businesses.

## **Technology**

### **Passed**

**Identity theft database breach notification.** The measure requires an individual or entity that owns or licenses computerized data that includes personal information to disclose any breach of a database following discovery or notification of the breach to the Office of the Attorney General and any affected resident of the Commonwealth whose unencrypted and unredacted personal information was, or is reasonably believed to have been accessed and acquired by an unauthorized person.

### **Carried Over**

**Searchable budget database website.** The measure requires the Director of the Department of Planning and Budget to maintain a searchable budget database website that would allow persons to search information for individual or specific appropriations or budget items.

**Transportation****Passed**

**HOV lanes.** The measure extends until July 1, 2009, the "sunset" on the provision allowing vehicles bearing clean special fuel license plates to use HOV lanes regardless of the number of passengers.

**Tolls on Interstate highways.** The measure prohibits a private entity from imposing tolls or user fees under the Public-Private Transportation Act on any rural portion of I-81 without the prior approval of the General Assembly.

**Carried Over**

**Changeable electronic variable message signs.** The measure imposes a moratorium on the erection or conversion of advertisements and advertising structures into changeable electronic variable message signs.

**Hampton Roads Transportation Authority.** The measure abolishes the Hampton Roads Transportation Authority and the taxes, fees, and charges dedicated to financing its operation and programs.

A large, stylized number '2008' is centered in the upper right portion of the box. The '2' is partially obscured by a dark rectangular shape.**DIVISION OF LEGISLATIVE SERVICES****E. M. Miller, Jr., Director****R. J. Austin, Manager, Special Projects****Lynda Waddill, Publisher**

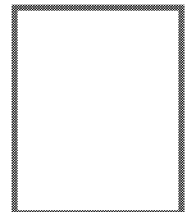
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# Administration of the Government Generally

## Passed

**HB229 Veterans services in the Commonwealth.** Changes the references under the powers and duties of the Commissioner of Veterans Services from the Secretary of Administration to the Secretary of Public Safety. The bill request the Department of Veterans Services to establish guidelines for the determination of eligibility for Virginia-domiciled veterans and their spouses, orphans, and dependents for participation in programs and benefits administered by the Department. Such guidelines shall meet the intent of the federal statutes and regulations pertaining to the administration of federal programs supporting U.S. Armed Forces veterans and their spouses, orphans, and dependents. The bill also clarifies that the purpose of the Veterans Services Foundation is to provide funding for veteran services and programs in the Commonwealth. HB 943 and HB 1104 are incorporated into this bill.

*Patron - Cosgrove*

**HB234 Commonwealth Technology Research Fund (CTRF); sensor sciences.** Adds sensor sciences to the eligible research programs in the CTRF. This bill is identical to SB 319.

*Patron - Cosgrove*

**HB324 Division of Debt Collection; oversees Commonwealth's accounts receivables.** Requires the Division to oversee the Commonwealth's accounts receivable program pursuant to the Virginia Debt Collection Act (§ 2.2-4800 et seq.) and to enforce policies and procedures adopted by the Department of Accounts for reporting, accounting for, and collecting the Commonwealth's accounts receivable.

*Patron - Saxman*

**HB388 Conveyance of easements by state agencies.** Clarifies the process for conveying easements by state agencies. Such conveyances must be deemed to be in the public interest and subject to guidelines adopted by the Department of General Services.

*Patron - Bulova*

**HB407 Freedom of Information Act (FOIA); exemptions for certain fundraising strategies and donor records of public institutions of higher education.** Exempts records maintained by a public institution of higher education in connection with fundraising activities conducted by or for such institution to the extent that such records reveal (i) personal fundraising strategies relating to identifiable donors or prospective donors or (ii) wealth assessments; estate, financial, or tax planning information; health-related information; employment, familial, or marital status information; electronic mail addresses, facsimile or telephone numbers; birth dates or social security numbers of identifiable donors or prospective donors. This bill is identical to SB 130.

*Patron - Oder*

**HB475 Department of Veterans Services; mental health and rehabilitative services.** Requires that the Department of Veterans Services, the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Department of Rehabilitative Services cooperate in establishing a program to monitor and coordinate mental health and rehabilitative services support for Virginia veterans and mem-

bers of the Virginia National Guard and Virginia residents in the Armed Forces Reserves not in active federal service. HB 1064 incorporated into this bill and this bill is identical to SB 297.

*Patron - Cox*

**HB477 Veterans Services Foundation.** Establishes the Veterans Services Foundation as a body politic and corporate to provide funding for veterans services and programs in the Commonwealth. The bill also (i) clarifies the purpose of the Veterans Services Foundation to raise funds from the private sector for veterans services and programs in the state and (ii) adds eight citizen members, appointed by the General Assembly, and the Chair of the Joint Leadership Council to the Foundation's board of trustees, and extends the terms for members from three to four years.

*Patron - Cox*

**HB503 Comprehensive Services Act Program; case management and residential care plan.** Requires the State Executive Council to develop, and localities to implement, a program of case management for residential care to include a provision for residential care plans. Requires family assessment and planning teams to develop, and community policy and management teams to review, residential care plans that include goals for residential care treatment, a provision for monitoring and review of plans, evaluation of progress toward identified goals, and a plan for returning the youth to his home or community at the earliest appropriate time. This bill is identical to SB 487.

*Patron - Hamilton*

**HB505 Interagency Civil Admissions Advisory Council.** Removes the sunset of July 1, 2008, thereby making the Council permanent.

*Patron - Hamilton*

**HB520 Freedom of Information Act (FOIA); exemptions for the Virginia Military Advisory Council, the Virginia National Defense Industrial Authority, and local military organizations.** Adds a FOIA exemption for records of the Virginia Military Advisory Council, the Virginia National Defense Industrial Authority, or a local or regional military affairs organization appointed by a local governing body, to the extent such records (i) contain information relating to strategies under consideration or development by the Council, the Authority or such local or regional organization to prevent the closure or realignment of federal military installations located in Virginia, to limit the adverse economic effect of such realignment or closure, or to seek additional tenant activity growth from the Department of Defense or (ii) disclose trade secrets provided to the Council, the Authority, or such local or regional organization in connection with their work. The bill also adds a closed meeting exemption for discussion of such topics by the Virginia Military Advisory Council, the Virginia National Defense Industrial Authority, or such local or regional organization.

*Patron - Suit*

**HB578 Innovative Technology Authority; powers of board of directors.** Authorizes the Board of the Authority to designate the President and staff of the Center for Innovative Technology to carry out the day-to-day operations and activities of the Authority and to perform such other duties as may be directed by the Board. The bill is identical to SB 235.

*Patron - Cosgrove*

**HB626 Investment of Public Funds Act; legal investment of certain funds; volunteer fire and rescue squad pension programs.** Removes from the Investment of Public Funds

Act those funds contributed by a locality to a retirement program for the benefit of a pension program for the benefit of a volunteer fire department and rescue squad operating in the locality.

*Patron - May*

**HB634 Government Data Collection and Dissemination Practices Act (GDCDPA); personal information; definition; collection of same; penalty for violation; jurisdiction of district courts.** Provides that no agency shall require an individual to furnish or disclose his social security number (SSN) or driver's license number unless the furnishing or disclosure of such number is (i) authorized or required by state or federal law and (ii) essential for the performance of that agency's duties. The bill also strengthens the remedies provisions of the GDCDPA by adding civil penalties matching those in FOIA, and grants general district courts the authority to hear GDCDPA cases. Additionally, the bill has enactment clauses giving it a delayed effective date of July 1, 2009, and requires state agencies to study their own collection and use of SSNs and report to the FOIA Council and JCOTS on such collection and use by October 1, 2008. The bill also contains a fourth enactment clause providing for the gathering of similar information about the use and collection of SSNs by cities, counties and towns with a population greater than 15,000. The bill is a recommendation of the Freedom of Information Advisory Council and JCOTS. This bill is identical to SB 132.

*Patron - May*

**HB731 Virginia Economic Development Partnership Authority; board of directors; membership.** Adds the Chancellor of the Virginia Community College System to the board of directors of the Authority to help better coordinate workforce development in Virginia. The bill contains a technical amendment. The bill, however, reduces by one the number of at-large citizen appointments made by the Governor effective with the next cycle of at-large citizen appointments.

*Patron - Caputo*

**HB748 Innovative Technology Authority; board of directors.** Removes the Secretaries of Education and Commerce and Trade, as well the Director of the State Council of Higher Education, from the board of directors of the Authority. The bill also makes a technical correction. The bill is identical to SB 236.

*Patron - Caputo*

**HB768 Freedom of Information Act (FOIA); active investigations; teacher licensing.** Adds a FOIA exemption for investigator notes, and other correspondence and information with respect to an active investigation conducted by or for the Board of Education related to the denial, suspension, or revocation of teacher licenses. The bill further provides that these records may be disclosed to (i) a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee or (ii) any requester, after the conclusion of such investigation, in a form that does not reveal the identity of charging parties, persons supplying the information, or other individuals involved in the investigation. The bill also allows the Board of Education to discuss these records in a closed meeting.

*Patron - Tata*

**HB776 Virginia Commission on Higher Education Board Appointments; sunset.** Removes the sunset on the Virginia Commission on Higher Education Board Appointments. The bill is identical to SB 302.

*Patron - Tata*

**HB781 Southwest Virginia Cultural Heritage Commission.** Creates the Southwest Virginia Cultural Heritage Commission to encourage the economic development of Southwest Virginia through the expansion of cultural heritage ventures and initiatives related to tourism and other asset-based enterprises, including the Southwest Virginia Artisan Center, the Crooked Road, Round The Mountain, and related cultural heritage organizations and venues that promote entrepreneurial and employment opportunities. The bill sets out the membership of the Commission and its powers and duties. An emergency clause makes the bill effective upon its passage. This bill is identical to SB 653.

*Patron - Kilgore*

**HB824 Water quality information.** Designates the Secretary of Natural Resources as the lead Secretary with the responsibility to coordinate technical assistance, information, and training so that consistent water quality data is provided to the public.

*Patron - Morgan*

**HB839 State Interoperability Executive Committee.** Codifies the State Interoperability Executive Committee, which assists the Commonwealth Interoperability Coordinator. This bill is identical to SB 520.

*Patron - Sherwood*

**HB841 Establishment of the Capitol District.** Defines the geographic seat of government of the Commonwealth as the "Capitol District." The definition is for administrative purposes only and does not restrict or augment (i) the responsibilities or authority of the legislative, executive, or judicial branch of state government or any agency thereof or (ii) the law enforcement authority of the Police Department of the City of Richmond within the Department's jurisdiction. The Capitol District is comprised of the area in Richmond bounded by Broad Street, Eighth Street, Main Street, and Interstate 95.

*Patron - Sherwood*

**HB854 Freedom of Information Act; electronic meetings; authority of local public bodies.** Allows any local governing body, school board, or any authority, board, bureau, commission, district, or agency of local government to meet by electronic communication means without a quorum of the public body physically assembled at one location when the Governor has declared a state of emergency in accordance with § 44-146.17, provided (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to address the emergency. The local public body convening the meeting shall (a) give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided members of the local public body conducting the meeting; (b) make arrangements for public access to such meeting; and (c) otherwise comply with the provisions for electronic communication meetings. The nature of the emergency and the fact that the meeting was held by electronic communication means shall be stated in the minutes. The bill contains a technical amendment. The bill is a recommendation of the Freedom of Information Advisory Council.

*Patron - Ebbin*

**HB867 Virginia Public Procurement Act; regional industrial facility authorities; exemption.** Authorizes regional industrial facility authorities to enter into certain contracts without competition.

*Patron - Johnson*

**HB900 Department of General Services; Division of Engineering and Buildings; use of value engineering.** Requires the submission of a value engineering report to the Division of Engineering and Buildings. Under the bill each item included in the value engineering report must be designated as accepted, declined, or accepted as modified. The report must be approved by the Division within 45 days before the project may move to the next phase of design.

*Patron - Scott, J.M.*

**HB944 Virginia Public Procurement Act; procurement of professional services for certain transportation projects.** Increases the monetary limits for architectural and professional engineering contracts associated with projects that any locality and certain authorities and sanitation districts may enter into under the Virginia Public Procurement Act. The bill raises the amount for a single contract from \$1 million to \$5 million and increases the maximum amount for each task order from \$200,000 to \$1 million.

*Patron - Albo*

**HB951 Uniform Prudent Management of Institutional Funds Act; creation.** Replaces current provisions in the Virginia Code with this Uniform Act that was adopted by the National Conference of Commissioners on Uniform State Laws (NCCUSL) in 2006. The original Uniform Management of Institutional Funds Act was adopted by NCCUSL in 1972 and enacted in Virginia in 1973. The Act expands the scope of the prior law, applying to all charitable institutions holding institutional funds, including trusts without noncharitable beneficiaries. The Act also clarifies and expands the duties and obligations concerning the conduct of investment and expenditures of institutional funds. The Act also imposes express standards on any delegation of the management or investment of institutional funds. The Act also updates the standards for when a court may order the release or modification of the purpose of or restrictions contained in a gift instrument through which a donor contributes to an institutional fund.

*Patron - Iaquinto*

**HB1017 Office of Telework Promotion and Broadband Assistance; codified; sunset.** Codifies Executive Order 35 (2006) creating the Office of Telework Promotion and Broadband Assistance under the Secretary of Technology. The goals of the Office are to encourage telework as a family-friendly, business-friendly public policy that promotes workplace efficiency and reduces strain on transportation infrastructure. In conjunction with efforts to promote telework, the Office shall work with public and private entities to develop widespread access to broadband services. The provisions of this act expire on July 1, 2018.

*Patron - Hugo*

**HB1018 Definition of telecommuting.** Defines telecommuting as a work arrangement in which supervisors direct or permit employees to perform their usual job duties away from their central workplace at least one day per week and in accordance with work agreements.

*Patron - Hugo*

**HB1021 State employee telecommuting goal.** Establishes a goal for state agencies, except for the Department of State Police, to have 20 percent of their eligible workforce telecommuting by January 1, 2010.

*Patron - Hugo*

**HB1023 Collection of debts owed the Commonwealth.** Expands the reciprocal agreement with the federal

government to include the offset of nontax payments owed to debtors.

*Patron - Frederick*

**HB1066 Virginia Public Procurement Act; methods of procurement.** Clarifies that any public body may use competitive negotiation for the construction, alteration, repair, renovation, or demolition of structures (and not just buildings) when the contract is not expected to cost more than \$1 million.

*Patron - Amundson*

**HB1128 Board of Pharmacy; continuing education.** Allows the Board of Pharmacy to require two of the currently required 15 hours of continuing education to be in a specific subject area and exempts this requirement from the Administrative Process Act. Also allows the Board to determine, in regulation, the number of continuing education hours required for inactive status.

*Patron - Jones, S.C.*

**HB1131 Office of the Children's Ombudsman.** Creates the Office of the Children's Ombudsman to provide ombudsman services, including investigation of complaints, advocacy, and the provision of information for children, parents, and citizens involved with child-serving agencies. The bill is identical to SB 315.

*Patron - Fralin*

**HB1167 Administrative Process Act (APA); public participation guidelines.** Requires, on or before July 1, 2008, the Department of Planning and Budget, in consultation with the Office of the Attorney General, to (i) develop model public participation guidelines and (ii) provide these model public participation guidelines to each agency that has the authority to promulgate regulations. By December 1, 2008, each agency shall either (a) adopt the model public participation guidelines or (b) if significant additions or changes are proposed, promulgate the model public participation guidelines with the proposed changes as fast-track regulations pursuant to § 2.2-4012.1. Agency action in adopting the model public participation guidelines in accordance with clause (a) shall be exempt from the APA. Any regulatory action commenced on or after January 1, 2009, shall use the model public participation guidelines in the form adopted by an agency. Thereafter, any amendments to an agency's public participation guidelines must be done in accordance with the APA. This bill is identical to SB 734.

*Patron - Saxman*

**HB1271 Freedom of Information Act (FOIA); exemption for local franchises.** Broadens the current FOIA exemption to apply to any type of franchise and protects trade secrets and confidential proprietary information from both bidders for the franchise and the person who is ultimately awarded the franchise. Currently, the exemption is limited to cable TV franchises. The bill provides that no bidder, applicant, or franchisee may invoke the exclusion provided by this subdivision if the bidder, applicant, or franchisee is owned or controlled by a public body or if any representative of the applicable franchising authority serves on the management board or as an officer of the bidder, applicant, or franchisee.

*Patron - Ebbin*

**HB1280 Regulation of charitable gaming; Department of Agriculture and Consumer Services.** Abolishes the Department of Charitable Gaming and places the regulation of charitable gaming under the Department of Agriculture and Consumer Services.

*Patron - Spruill*

**HB1298 Public body contracts; illegal alien employment.** Requires that all public bodies provide in every written contract that the contractor does not, and shall not during the performance of the contract for goods and services in the Commonwealth, knowingly employ an unauthorized alien as defined in the federal Immigration Reform and Control Act of 1986. This bill is identical to SB 517.

*Patron - Frederick*

**HB1312 Workforce development; Governor's responsibilities.** Provides that the strategic plan for workforce development shall be developed in coordination with the development of the comprehensive economic development policy required from the Governor during the first year of his administration. The bill changes the staff support for the Virginia Workforce Council from the Office of the Governor to the Virginia Community College System. The Governor, as Chief Workforce Development Officer, is required to report on the transfer of Workforce Investment Act responsibilities from the Virginia Employment Commission to the Virginia Community College System and to provide evaluations of the accountability and performance of workforce programs. The bill is identical to SB252.

*Patron - Byron*

**HB1329 State-owned communications towers; broadband service.** Requires state agencies to lease or convey a license or other interest in a state-owned communication tower for which they are responsible to qualified providers of wireless broadband service in order to deploy broadband Internet service in areas of the Commonwealth that do not have access to terrestrial broadband or radio frequency Internet service. The requirement is subject to the provider presenting a spectrum and certified structural analysis of the tower and proof that the tower satisfies all applicable local government requirements. The conveyance shall require payment of such consideration as the Director of the Department of General Services deems appropriate and which is commensurate with the consideration paid for use of comparable space on similar towers. This bill is identical to SB 206.

*Patron - Peace*

**HB1334 State and Local Government Conflict of Interest Act; acceptance of awards.** Allows an employee of local government to receive an award or payment in honor of meritorious or exceptional service. Currently, only such awards or payments to teachers or other employees of local school boards are allowed. This bill is identical to SB 478.

*Patron - Landes*

**HB1367 Freedom of Information Act (FOIA); exemption for local government investment pool.** Adds a FOIA exemption for the records maintained by the Department of the Treasury or participants in the Local Government Investment Pool, to the extent such records relate to information required to be provided by such participants to the Department to establish accounts.

*Patron - Jones, S.C.*

**HB1386 Service-disabled veteran-owned small business programs.** Aligns Virginia's eligibility requirements for participation in the Service-Disabled Veteran-Owned Small Business Program with federal eligibility requirements set by the U.S. Department of Veterans Affairs. This bill is identical to SB 680.

*Patron - Miller, J.H.*

**HB1447 Department for the Aging; coordination of local long-term care services.** Adds representatives of hous-

ing, transportation, and other appropriate local organizations that provide long-term care services to the membership of local long-term care coordination committees. This bill is identical to SB 701.

*Patron - Ingram*

**HB1458 Freedom of Information Act; records and meetings of Innovative Technology Authority.** Exempts from public disclosure certain proprietary records submitted to the Innovative Technology Authority as part of a grant application. The bill also allows meetings of the Innovative Technology Authority to be closed when the exempt records are being discussed. This bill is identical to SB 726.

*Patron - Cosgrove*

**HB1459 Virginia Small Business Financing Act; preferred lenders.** Authorizes the Virginia Small Business Financing Authority to delegate to certain banks decisioning and processing functions and responsibilities with respect to certain Authority-guaranteed loans. The Authority will allocate to the preferred lenders credit authority for the lesser of an Authority-determined amount or the funds available for loan guarantees.

*Patron - Moran*

**HB1500 Aerospace Advisory Council; created.** Reduces the membership of the Council from a total of 15 to 13 members, by reducing the number of nonlegislative members. Provides that the nonlegislative citizen members representing NASA Wallops Flight Facility, NASA's Langley Research Center, and the National Institute of Aerospace shall be appointed by the Governor to serve as ex officio liaisons to the Council with nonvoting privileges.

*Patron - Lewis*

**HB1526 Virginia Career Readiness Certificate Program; creation; report.** Creates the Virginia Career Readiness Certification Program to certify the workplace and college readiness skills of Virginians, in order to better prepare them for continued education and workforce training, successful employment, and career advancement. The Virginia Workforce Council, in consultation with the Secretary of Education, shall promulgate regulations necessary to implement and administer the Program. Funding shall come from the Workforce Investment Act, or such other source as shall be made available, in an amount not to exceed \$1 million. This bill is identical to SB 756.

*Patron - Byron*

**SB130 Freedom of Information Act (FOIA); exemptions for certain fundraising strategies and donor records of public institutions of higher education.** Exempts records maintained by a public institution of higher education in connection with fundraising activities conducted by or for such institution to the extent that such records reveal (i) personal fundraising strategies relating to identifiable donors or prospective donors or (ii) wealth assessments; estate, financial, or tax planning information; health-related information; employment, familial, or marital status information; electronic mail addresses, facsimile or telephone numbers; birth dates or social security numbers of identifiable donors or prospective donors. This bill is identical to HB 407.

*Patron - Houck*

**SB131 Freedom of Information Act; electronic meetings; authority of local public bodies.** Allows any local governing body, school board, or any authority, board, bureau, commission, district, or agency of local government to meet by electronic communication means without a quorum of the public body physically assembled at one location when the Gover-

nor has declared a state of emergency in accordance with § 44-146.17, provided (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to address the emergency. The local public body convening the meeting shall (a) give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided members of the local public body conducting the meeting; (b) make arrangements for public access to such meeting; and (c) otherwise comply with the provisions for electronic communication meetings. The nature of the emergency and the fact that the meeting was held by electronic communication means shall be stated in the minutes. The bill contains a technical amendment. The bill is a recommendation of the Freedom of Information Advisory Council. This bill is identical to HB 854.

*Patron - Houck*

**SB132 Government Data Collection and Dissemination Practices Act (GDCDPA); personal information; definition; collection of same; penalty for violation; jurisdiction of district courts.** Provides that no agency shall require an individual to furnish or disclose his social security number (SSN) or driver's license number unless the furnishing or disclosure of such number is (i) authorized or required by state or federal law and (ii) essential for the performance of that agency's duties. The bill also strengthens the remedies provisions of the GDCDPA by adding civil penalties matching those in FOIA, and grants general district courts the authority to hear GDCDPA cases. Additionally, the bill has enactment clauses giving it a delayed effective date of July 1, 2009, and requires state agencies to study their own collection and use of SSNs and report to the FOIA Council and JCOTS on such collection and use by October 1, 2008. The bill also contains a fourth enactment clause providing for the gathering of similar information about the use and collection of SSNs by cities, counties and towns with a population greater than 15,000. The bill is a recommendation of the Freedom of Information Advisory Council and JCOTS. This bill is identical to HB 634.

*Patron - Houck*

**SB199 Regulation of charitable gaming; Department of Agriculture and Consumer Services.** Abolishes the Department of Charitable Gaming and places the regulation of charitable gaming under the Department of Agriculture and Consumer Services.

*Patron - Puller*

**SB206 State-owned communications towers; broadband service.** Requires state agencies to lease or convey a license or other interest in a state-owned communication tower for which they are responsible to qualified providers of wireless broadband service in order to deploy broadband Internet service in areas of the Commonwealth that do not have access to terrestrial broadband or radio frequency Internet service. The requirement is subject to the provider presenting a spectrum and certified structural analysis of the tower and proof that the tower satisfies all applicable local government requirements. The conveyance shall require payment of such consideration as the Director of the Department of General Services deems appropriate and which is commensurate with the consideration paid for use of comparable space on similar towers. This bill is identical to HB 1329.

*Patron - Stuart*

**SB210 Freedom of Information Act (FOIA); certain audit records of the Virginia Department of Transportation.** Creates an exemption from FOIA for trade secrets and financial records, including balance sheets and financial statements, that are not generally available to the public through

regulatory disclosure or otherwise; and revenue and cost projections supplied by a private or nongovernmental entity to the Inspector General of the Virginia Department of Transportation for the purpose of an audit, special investigation, or any study requested by the Inspector General's Office.

*Patron - Stosch*

**SB235 Innovative Technology Authority; powers of board of directors.** Authorizes the Board of the Authority to designate the President and staff of the Center for Innovative Technology to carry out the day-to-day operations and activities of the Authority and to perform such other duties as may be directed by the Board. The bill is identical to HB 578.

*Patron - Whipple*

**SB236 Innovative Technology Authority; board of directors.** Removes the Secretaries of Education and Commerce and Trade, as well the Director of the State Council of Higher Education, from the board of directors of the Authority. The bill also makes a technical correction. This bill is identical to HB 748.

*Patron - Whipple*

**SB252 Workforce development; Governor's responsibilities.** Provides that the strategic plan for workforce development shall be developed in coordination with the development of the comprehensive economic development policy required from the Governor during the first year of his administration. The bill changes the staff support for the Virginia Workforce Council from the Office of the Governor to the Virginia Community College System. The Governor, as Chief Workforce Development Officer, is required to report on the transfer of Workforce Investment Act responsibilities from the Virginia Employment Commission to the Virginia Community College System and to provide evaluations of the accountability and performance of workforce programs. This bill is identical to HB 1312.

*Patron - Ruff*

**SB288 Local choice health insurance program; centers for independent living.** Makes officers and employees of state-funded centers for independent living eligible to participate in the "local choice" health insurance program established by the Department of Human Resource Management.

*Patron - Wampler*

**SB314 Veterans Services Foundation.** Establishes the Veterans Services Foundation as a body politic and corporate for the purposes of carrying out its statutory powers and duties. The bill also (i) adds the Chair of the Joint Leadership Council and eight citizen members appointed by the Speaker of the House and the Senate Committee on Rules to the board of trustees and (ii) clarifies the purpose of the foundation to raise funds from the private sector for veterans services and programs in the state. This bill is identical to HB 477.

*Patron - Edwards*

**SB315 Office of the Children's Ombudsman.** Creates the Office of the Children's Ombudsman to provide ombudsman services, including investigation of complaints, advocacy, and the provision of information for children, parents, and citizens involved with child-serving agencies. The bill is identical to HB 1131.

*Patron - Edwards*

**SB319 Commonwealth Technology Research Fund; sensor sciences.** Adds sensor sciences to the list of fields eligible to receive awards from the Commonwealth Technology Research Fund. This bill is identical to HB 234.

*Patron - Wagner*

**SB398 Virginia Security of Public Deposits Act; qualified public depository; eligible collateral.** Includes as eligible collateral Federal Home Loan Bank letters-of-credit that adhere to the guidelines as promulgated by the Treasury Board. The bill also amends the definition of "qualified public depository" to include banks, trust companies, or savings institutions that are organized under the laws of another state and having a main office or branch office in Virginia where deposits are accepted, checks are paid, and money is lent.

*Patron - Puckett*

**SB399 Investment of public funds in certificates of deposit.** Authorizes public entities to invest public funds in certificates of deposit in one or more federally insured bank or savings institution. The moneys must be initially invested through a federally insured bank or savings institution that is qualified by the Virginia Treasury Board to accept public deposits.

*Patron - Puckett*

**SB478 State and Local Government Conflict of Interest Act; acceptance of awards.** Allows an employee of local government to receive an award or payment in honor of meritorious or exceptional service. Currently, only such awards or payments to teachers or other employees of local school boards are allowed. This bill is identical to HB 1334.

*Patron - Hanger*

**SB479 Office of Comprehensive Services and the Comprehensive Services Act; best practices.** Requires the Director of the Office of Comprehensive Services for At-Risk Youth and Families to identify, disseminate, and provide annual training for CSA staff and other interested parties on best practices and evidence-based practices related to the Comprehensive Services Program.

*Patron - Hanger*

**SB483 Comprehensive Services Act; data collection performance standards.** Requires the State Executive Council to (i) oversee the development and implementation of uniform data collection standards, utilizing a secure electronic client-specific database for CSA-funded services; (ii) oversee the development and implementation of a uniform set of performance measures for evaluating the CSA program; and (iii) oversee the development and distribution of management reports that provide information to the public and community policy and management teams (CPMT) to help evaluate child and family outcomes and public and private provider performance. The bill requires the Director of the Office of Comprehensive Services for At-Risk Youth and Families to implement the provisions of this bill. This bill incorporates SB 481, SB 482, SB 484, SB 485, and SB 486.

*Patron - Hanger*

**SB487 Comprehensive Services Act; intensive care coordination and service planning.** Requires the State Executive Council to oversee the development and implementation of mandatory uniform guidelines for intensive care coordination services for children who are at risk of entering, or are placed in, residential care through the Comprehensive Services Act program. The community policy and management team is responsible for establishing policies for providing intensive care coordination services. The bill also requires family assessment and planning teams to identify children who are at risk of entering, or are placed in, residential care through the Comprehensive Services Act program who can be appropriately and effectively served in their homes, relatives' homes, family-like settings, and communities and coordinate services and develop a plan for returning the child to his home, relative's home, fam-

ily-like setting, or community. This bill incorporates SB 480, SB 488, and SB 489, and SB 658. This bill is identical to HB 503.

*Patron - Hanger*

**SB517 Public body contracts; illegal alien employment.** Requires that all public bodies provide in every written contract that the contractor does not, and shall not during the performance of the contract for goods and services in the Commonwealth, knowingly employ an unauthorized alien as defined in the federal Immigration Reform and Control Act of 1986. This bill is identical to HB 1298.

*Patron - Cuccinelli*

**SB520 State Interoperability Executive Committee.** Codifies the State Interoperability Executive Committee, which assists the Commonwealth Interoperability Coordinator. This bill is identical to HB 839.

*Patron - Watkins*

**SB533 State and Local Government Conflict of Interest Act; disclosure of real estate interests.** Requires local government officers and certain local government employees to list all real property in which they have an ownership interest including a partnership interest and any option, easement, or land contract. Currently, local government officers and employees are required to list real estate located in the county, city, or town in which they serve as an officer or employee and in any contiguous county, city, or town.

*Patron - Herring*

**SB574 Council on Virginia's Future.** Extends the sunset date from July 1, 2008, to July 1, 2013, for the Council on Virginia's Future.

*Patron - Saslaw*

**SB580 Virginia War Memorial Foundation.** Replaces the Secretary of Administration with the Secretary of Public Safety and the Commissioner of Veterans Services as ex officio members of the board of trustees of the Virginia War Memorial Foundation. Under the bill, the Department of Veterans Services replaces the Department of General Services in providing administrative support to the Foundation.

*Patron - Edwards*

**SB593 Freedom of Information Act (FOIA); meeting exemption; tourism and economic development.** Allows the discussion or consideration of confidential proprietary records provided by a private business to certain state, local, or regional industrial or economic development authorities or organizations for business, trade and tourism development to be conducted in meetings not open to the public.

*Patron - Norment*

**SB653 Southwest Virginia Cultural Heritage Commission.** Creates the Southwest Virginia Cultural Heritage Commission in the executive branch of state government to encourage the economic development of Southwest Virginia through the expansion of cultural heritage ventures and initiatives related to tourism and other asset-based enterprises, including the Southwest Virginia Artisan Center, the Crooked Road, Round The Mountain, and related cultural heritage organizations and venues that promote entrepreneurial and employment opportunities. This bill is identical to HB 781.

*Patron - Wampler*

**SB662 Virginia War Memorial.** Requires the State Comptroller to advance a loan of \$5.97 million for the state share of the construction of an educational wing for the Virginia War Memorial and the expansion of the Shrine of Mem-



ory for to include Virginians killed in action in the War on Terror, in the form of a short-term treasury loan, with no interest, upon certification by the Governor or his designee that (i) \$2 million in private funds have been raised and the funds are either available or have been expended, and (ii) the funds were or will be used to support the projects. The State Treasurer shall advance \$500,000 of the \$5.97 million upon certification that \$1 million in private funds have been raised or expended for the educational wing.

*Patron - Stosch*

**SB680 Service-disabled veteran-owned small business programs.** Aligns Virginia's eligibility requirements for participation in the Service-Disabled Veteran-Owned Small Business Program with federal eligibility requirements set by the U.S. Department of Veterans Affairs.

*Patron - Wagner*

**SB683 Virginia Commission on Higher Education Board Appointments; sunset.** Removes the sunset on the Virginia Commission on Higher Education Board Appointments. This bill incorporates SB 302 and is identical to HB 776.

*Patron - Norment*

**SB701 Department of Aging; coordination of long-term care services.** Adds to the membership of the local long-term care coordination committee organizations providing housing and transportation services, and other appropriate organizations providing long-term care services. This bill is identical to HB 1447.

*Patron - Lucas*

**SB726 Freedom of Information Act; records and meetings of Innovative Technology Authority.** Exempts from public disclosure certain proprietary records submitted to the Innovative Technology Authority as part of a grant application. The bill also allows meetings of the Innovative Technology Authority to be closed when the exempt records are being discussed. This bill is identical to HB 1458.

*Patron - Petersen*

**SB734 Administrative Process Act (APA); public participation guidelines.** Requires, on or before July 1, 2008, the Department of Planning and Budget, in consultation with the Office of the Attorney General, to (i) develop model public participation guidelines and (ii) provide these model public participation guidelines to each agency that has the authority to promulgate regulations. By December 1, 2008, each agency shall either (a) adopt the model public participation guidelines or (b) if significant additions or changes are proposed, promulgate the model public participation guidelines with the proposed changes as fast-track regulations pursuant to § 2.2-4012.1. Agency action in adopting the model public participation guidelines in accordance with clause (a) shall be exempt from the APA. Any regulatory action commenced on or after January 1, 2009, shall use the model public participation guidelines in the form adopted by an agency. Thereafter, any amendments to an agency's public participation guidelines must be done in accordance with the APA. This bill is identical to HB 1167.

*Patron - Smith*

**SB741 Department of Human Resource Management; staff augmentation services.** Provides for the Department of Human Resource Management to work jointly with the Department of General Services and the Virginia Information Technologies Agency to develop expedited processes for the procurement of staff augmentation to supplement salaried and wage employees of state agencies. Under the bill, the Department of Human Resource Management may perform contract

administration duties and responsibilities for any resulting statewide augmentation contracts.

*Patron - Hanger*

**SB756 Virginia Career Readiness Certificate Program; creation; report.** Creates the Virginia Career Readiness Certificate Program to certify the workplace and college readiness skills of Virginians, in order to better prepare them for continued education and workforce training, successful employment, and career advancement. The Virginia Workforce Council, in consultation with the Secretary of Education, shall promulgate regulations necessary to implement and administer the Program. Funding shall come from the Workforce Investment Act, or other sources as shall be made available, in an amount not to exceed \$1 million. HB 1526 is identical.

*Patron - Ruff*

**SB760 Veterans services in the Commonwealth.** Requires the Department of Veterans Services to establish guidelines for the determination of eligibility for Virginia-domiciled veterans and their spouses, orphans, and dependents for participation in programs and benefits administered by the Department. The bill also establishes the Veterans Services Foundation as a body politic and corporate for the purposes of carrying out its statutory powers and duties. In addition the bill (i) adds the Chair of the Joint Leadership Council to the board of trustees and (ii) clarifies the purpose of the foundation to raise funds from the private sector for veterans services and programs in the state. In addition the bill changes references under the powers and duties of the Commissioner of Veterans Services from the Secretary of Administration to the Secretary of Public Safety. The bill incorporates SB 521.

*Patron - Wagner*

**SB764 Address confidentiality for victims of domestic violence; program expanded; penalty.** Expands the address confidentiality for victims of domestic violence program currently implemented in the County of Arlington to the Counties of Albemarle, Augusta, Dickenson, Fairfax, Henry, Lee, Rockbridge, Russell, Scott, Washington, and Wise as well as the Cities of Buena Vista, Charlottesville, Lexington, Martinsville, Norfolk, and Roanoke. The bill also provides that an applicant to the program may apply in person at a domestic violence program, which is defined as a public and not-for-profit agency the primary mission of which is to provide services to victims of sexual or domestic violence. Currently, such applications are made directly to the Office of the Attorney General.

*Patron - Ticer*

**SJ126 Center for Innovative Technology; innovation index; report.** Requests the Center for Innovative Technology (CIT) to establish a Commonwealth Innovation Index to foster the formation, retention, and expansion of technology-based economic development opportunities. In developing the Innovation Index, CIT shall solicit input from the Commonwealth's regional technology councils and technology community. The index shall serve as a community-driven tool that will enable community and Commonwealth leaders to steer a successful course toward global leadership in advanced technology company formation and attraction while saving tax dollars.

*Patron - Stolle*

**Failed**

**HB75 Attorney General; official opinions.** Adds the general registrar of a locality to the list of individuals and enti-

ties who may request advice or official advisory opinions from the Attorney General.

*Patron - Toscano*

**HB90 Public Procurement Act; verification of legal presence.** Requires all public contractors and their subcontractors to register and participate in a federal Electronic Work Verification Program or similar electronic verification of work authorization program to determine that their employees and individual independent contractors are legally eligible for employment in the United States. Contractors and subcontractors are required to verify the employment status of their employees and independent contractors, and are prohibited from employing or contracting with an individual who is not determined to be legally eligible for employment in the United States as determined through the verification of the individual's status. Contractors who do not register and participate in the registration program are ineligible for prequalification.

*Patron - Nichols*

**HB109 Regulation of firearms by state entities.** Prohibits a state agency, council, commission, or other entity 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 or mental health 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*

**HB164 Department of General Services; Division of Engineering; use of compact fluorescent light bulbs in state-owned and occupied buildings.** Requires the use of compact fluorescent light bulbs in state-owned and occupied buildings by January 1, 2011. Under the bill, all state-owned and occupied buildings shall discontinue the use of incandescent light bulbs by December 31, 2010, and in the intervening period replace them with compact fluorescent bulbs. Savings derived from the replacement implementation plan shall be used by the Division to study the appropriate means for disposing of compact fluorescent bulbs that have reached the end of their useful life.

*Patron - Poisson*

**HB166 Venture capital investments, investment return guarantees.** Creates a program under which the Commonwealth makes investment return guarantees for certain investments made between January 1, 2008, and January 1, 2013, 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 and an established history of investing in businesses or industries that are in the early stages of development and must enter into a contract with the Authority under which it promises to use its best efforts to invest three times the amount of principal it receives in technology firms located in Virginia. Pension funds, endowments, and other institutions investing in eligible venture capital funds shall receive investment return guarantees from the Commonwealth. The Commonwealth guarantees a 10 percent average annual rate of return over a 10-year horizon to such institutions incorporated or having administrative headquarters located in the Commonwealth. The Commonwealth guarantees to all other institutions that they will not lose any of their principal investment over the 10-year period. The financial guarantees are in

the form of supplemental appropriations to such institutions such that the guaranteed rates of return are realized.

*Patron - Purkey*

**HB187 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) pledges certain assets in the amount equal to 100 percent 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.*

**HB198 Department of Law; establishment of Division of Human Rights; elimination of the Human Rights Council; penalties.** Eliminates the Human Rights Council and establishes the Division of Human Rights within the Department of Law to carry out the powers and duties of the Human Rights Council. The bill contains technical amendments.

*Patron - Marshall, R.G.*

**HB203 Searchable budget database website.** Requires the Director of the Department of Planning and Budget to maintain a searchable budget database website that would allow persons to search and aggregate information for individual or specific appropriations or budget items. The Director would be required to have the database operational by July 1, 2009. When fully operational, all data in the database would be maintained for a minimum of 10 years. The bill would repeal a current provision that requires the Auditor of Public Accounts to maintain an online searchable database providing certain state expenditure, revenue, and demographic information. This bill is incorporated into HB 1360.

*Patron - Marshall, R.G.*

**HB206 Department of Consumer Affairs.** Removes the Office of Consumer Affairs from the Department of Agriculture and Consumer Services and establishes it as the Department of Consumer Affairs (DCA). The DCA will be headed by a Director appointed by the Governor to serve at his pleasure. The DCA will be the successor in interest to the Office of Consumer Affairs by serving as the central coordinating agency and clearinghouse for receiving and investigating complaints by Virginia consumers of illegal, fraudulent, deceptive, or dangerous practices.

*Patron - Marshall, R.G.*

**HB236 Identification cards, licenses, and driver's licenses.** Requires that these documents be made of a material and in a form designed to prevent duplication, alteration, and counterfeiting.

*Patron - Cosgrove*

**HB313 Freedom of Information Act (FOIA); working papers and correspondence.** Removes the current exemption in FOIA for working papers and correspondence for the president or other chief executive officer of any public institution of higher education in Virginia.

*Patron - Landes*

**HB390 Compromised Data Notification Act.** Creates the Compromised Data Notification Act, which, following discovery or notification of a breach of a security system, requires

a state agency that owns or licenses computerized data that includes personal information to provide notice of the breach to all residents of Virginia whose unencrypted personal information was or is reasonably believed to have been acquired by an unauthorized person. The notice shall be given in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the system. This bill has been incorporated into HB 1469.

*Patron - Bulova*

**HB415 Commonwealth Competition Council.** Repeals the Commonwealth Competition Council.

*Patron - Marshall, R.G.*

**HB416 Innovative Technology Authority; repealed.** Repeals the Innovative Technology Authority and the Center for Innovative Technology. The bill moves the Advanced Communications Assistance Fund, the Commonwealth Technology Research Fund, and the Biotechnology Commercialization Loan Fund under the supervision of the Virginia Economic Development Partnership.

*Patron - Marshall, R.G.*

**HB423 Searchable budget database website.** Requires the Director of the Department of Planning and Budget to maintain a searchable budget database website that would allow persons to search and aggregate information for individual or specific appropriations or budget items. The Director would be required to have the database operational by July 1, 2009. When fully operational, all data in the database would be maintained for a minimum of 10 years. The bill would require to the Director to work with the Auditor of Public Accounts and the Joint Legislative Audit and Review Commission to avoid any duplication of efforts. This bill is incorporated into HB 1360.

*Patron - Marshall, R.G.*

**HB426 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) pledges certain assets in the amount equal to 100 percent 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.*

**HB497 Center for Innovative Technology (CIT); duties.** Requires CIT to perform a biennial survey of the Commonwealth's technology industry to assess the current and projected demand for science, math, and technology-related graduates and identify the types of graduates most desired by the technology industry. The bill requires CIT to report its findings to the Joint Commission on Technology and Science and the Commonwealth's institutions of higher education.

*Patron - Cosgrove*

**HB595 State funds; state officials and employees; payment for certain communication devices and services prohibited.** Prohibits the use of state funds to pay for the cellular phone, pager, or cable television service of any person

unless the service is provided for use in performance of an official or contractual obligation or task.

*Patron - Marshall, D.W.*

**HB623 Enforcement of immigration laws; agreement with United States Immigrations and Customs Enforcement.** States that it is the responsibility of the Governor to enter into a memorandum of agreement with Immigration and Customs Enforcement that would allow designated state and local law-enforcement officers to perform certain federal immigration law functions in the Commonwealth. Such an agreement is often referred to as an agreement under the federal 287(g) program.

*Patron - Miller, J.H.*

**HB676 Commission on Climate Change; report.** Establishes a Climate Change Commission in the executive branch of government to develop a Climate Change Action Plan that: (i) characterizes the quantity and source of greenhouse gas emissions in the Commonwealth; (ii) identifies the potential impacts and effects of increasing atmospheric greenhouse gas concentrations on the state; (iii) identifies actions necessary to prepare for and mitigate the likely consequences of climate change; (iv) quantifies a greenhouse gas reduction target; (v) identifies and evaluates both state and regional climate action plans that address climate change and greenhouse gas emissions; and (vi) identifies economically viable programs, policies, and actions that are needed to meet state targets for reducing greenhouse gas emissions. In its development of the Climate Change Action Plan, the Commission shall consider demand-side energy conservation by utilities and consumers, expanding renewable energy portfolios, rate decoupling, time-of-use pricing, mandatory energy efficiency measures, and transportation demand management. Wherever possible, the Commission shall examine opportunities to couple greenhouse gas reductions with economic development and other market-based approaches to statewide greenhouse gas reductions. This bill was incorporated into HB 796.

*Patron - Plum*

**HB693 Small business health insurance pools; advisor.** Requires the Secretary of Health and Human Resources to create the position of Small Business Health Insurance Advisor to assist small businesses in forming health insurance pools, as authorized by state and federal law. This bill was incorporated into HB 807.

*Patron - Armstrong*

**HB793 Secretary of Natural Resources; development of strategy to reduce greenhouse gas emissions.** Requires the Secretary to develop a comprehensive plan by January 1, 2010, that, if adopted by the General Assembly, is capable of providing a 30 percent reduction of the 2005 greenhouse gas emissions level by 2025 and an 80 percent reduction of the 2005 greenhouse gas emissions level by 2050.

*Patron - Englin*

**HB807 Small business health insurance pools; advisor.** Requires the Secretary of Health and Human Resources to create the position of Small Business Health Insurance Advisor to assist small businesses in forming health insurance pools, as authorized by state and federal law. This bill incorporates HB 693.

*Patron - Englin*

**HB834 Irrigation systems; state-owned buildings and private property.** Requires the Division of Engineering and Buildings, in every state-owned building or facility designed, constructed, or substantially altered after July 1, 2008, that includes as part of such design, construction, or

alteration the installation of an outdoor automatic sprinkler or irrigation system, to insure that such system shall have furnished and installed technology that inhibits or interrupts operation of the landscape irrigation system during periods of sufficient moisture or rainfall. The technology shall be adjustable either by the end user or the professional practitioner of landscape irrigation services. The bill also provides that every outdoor automatic sprinkler or irrigation system installed after July 1, 2008, by a landscape irrigation contractor shall be equipped with technology that inhibits or interrupts operation of the landscape irrigation system during periods of sufficient moisture or rainfall. The technology shall be adjustable either by the end user or the professional practitioner of landscape irrigation services. The bill provides that this latter provision shall not apply to systems operating on golf courses or agricultural lands.

*Patron - Moran*

**HB909 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 Virginia Nanotechnology Users Network to facilitate research and development of nanotechnology at the Commonwealth's institutions of higher education.

*Patron - Purkey*

**HB910 Technology, Nanotechnology and Biotechnology Investment Fund created.** Creates the Technology, Nanotechnology and Biotechnology Investment 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*

**HB928 Illegal immigration; penalty.** Adopts several measures aimed at curbing illegal immigration in the Commonwealth. The bill requires all public bodies and their contractors to register and participate in a federal work authorization program operated by the United States Department of Homeland Security to verify information on all new employees, and requires all agencies providing benefits to verify the recipient's immigration status. State institutions of higher education would be prohibited from providing in-state tuition to illegal aliens. The bill requires that if an independent contractor fails to provide documentation of the contractor's employment authorization, the contracting entity must withhold state income tax at the top marginal income tax rate from any compensation paid to the contractor. The bill makes it a Class 6 felony to harbor, transport, or conceal an illegal alien. In addition, the immigration status of any individual arrested on suspicion of a felony or of driving under the influence must be verified. To aid in the enforcement of immigration laws, the Attorney General is authorized to negotiate the terms of a memorandum of understanding with the Department of Home-

land Security that would allow law-enforcement officers in the Commonwealth to perform certain immigration functions. In addition, the Department of State Police is directed to establish a division of fraudulent document identification to investigate the sale and distribution of fraudulent documents in the Commonwealth.

*Patron - Gilbert*

**HB943 Veterans services in the Commonwealth.** Changes references under the powers and duties of the Commissioner of Veterans Services from the Secretary of Administration to the Secretary of Public Safety. The bill also clarifies the purpose of the Veterans Services Foundation to provide funding for veteran services and programs in the Commonwealth. This bill was incorporated in HB 229.

*Patron - Jones, D.C.*

**HB1019 Telecommuting; state agencies to keep savings.** Authorizes state agencies to retain the unappropriated balance in the general appropriation act realized as a direct result of implementing a telecommuting program within the agency.

*Patron - Hugo*

**HB1020 Freedom of Information Act; electronic meetings; interim study committees.** Permits interim study committees of the General Assembly to conduct meetings using electronic communications without meeting physical presence requirements for a quorum. Members participating in such meetings through electronic communications shall count towards quorum requirements and have full voting rights.

*Patron - Hugo*

**HB1030 Procurement contracts; state contractors to offer telecommuting to employees.** Requires the contractor to make every effort to offer telecommuting or alternative work schedules to its employees, based on the state telecommuting and alternative work schedule guidelines, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the contractor.

*Patron - Frederick*

**HB1064 Veterans Services; mental health program.** Requires the Commissioner of Veterans Services to develop, in cooperation with the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Department of Rehabilitative Services, a strategy for coordinating the various programs that address the unique mental health needs of veterans, including post-traumatic stress disorder and traumatic brain injuries, and to seek additional federal, state, and private sources of funding for such programs. This bill was incorporated into HB 475.

*Patron - Brink*

**HB1096 Protection of Social Security Numbers Act; penalties.** Creates the Protection of Social Security Numbers Act, which prohibits every agency from releasing those portions of a public record that contain the social security number of any individual. The bill contains several exemptions from this general rule and also allows disclosure of the last four digits of a social security number to certain entities for the purpose of verifying identity. The bill provides for penalties for violation and contains technical amendments.

*Patron - Sickles*

**HB1102 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*

**HB1104 Veterans services in the Commonwealth.** Changes references under the powers and duties of the Commissioner of Veterans Services from the Secretary of Administration to the Secretary of Public Safety. The bill also (i) adds the Chair of the Board of Trustees of the Veterans Services Foundation as a non voting member of the Joint Leadership Council of Veterans Service Organizations, (ii) adds the Chair of the Joint Leadership Council of Veterans Services Organizations as a voting member of the board of trustees of the Veterans Services Foundation, and (iii) establishes the Veterans Services Foundation as a body politic and corporate to provide funding for veteran services and programs in the Commonwealth. This bill was incorporated into HB 229.

*Patron - Bouchard*

**HB1184 Financial and management review of all state agencies.** Directs the Governor to initiate on July 1, 2008, an operational and programmatic performance review of (i) the Department of Health, (ii) the Department of Education, and (iii) primary and secondary education funded by the Commonwealth, which review shall be concluded by December 1, 2008. The review shall be conducted by a private management consulting firm. The goal of the review is to effect savings in expenditures, a reduction in duplication of effort, and programmatic efficiencies in the operation of state government.

*Patron - Lingamfelter*

**HB1189 Appropriations; funding for anti-child-exploitation law enforcement.** Provides both one-time and ongoing appropriations to fund anti-child-exploitation law-enforcement efforts in the Commonwealth.

*Patron - Moran*

**HB1195 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. The bill also requires the use of compact fluorescent light bulbs in state-owned and occupied buildings by January 1, 2010.

*Patron - Moran*

**HB1357 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. This bill was incorporated into HB 1318.

*Patron - Cline*

**HB1358 Procurement of services by certain state agencies.** Requires the Director of the Division of Purchases and Supply of the Department of General Services to require

each state agency, except two- and four-year public institutions of higher education and law-enforcement agencies, to procure nonprofessional services from private sector if such services are listed in the Commonwealth Competition Council's list. The bill also provides that upon a written determination made in advance by a state agency that the procurement of services from a commercial source is neither practicable nor fiscally advantageous, such service may continue to be performed by the state agency.

*Patron - Cline*

**HB1359 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*

**HB1416 Alcoholic beverage control; tax increases; substance abuse treatment fund.** Requires the ABC Board to deduct quarterly five percent from its net profits to be paid into the Substance Abuse Treatment Fund, which is created in the bill. The fund shall be administered by the Secretary of Health and Human Resources and money in the fund shall be used solely to support substance abuse treatment programs throughout Virginia. The bill also raises the excise tax on beer and wine coolers and the liter tax on wine.

*Patron - Ware, O.*

**HB1472 Employment discrimination; speaking English.** Provides that discharging or taking other employment-related action with regard to an employee on the basis of the employee's failure or refusal to comply with his employer's requirement that English be spoken or used while at work for a legitimate business purpose shall not be deemed to constitute discrimination on the basis of national origin. Currently, employers with more than five but less than 15 employees are prohibited from discharging an employee on the basis of national origin.

*Patron - Cole*

**HB1474 Secretary of Education; Citizenship Assistance Initiative Program.** Establishes the Virginia Citizenship Assistance Initiative Program within the Office of the Secretary of Education to serve as a public resource for linking legal permanent residents directly to the information and services they need to successfully pursue citizenship. The Initiative is to be established as a nonprofit legal entity to (i) directly assist legal immigrants in Virginia become United States citizens; (ii) encourage legal immigrants to independently initiate their naturalization process; and (iii) help new citizens participate fully in civic life in Virginia.

*Patron - Eisenberg*

**HB1485 Native American Month and Day of Appreciation.** Changes the current reference to the "American Indian Month" and the "Day of Appreciation for American Indians" to "Native American Month" and "Day of Appreciation for Native Americans."

*Patron - Hall*

**HB1493 Nondiscrimination in state public employment.** Prohibits discrimination in state government employment based on race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, sexual orientation, or status as a special disabled veteran or other veteran covered by the Vietnam Era Veterans Readjustment Act of 1974.

*Patron - Ebbin*

**HB1497 Small business health insurance pools; advisor.** Requires the Secretary of Health and Human Resources to create the position of Small Business Health Insurance Advisor to assist small businesses in forming health insurance pools, as authorized by state and federal law.

*Patron - Marshall, D.W.*

**HB1504 Compromised Data Notification Act.** Creates the Compromised Data Notification Act, which, following discovery or notification of a breach of a security system, requires a state agency that owns or licenses computerized data that includes personal information to provide notice of the breach to all residents of Virginia whose unencrypted personal information was or is reasonably believed to have been acquired by an unauthorized person. The notice shall be given in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the system. This bill has been incorporated into HB 1469.

*Patron - Nixon*

**HB1522 Department of Business Assistance; Virginia Economic Development Partnership.** Abolishes the Department of Business Assistance and transfers its duties to the Virginia Economic Development Partnership.

*Patron - Massie*

**HB1547 The 21st Century Capital Improvement Program.** Creates the 21st Century Capital Improvement Program which is a dynamic program for the orderly and systematic programming and financing of capital projects throughout the Commonwealth that will be revised annually for the acquisition, development, enhancement, planning, or replacement of public facilities over a multiyear period. In addition, the bill provides an initial list of the Program's projects; a list of projects to be constructed by bonds issued by the Virginia College Building Authority and the Virginia Public Building Authority, and a list of projects whose planning costs will be appropriated in the Budget Bill.

*Patron - Putney*

**HB1554 Virginia Public Procurement Act; small, women-, or minority-owned businesses.** Requires the Department of General Services, in conjunction with the Department of Minority Business Enterprise, to develop a program that insures that at least 15 percent of state procurement contracts are awarded to small, women-, and minority-owned businesses located in historically underutilized business zones (HUB Zone) that meet certain requirements. The bill defines HUB Zone.

*Patron - McClellan*

**HB1563 Telecommuting; reports to the General Assembly.** Requires the Secretary of Technology to work in conjunction with the Secretary of Administration and Secretary of Transportation in advising and assisting the public and private sectors regarding telecommuting. The bill also places the primary reporting responsibility with the Secretary of Technology, as opposed to the Secretary of Administration. The Secre-

tary of Technology must report annually by October 1 to the General Assembly on the status and efficiency of telecommuting in the Commonwealth.

*Patron - Scott, J.M.*

**HJ237 Center for Innovative Technology; innovation index; report.** Requests the Center for Innovative Technology (CIT) to establish a Commonwealth Innovation Index to foster the formation, retention, and expansion of technology-based economic development opportunities. In developing the Innovation Index, CIT shall solicit input from the Commonwealth's regional technology councils and technology community. The index shall serve as a community-driven tool that will enable community and Commonwealth leaders to steer a successful course toward global leadership in advanced technology company formation and attraction while saving tax dollars.

*Patron - Rust*

**SB257 State Interoperability Executive Committee.** Codifies the State Interoperability Executive Committee, which assists the Commonwealth Interoperability Coordinator.

*Patron - Deeds*

**SB302 Virginia Commission on Higher Education Board Appointments; sunset.** Removes the sunset on the Virginia Commission on Higher Education Board Appointments. This bill was incorporated into SB 683 and is identical to HB 776.

*Patron - Houck*

**SB338 Public funds; payment for membership to professional associations in certain instances prohibited.** Provides that no public funds may be used to pay for the membership of any employee in a professional association as a condition of employment unless membership in the professional association is required for the employee to maintain a professional or occupational license, certification, or registration that is directly related to the performance of official duties.

*Patron - Cuccinelli*

**SB346 State Office of Accountability.** Establishes the State Office of Accountability to be headed by a State Inspector General to investigate complaints alleging fraud, waste, abuse, corruption, or mistreatment of citizens of the Commonwealth by a locality or state agency or public officers and employees. The bill also authorizes the State Inspector General to examine the management and operation of state agencies and provides a record exemption under the Freedom of Information Act for certain documents of the Office.

*Patron - Blevins*

**SB348 Department of the Treasury; Risk Management Division; coverage for area agencies on aging.** Clarifies that automobile insurance for vehicles used by local chapters or programs of the Meals on Wheels Association of America or any area agency on aging to provide nutritional services to the elderly, homebound, or disabled are to be included in the coverage provided under the State's risk management plan.

*Patron - Blevins*

**SB426 Public Procurement Act; verification of legal presence.** Requires all public contractors and their subcontractors to register and participate in a federal Electronic Work Verification Program or similar electronic verification of work authorization program to determine that their employees and individual independent contractors are legally eligible for employment in the United States. Contractors and subcontractors are required to verify the employment status of their employees and independent contractors, and are prohibited

from employing or contracting with an individual who is not determined to be legally eligible for employment in the United States as determined through the verification of the individual's status. Contractors who do not register and participate in the registration program are ineligible for prequalification.

*Patron - Barker*

**SB433 Enforcement of immigration laws; agreement with United States Immigrations and Customs Enforcement.** States that it is the responsibility of the Governor to enter into a memorandum of agreement with Immigration and Customs Enforcement that would allow designated state and local law-enforcement officers to perform certain federal immigration law functions in the Commonwealth. Such an agreement is often referred to as an agreement under the federal 287(g) program.

*Patron - Vogel*

**SB447 Green Building Act; Department of General Services; capital outlay projects; standards applicable to certain buildings.** Requires all major facility projects of state agencies to be designed to meet the standards of the U.S. Green Building Council's Leadership in Energy and Environmental Design building rating system or the Green Building Initiative's Green Globes building rating system. 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 - Petersen*

**SB480 Comprehensive Services Act; utilization review.** Requires the State Executive Council to oversee development and implementation of uniform standards of utilization review to include review of how individual need for services is determined, how services are procured, and how services are delivered. This bill has been incorporated into SB 487.

*Patron - Hanger*

**SB481 Data Collection; residential service providers.** Requires the State Executive Council to develop and implement uniform data collection standards to collect data on residential service providers and residential services provided under the Comprehensive Services Act program and to develop uniform outcome measures to evaluate residential services provided under the Comprehensive Services Act program. This bill has been incorporated into SB 483.

*Patron - Hanger*

**SB484 Comprehensive Services Act; cost of services.** Adds data regarding the number of youth and families eligible for CSA-funded services, the type of services provided, and the cost of services to the list of data that the State Executive Council is required to collect and for which the State Executive Council is required to develop and implement data collection standards. This bill has been incorporated into SB 483.

*Patron - Hanger*

**SB485 Comprehensive Services Act; data collection.** Requires the Office of Comprehensive Services to include in its child-level data set a field (i) identifying the facility in which a child receives services, including any residential service provider's identification number, (ii) indicating the circumstances under which each child ends each service, and (iii) indicating the circumstances under which each child exits the Comprehensive Services Act program. This bill has been incorporated into SB 483.

*Patron - Hanger*

**SB486 Comprehensive Services Act; client-specific database.** Requires the State Executive Council to oversee

development and implementation of data collection standards and collection of data for a client-specific database. This bill has been incorporated into SB 483.

*Patron - Hanger*

**SB488 State Executive Council for Comprehensive Services; duties.** Requires the State Executive Council to develop and implement an intensive case management services system, including uniform standards for case management for children in residential care. This bill has been incorporated into SB 487.

*Patron - Hanger*

**SB489 Community Policy and Management Teams; duties.** Requires CPMTs to identify children in residential care facilities who can be appropriately served in their homes and communities and to develop a plan for the return of such children from residential care to their homes and communities. Plans shall identify any community-based services which may be necessary for each child and provide for the coordination of services and the monitoring of children returning to their homes or communities from residential care. This bill has been incorporated into SB 487.

*Patron - Hanger*

**SB516 Public employment; required eligibility verification documentation.** Prohibits state and local government agencies from knowingly employing any person who is not a citizen of the United States or who does not provide employment eligibility verification documentation as specified in the Department of Homeland Security Employment Eligibility Verification Form I-9 indicating that he is legally eligible for employment in the United States. An intentional violation of this prohibition by any state employee or official, after notice from the Governor, or his designees, to desist, shall subject him to suspension or permanent dismissal from employment or office. The bill also requires the Department of Human Resource Management to compile an annual report detailing (i) the number of persons suspended and the length of the suspensions, and (ii) the number of persons permanently dismissed.

*Patron - Cuccinelli*

**SB521 Veterans services in the Commonwealth.** Changes references under the powers and duties of the Commissioner of Veterans Services from the Secretary of Administration to the Secretary of Public Safety. The bill also clarifies the purpose of the Veterans Services Foundation to provide funding for veteran services and programs in the Commonwealth. This bill was incorporated into SB 760.

*Patron - Locke*

**SB627 Commission on Climate Change; report.** Establishes a Climate Change Commission in the executive branch to develop a Climate Change Action Plan that: (i) calculates the size of and contributors to Virginia's carbon footprint; (ii) addresses the effects of increasing atmospheric greenhouse gas concentrations on the state; (iii) identifies what the Commonwealth needs to do to prepare for the likely consequences of climate change; and (iv) identifies actions that are needed to meet goals for reducing greenhouse gas emissions. In its development of the Climate Change Action Plan, the Commission shall consider demand-side energy conservation by utilities and consumers; expanding renewable energy portfolios; rate decoupling; time-of-use pricing; and transportation demand management. The Commission will also consult with the Superintendent of Public Instruction to establish and supervise the High School Climate Change Leadership Awards Program and with the State Council of Higher Education to require that a state-supported institution of higher education organize and host a 2009 Mid-Atlantic Regional Climate Change Lead-

ership Consortium. This bill was incorporated into SB 464 (Whipple).

*Patron - Ticer*

**SB647 Freedom of Information Act (FOIA); exemption for certain publicly owned museum records.** Exempts from FOIA records of a publicly owned museum that can be used to identify an individual who donates or loans one or more items of personal property to the museum.

*Patron - Ticer*

**SB658 Comprehensive Services Act Program; case management and residential care plan.** Requires the State Executive Council to develop, and localities to implement, a program of case management for residential care to include a provision for residential care plans. Requires family assessment and planning teams to develop, and community policy and management teams to review, residential care plans that include goals for residential care treatment, a provision for monitoring and review of plans, evaluation of progress toward identified goals, and a plan for returning the youth to his home or community at the earliest appropriate time. This bill has been incorporated into SB 487.

*Patron - Howell*

**SB675 Qualified public depositories; credit unions.** Adds state- and federal-chartered credit unions to the institutions that may be qualified public depositories.

*Patron - Newman*

**SB795 Bonds for Virginia facilities and other projects.** Authorizes the issuance of bonds under the Virginia Public Building Authority in a principal amount not to exceed \$1,103,600,000, and under the Virginia College Building Authority with the principal amount of bonds issued for all such projects not to exceed \$1,353,729,000. The bill also authorizes the State Treasurer to advance treasury loans in an amount not to exceed the costs of planning for certain capital projects with the total amount of treasury loans advanced for the costs of planning of all such projects not to exceed \$95,570,000.

*Patron - Colgan*

## Carried Over

**HB858 Freedom of Information Act (FOIA); exemption for certain publicly owned museum records.** Exempts from FOIA records of a publicly owned museum that can be used to identify an individual who donates or loans one or more items of personal property to the museum.

*Patron - Ebbin*

**HB1318 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 must equal at least \$50 million and will be deposited in a special nonreverting fund titled the Virginia Taxpayer Surplus Relief Fund and must be used by the next session of the General Assembly to provide tax relief to Virginia taxpayers. This bill incorporates HB 1357.

*Patron - O'Bannon*

**HB1360 Searchable budget database website.** Requires the Director of the Department of Planning and Budget to maintain a searchable budget database website that would allow persons to search and aggregate information for individual or specific appropriations or budget items. The

Director would be required to have the database operational by July 1, 2009. When fully operational, all data in the database would be maintained for a minimum of 10 years. The bill would require to the Director to work with the Auditor of Public Accounts and the Joint Legislative Audit and Review Commission to avoid any duplication of efforts. This bill incorporates HB 201, HB 203, HB 423, HB 1163, HJ 82, and HR 2.

*Patron - Cline*

**HB1558 Public Procurement Act; verification of legal presence.** Requires all public contractors and their sub-contractors to register and participate in a federal Electronic Work Verification Program or similar electronic verification of work authorization program to determine that their employees and individual independent contractors are legally eligible for employment in the United States. Contractors and subcontractors are required to verify the employment status of their employees and independent contractors, and are prohibited from employing or contracting with an individual who is not determined to be legally eligible for employment in the United States as determined through the verification of the individual's status. Contractors who do not register and participate in the registration program are ineligible for prequalification. This bill was continued to the 2009 Regular Session of the General Assembly.

*Patron - Cline*

**SB342 Transfer of state toll facilities.** Requires the purchaser of a state toll facility that is a non-Commonwealth public or private entity to agree in writing to conduct all business of the newly acquired toll facility in open meetings under the provisions of the Virginia Freedom of Information Act.

*Patron - Cuccinelli*

**SB474 Department of Minority Business Enterprises; powers; certification of sheltered workshops.** Requires the Director of the Department of Minority Business Enterprise to establish a certification program for sheltered workshops. The bill further requires sheltered workshops to be included in the procurement goals and programs of state agencies. The bill defines a "sheltered workshop" as a nonprofit business entity or organization that offers transitional or supported employment services serving the disabled.

*Patron - Hanger*

**SB535 State and Local Government Conflict of Interests Act; prohibited conduct for certain officers and employees of local government.** Prohibits a local officer and certain local employees from accepting employment with any person or business that was party to any transaction before the local officer's or employee's agency in which the local officer participated in discussion and the final vote taken by the agency on the transaction or the local employee participated in an official capacity during the agency's consideration of the transaction.

*Patron - Herring*

**SB585 Searchable budget database website.** Requires the Director of the Department of Planning and Budget to maintain a searchable budget database website that would allow persons to search and aggregate information for individual or specific appropriations or budget items. The Director would be required to have the database operational by July 1, 2009. When fully operational, all data in the database would be maintained for a minimum of 10 years. The bill would require to the Director to work with the Auditor of Public Accounts and the Joint Legislative Audit and Review Commission to avoid any duplication of efforts.

*Patron - Cuccinelli*



**CSB703 Virginia Tourism Authority; Virginia Motion Picture Incentive Performance Grant Fund.** Creates the Virginia Motion Picture Incentive Performance Grant Fund to be administered by the Virginia Film Office. The bill sets out eligibility requirements for obtaining grants by motion picture film production companies.

*Patron - Lucas*

## Agriculture, Horticulture and Food

### Passed

**PHB5 Gas chambers.** Prohibits the use of gas chambers for euthanizing companion animals. This is emergency legislation. This bill incorporates HB 1289 and HB 40.

*Patron - Orrock*

**PHB207 Local animal pounds and shelters; definition.** Clarifies that a facility serving as a pound or shelter may operate in either a building or a portion of a building, as designated by the State Veterinarian. This change would allow inspectors to tailor the separate inspection and regulatory standards for shelters and pounds to the respective portion of the facility designated for each purpose.

*Patron - Morgan*

**PHB537 Rabies vaccination certificates; public access; duties of local treasurers.** Exempts records sent by veterinarians to local treasurers from public access under the Freedom of Information Act when such information is not contained in the animal license or license application. This will allow local treasurers to dispose of records sent from veterinarians. This bill incorporates HB 457.

*Patron - Orrock*

**PHB538 Commercial dog breeding operations; penalty.** Defines a commercial breeder as any person who, during any 12-month period, maintains 30 or more adult female dogs for the primary purpose of the sale of their offspring as companion animals. Commercial breeders will be required to: (i) apply for a business license from their respective locality; (ii) cooperate with inspections by animal control officers to ensure compliance with state and federal animal care laws; (iii) maintain records of animal sales, purchases, breeding history, and veterinary care; (iv) dispose of dead dogs and confined waste in accordance with law; and (v) maintain no more than 50 dogs over the age of one year at one time for breeding purposes. The bill also provides that any person who has been convicted of any law concerning abuse, neglect, or cruelty to animals may not sell or trade any companion animal. Commercial breeders that violate any of these provisions are guilty of a Class 1 misdemeanor. Pet shops must ensure that their dogs are purchased from dealers or persons that are properly registered and licensed with the U.S. Department of Agriculture. This bill incorporates HB 690 and HB 1232. The provisions of the bill are made subject to funding in the general appropriation act.

*Patron - Orrock*

**PHB644 Master Settlement Agreement; enforcement requirements for tobacco product manufacturers; national sales information.** Requires every tobacco product manufacturer whose cigarettes are to be sold in the Commonwealth to submit, as a condition of selling cigarettes in the Commonwealth, to the Attorney General a true and correct copy of each annual return or report filed with the Alcohol and Tobacco Tax

and Trade Bureau for federal excise tax purposes. Failure to submit the annual return or report will result in the loss of the tobacco manufacturer's authority to sell cigarettes in the Commonwealth after 30 days' notice. This bill also provides provisions for the protection of the annual return data once in the possession of the Attorney General.

*Patron - Hogan*

**PHB655 Dangerous dogs; judicial discretion.** Provides a court with the authority not to declare a dog to be a dangerous dog for good cause, based on the evidence before it if the dog is not dangerous or a threat to the community. Currently, a court is required to declare a dog dangerous if there is any bite, attack, or injury to a person, even if the bite, attack, or injury is accidental or negligible.

*Patron - Griffith*

**PHB656 Animal protection and fighting; penalty.** Provides that engaging in the fighting of any animals is a Class 1 misdemeanor, while dog fighting remains a Class 6 felony. Possession of any materials intended to enhance the ability of animals to fight, permitting a minor to become involved in animal fighting, or wagering on animal fighting raises any such offense to a Class 6 felony. Animals that are the subject of such criminal charges may be forfeited to the locality, but the owner may post bond to retain his ownership interest and repossess the animals if the court issues a finding of not guilty. Law-enforcement officers would be permitted to conduct searches at any time upon the issuance of warrants. Currently, such officers may only conduct searches during the day. This bill incorporates HB 1057 and HB 1465. This bill is identical to SB 592.

*Patron - Griffith*

**PHB673 Animal welfare standards.** Requires that "adequate water" for animals is replenished in a manner that is appropriate for the weather and temperature. Currently, "adequate water" must be replenished at least once every 12 hours.

*Patron - Alexander*

**PHB999 Bond for abandoned or cruelly treated animals.** Allows the court to order the owner of any animal held by a humane investigator or animal control officer for more than 30 days to post a bond with the locality for the amount of the cost of boarding the animal if the locality has not adopted an ordinance requiring the posting of such bond.

*Patron - Bell*

**PHB1121 Weights and measures; certified service technicians.** Clarifies that it is permissible to possess for commercial purposes a weight or measure that has been placed into service by a duly certified service technician.

*Patron - Sickles*

**PHB1331 Revision of Title 3.1; Department of Agriculture and Consumer Services; commodity-related boards; protection of food supplies; domestic animals.** Creates proposed Title 3.2 (Agriculture, Animal Care, and Food) as a revision of existing Title 3.1 (Agriculture, Horticulture and Food) and consists of 65 chapters divided into five subtitles: Subtitle I (General Provisions; Protection and Promotion of Agriculture); Subtitle II (Boards, Councils, Foundations, and Commissions); Subtitle III (Production and Sale of Agricultural Products); Subtitle IV (Food and Drink; Weights and Measures); and Subtitle V (Domestic Animals). Subtitle I addresses the preservation of agricultural lands and the promotion of the agricultural industry. In addition to setting out the duties and responsibilities of the Department of Agriculture and Consumer Services, the Commissioner of Agriculture and Consumer Services, and the Office of Consumer Affairs, the

first chapter includes several new provisions. These sections provide title-wide definitions and the authority to adopt regulations governing the conduct of referenda and replace existing sections throughout the current title. Subtitle II establishes the various commodity-related boards, councils, and foundations formed to promote the agricultural industry in the Commonwealth. It begins with a listing of the special funds associated with these various collegial bodies and the reporting requirements for commodity boards, then sets out all of the commodity boards and prescribes their powers and duties. Subtitle III provides for the production and sale of agricultural products through a system of grading, licensing, certification, and registration. The sections in these chapters have been organized in a similar sequence, with a definitions section placed first, followed by agency administrative responsibilities, licensing or registrations requirements, enforcement provisions and, finally, penalties. Subtitle IV sets standards for consumer protection. These laws: (i) prescribe standards for ensuring the wholesomeness and safety of food products, including proper labeling practices; and (ii) protect the consumer by establishing standards for the instruments and devices used in weighing and measuring commodities. Subtitle V provides for the regulation of domestic animals in the Commonwealth.

*Patron - Landes*

**HB1372 Inspection of honey houses; repeal.** Repeals the duplicative authority of the Department of Agriculture and Consumer Services to regulate the sanitary conditions in places where honey is stored and manufactured under the beekeeping laws, because such authority is already broadly granted under Article 2, Sanitary Requirements in General, of Chapter 20 of Title 3.1.

*Patron - Landes*

**HB1424 Poultry testing for avian influenza.** Requires the importer of poultry into the Commonwealth to test for avian influenza within a period of time set out by proclamation of the State Veterinarian. Currently, an importer of poultry must test for avian influenza within 10 days before the poultry enters the Commonwealth. This bill contains an emergency clause.

*Patron - Lohr*

**SB135 Applying fertilizer to nonagricultural property.** Requires the Board of Agriculture and Consumer Services to adopt regulations that certify the competence of the contractor-applicators and licensees who apply any regulated product to nonagricultural property. The regulations are to be in accordance with the Department of Conservation and Recreation's nutrient management training and certification program. The Board is to consult with the Department of Conservation and Recreation and a committee of stakeholders in the development of the regulations. The Board is authorized to impose a civil penalty of up to \$250 on any contractor-applicator or licensee who does not comply with the regulations.

*Patron - Stuart*

**SB272 Inspection of food establishments; exception for private homes.** Exempts certain types of commercial food preparation in private homes from inspections by the Department of Agriculture and Consumer Services. The exception will apply to candies, jams, and jellies not considered to be low-acid or acidified low-acid food products or baked goods that do not require time or temperature control after preparation, including cream pies, if such products: (i) are sold to an individual for his own consumption and not for resale and (ii) are labeled "NOT FOR RESALE—PROCESSED AND PREPARED WITHOUT STATE INSPECTION."

*Patron - Deeds*

**SB477 Matching grants to local purchase of development rights programs.** Provides that, in general, local purchase of development rights programs would be required to make a \$1 match for each \$1 in grants awarded by the Office of Farmland Preservation.

*Patron - Hanger*

**SB545 Master Settlement Agreement; regulation of cigarette manufacturers.** Makes several changes to enhance the regulation of cigarette manufacturers and stamping agents and enforcement provisions. Changes include (i) establishing a bonding requirement for newly qualified and elevated risk nonparticipating tobacco manufacturers, (ii) authorizing the Attorney General to conduct audits and investigations for compliance with the requirements of the Master Settlement Agreement, (iii) requiring nonparticipating manufacturers located outside of the United States to appoint an agent in the state, and (iv) providing for the joint and several liability of nonparticipating manufacturers whose cigarettes are sold in Virginia and their importers for the deposit of required escrow payments. Under the bill, tobacco product manufacturers that are poor compliance risks or are not in compliance with the requirements of the Master Settlement Agreement may not be listed on the Virginia Tobacco Directory. The bill also exempts from FOIA records of the Office of the Attorney General acting pursuant to its enforcement authority under the Master Settlement Agreement, to the extent that such records contain reports, affidavits, correspondence, or other information submitted by a private business entity or principal thereof to the Office of the Attorney General.

*Patron - Hurt*

**SB592 Animal protection and fighting; penalty.** Provides that engaging in the fighting of any animals is a Class 1 misdemeanor, while dog fighting remains a Class 6 felony. Possession of any materials intended to enhance the ability of animals to fight, permitting a minor to become involved in animal fighting, or wagering on animal fighting raises any such offense to a Class 6 felony. Animals that are the subject of such criminal charges may be forfeited to the locality, but the owner may post bond to retain his ownership interest and repossess the animals if the court issues a finding of not guilty. Law-enforcement officers would be permitted to conduct searches at any time upon the issuance of warrants. Currently, such officers may only conduct searches during the day. This bill is identical to HB 656.

*Patron - Norment*

**SB663 Local fees for companion animals.** Removes the cap that localities may charge for the burial or cremation of animals and authorizes localities to charge increased fees for the repeated impoundment of the same animal.

*Patron - Blevins*

## Failed

**HB32 Fighting of cocks and other animals; penalty.** Increases the penalty for engaging in the fighting of cocks or other animals, except dogs, from a Class 3 to a Class 1 misdemeanor. Currently, the penalties only apply if (i) the fighting occurs for money, prizes, or anything of value, (ii) an admissions fee is charged, or (iii) wagering occurs. These conditions are removed. The bill also makes it a Class 1 misdemeanor to possess, own, train, or sell cocks or other animals, except dogs, for fighting.

*Patron - Ingram*

**HB40 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, 2008. This bill was incorporated into HB 5.

*Patron - Scott, J.M.*

**HB217 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*

**HB306 Animal control officers; training.** Requires that animal control officers receive training in a basic animal control course within one year of appointment. Currently, animal control officers are not required to receive such training for two years after appointment. Animal control officers will also receive continuing education every year, instead of every three years. The content of continuing education courses will contain training on enforcement and animal care laws.

*Patron - Eisenberg*

**HB457 Veterinarians and animal licensure.** Repeals the requirement that veterinarians must provide the local treasurer with rabies certificate information, which the treasurers then use to collect license fees for companion animals. This law has been in effect since July 1, 2007, and provides a civil penalty of \$10 for a veterinarian that willfully fails to provide the vaccination certificates to the treasurer. This bill was incorporated into HB 537.

*Patron - Merricks*

**HB464 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 - Albo*

**HB661 Agritourism and marine tourism activity liability.** Expands the Agritourism Activity Liability Act, passed in 2006, to marine tourism activities conducted by commercial fishermen. Currently, only agritourism activities on land are covered by the act, although aquaculture is already included as an agritourism activity.

*Patron - Lewis*

**HB690 Commercial breeding of companion animals; penalty.** Requires state licensure of any person who breeds companion animals and is also required to be licensed by the U.S. Department of Agriculture. The Virginia Department of Agriculture and Consumer Services will issue licenses and collect an annual fee of \$150, which will be remitted to the localities where animal breeding facilities are located. Animal control officers are granted the authority to investigate any commercial breeding operation to ensure compliance with animal care laws. This bill was incorporated into HB 538.

*Patron - Armstrong*

**HB691 Animal control officers; inspection of breeding facilities.** Requires an animal control officer to make quarterly inspections of any premises in his jurisdiction where dealers breed companion animals. The animal control officer

will ensure that dealers comply with state and federal standards for sanitation, licensure, and adequate care.

*Patron - Armstrong*

**HB1057 Cockfighting; penalty.** Imposes a penalty of a Class 6 felony on any person who knowingly engages in an animal fighting venture that involves two or more cocks or other animals, except dogs. This bill was incorporated into HB 656.

*Patron - Scott, J.M.*

**HB1122 Weights and measures; certified service technicians.** Clarifies that it is permissible to possess for commercial purposes a weight or measure that has been placed into service by a duly certified service technician.

*Patron - Sickles*

**HB1232 Overbreeding of cats and dogs; penalty.** Prohibits any dealer from breeding more than 20 litters of dogs or cats, or selling more than 100 dogs or cats, in any year. Violators are guilty of a Class 3 misdemeanor. This bill was incorporated into HB 538.

*Patron - Vanderhye*

**HB1289 Use of gas chambers for animal euthanasia prohibited.** Prohibits the use of gas chambers for animal euthanasia. This bill was incorporated into HB 5.

*Patron - Athey*

**HB1396 Agritourism.** Charges the Commissioner of Agriculture and Consumer Services with the responsibility of promoting Virginia agritourism both nationally and internationally. He is to develop a statewide agritourism master plan and coordinate efforts to educate the public about the importance of Virginia's agriculture heritage and industry.

*Patron - Lohr*

**HB1465 Dogfighting; penalty.** Includes, as violations applicable to the crime of dogfighting, attending such fights; permitting a minor to engage in any of the punishable activities; and possessing any materials intended to train animals to fight or enhance the ability of animals for fight. Dogs that are the subject of such criminal charges may be forfeited to the locality, but the owner may post bond to retain his ownership interest and repossess the animals if the court issues a finding of not guilty. Animal control officers would be permitted to conduct searches at any time upon the issuance of warrants. Currently, only police officers may conduct such searches, and only during the day. This bill was incorporated into HB 656.

*Patron - Armstrong*

**HB1473 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 - Eisenberg*

**HB1486 Dealer permits.** Allows localities to charge dealers in companion animals up to \$150 to obtain a permit. The current limit for such a permit is \$50. The bill also requires localities that use the proceeds from real estate taxes to fund animal control activities or has releasing agencies that euthanize companion animals that are not critically ill or exhibit behavior that is a risk to their caretakers to obtain a permit.

*Patron - Athey*

**HB1570 Companion animals; sterilization; penalty.** Requires that sellers of dogs and cats adhere to the same sterilization requirements currently applied to releasing agencies, such as shelters and pounds. Breed improvers, fancier breeders, and hobby breeders would be exempt from the requirements. Violators would be subject to a civil penalty of not more than \$150, while persons fraudulently claiming exemption would be subject to a civil penalty of \$1,000.

*Patron - Hull*

**SB498 Gas chambers.** Prohibits the use of gas chambers for euthanizing companion animals. This is emergency legislation.

*Patron - Northam*

## Carried Over

**HB848 Lease of development rights program.** Tasks the Office of Farmland Preservation to create a lease of development rights program. Under such program, properties of 20 acres and larger and that are enrolled in "land use" taxation programs, would be eligible to participate in a lease of development rights program whereby the property owner relinquishes "by right" development for at least seven years in exchange for a contractually agreed upon lease amount.

*Patron - Ware, R.L.*

**HB1525 Infectious animal diseases; scrapie regulations for goats and sheep.** Requires that any regulations adopted by the Board of Agriculture and Consumer Services regarding the eradication and control of scrapie in goats and sheep limit intrastate identification, reporting, and movement restrictions to infected and source flocks and high-risk animals.

*Patron - Gear*

**SB172 Sales of equines by dealers; penalty.** Regulates the sales of horses for showing or racing by dealers when the value of the horse is over \$10,000. Bills of sale will be required, along with written acknowledgements, to include permission and compensation, if an agent is acting on behalf of both the buyer and the seller. Violators shall be guilty of a Class 1 misdemeanor and civilly liable for treble damages.

*Patron - Blevins*

**SB373 Invasive plants; labeling.** Provides that the Board of Agriculture and Consumer Services, in consultation with the Virginia Invasive Species Plant Council, shall adopt regulations requiring nurseries to label all invasive species of plants.

*Patron - Stuart*

## Alcoholic Beverage Control Act

### Passed

**HB548 Alcoholic beverage control; mixed beverage licenses.** Allows the holder of a limited mixed beverage restaurant license to sell and serve dessert wine, in addition to certain liqueurs, as a privilege of the license.

*Patron - Nixon*

**HB694 Alcoholic beverage control; wine tastings by gourmet shop licensees.** Allows gourmet shop licensees to give samples of wine or beer at tastings sponsored by the licensee for its customers for on-premises consumption. Additionally, with the consent of the licensee, farm wineries,

wineries, breweries, and wholesale licensees may participate in tastings held by licensees authorized to conduct tastings, including the pouring of samples to any person to whom alcoholic beverages may be lawfully sold. The bill contains an emergency clause.

*Patron - Armstrong*

**HB908 Alcoholic beverage control; operation of government stores; Sunday sales.** Allows ABC stores to be open on Sunday in any city with a population of 100,000 or more. Since 2004, ABC stores may be open, at the discretion of the ABC Board, in the Counties of Fairfax, Arlington, Loudoun, and Prince William, and in the Cities of Alexandria, Fairfax City, Manassas, Manassas Park, Norfolk, and Virginia Beach. The bill would add the Cities of Portsmouth, Hampton, Newport News, Richmond, and Chesapeake.

*Patron - Gear*

**HB1075 Alcoholic beverage control; powers and duties of the Alcoholic Beverage Control Board generally; prohibited acts by licensees; exceptions.** Requires the ABC Board to adopt regulations allowing an on-premises licensee to reduce the length of any suspension or reduce the amount of any civil penalty if the licensee can demonstrate that it provided certified alcohol server training to its employees. The bill also authorizes an on-premises restaurant licensee to use alcoholic beverages that the licensee otherwise is authorized to purchase and possess for the purposes of preparing and selling for on-premises consumption food products with a final alcohol content of more than one-half of one percent by volume, as long as such food products are sold and consumed by persons who are 21 years of age or older. The bill provides that no ABC Board regulation may prohibit this. The bill prohibits a licensee from conducting a "happy hour" or related promotion at a licensed restaurant except during hours permitted by Board regulation. In addition, the ABC Board is prohibited from adopting regulations prohibiting any mixed beverage licensee from pre-mixing, either in a frozen drink dispenser of a type approved by the Board, or otherwise, mixed alcoholic beverages for purposes of sale and consumption on the licensed premises. The bill requires the ABC Board to adopt regulations providing for alternative methods for licensees to maintain and store business records that are subject to Board inspection, including methods for Board-approved electronic and off-site storage. The bill also defines the term "reasonable hours" for purposes of ABC Board inspection of retail licensee records. A mixed beverage licensee is authorized to mix wine, beer and spirits as an alcoholic beverage drink for a patron. The bill contains technical amendments. HB 862 and HB 1269 were incorporated into this bill.

*Patron - Suit*

**HB1117 Alcoholic beverage control; suspension and revocation of licenses.** Permits the revocation of a license if the licensee has allowed his premises to become a meeting place or rendezvous for members of a criminal street gang, as defined in § 18.2-46.1.

*Patron - Miller, P.J.*

**HB1132 Alcoholic beverage control; wine and beer licenses.** Adds the City of Roanoke to the list of locations where food concessions at outdoor amphitheaters, etc. having a seating capacity of more than 3,500 can obtain retail on-premises wine and beer licenses.

*Patron - Fralin*

**HB1171 Alcoholic beverage control; prohibited acts; grounds for suspension or revocation of license; exceptions.** Removes the authority of the Alcoholic Beverage Control Board to revoke or suspend a license if an establishment has

allowed noisy, lewd, or disorderly conduct upon the licensed premises. The bill clarifies that the Board may revoke or suspend a license if a licensee allows obscene literature, pictures or materials upon the licensed premises. The Board may also revoke a license if the licensee allows any striptease act or any person connected with the licensed business to appear nude or partially nude unless the licensee is operating a theatre, concert hall, art center, museum, or similar establishment that is devoted primarily to the arts or theatrical performances, when the performances are expressing matters of serious literary, artistic, scientific, or political value. For a mixed beverage licensee, the Board may revoke or suspend the license if the licensee allows entertainment of an obscene nature, stripteasing, topless entertaining, or entertainment that has employees who are not clad both above and below the waist unless the licensee is operating a theatre, concert hall, art center, museum, or similar establishment that is devoted primarily to the arts or theatrical performances, when the performances are expressing matters of serious literary, artistic, scientific, or political value.

*Patron - Cosgrove*

**HB1239 Beer and wine licensure qualifications.**

Requires gourmet shop licensees to maintain each year an average monthly inventory and sales volume of at least \$1,000 in cheeses and gourmet food.

*Patron - Saxman*

**HB1379 Alcoholic beverage control; exemptions from the Virginia Public Procurement Act.** Exempts the purchase of products used in connection with distilled spirits intended for resale from the Virginia Public Procurement Act as it applies to the Alcoholic Beverage Control Board.

*Patron - Morrissey*

**HB1399 Alcoholic beverage control; farm wineries.**

Permits farm wineries to receive deliveries and shipments of wine not manufactured by the farm winery and sell and deliver or ship this wine to the Board or wholesale licensees for the purpose of resale. The bill also clarifies the definition of farm.

*Patron - Scott, E.T.*

**HB1502 Alcoholic beverage control; canal boat operator license.** Creates a canal boat operator license, sets the privileges of this new license, and sets the applicable state and local license tax. The bill defines canal boat operator.

*Patron - Loupassi*

**HB1562 Alcoholic beverage control; transfer of licenses.** Allows for the transfer of an ABC license upon application by a bona fide purchaser of a licensed premises under certain conditions. Bona fide purchasers whose license transfer application is granted by the Board shall, at the time for renewal of the license, meet all of the requirements for initial licensure. The bill provides that the ABC Board may not grant a license transfer to an applicant against whom there is pending in the courts or before the Board a charge for violation of the provisions of Title 4.1 or Board regulations. Additionally, the Board may refuse to grant a license transfer for such causes as are specified in § 4.1-222.

*Patron - Scott, J.M.*

**SB198 Alcoholic beverage control; operation of government stores.** Allows certain holders of a distiller's license, appointed as agents of the ABC Board, to also sell alcoholic beverages produced on the licensed premises. Currently, the alcoholic beverages must be manufactured by the licensees. The bill contains an emergency clause.

*Patron - Puller*

**SB584 Alcoholic beverage control; prohibited acts by licensees; exceptions.** Allows a mixed beverage licensee to make sangria. The bill defines sangria and provides that a mixed beverage licensee is prohibited from pre-mixing containers of sangria to be served and sold in pitchers for consumption on the licensed premises. The bill also provides a mixed beverage licensee may (i) make sangria that contains brandy, triple sec, or other similar spirits, (ii) combine beer or spirits, or both, with wine pursuant to a patron's order, or (iii) combine wine or spirits, or both, with beer pursuant to a patron's order.

*Patron - Ticer*

**SB635 Alcoholic beverage control; alcohol content in prepared foods.** Prohibits licensees from keeping any alcoholic beverage other than in the bottle or container in which it was purchased by him except (i) for a frozen alcoholic beverage and (ii) in the case of wine, in containers of a type approved by the Board pending automatic dispensing and sale of such wine. The bill also prohibits the Alcoholic Beverage Control Board from prohibiting an on-premises restaurant licensee from using alcoholic beverages that the licensee otherwise is authorized to purchase and possess for the purposes of preparing and selling for on-premises consumption food products with a final alcohol content of more than one-half of one percent by volume, as long as such food products are sold and consumed by persons who are 21 years of age or older.

*Patron - Ticer*

**SB669 Alcoholic beverage control; application for licenses; criminal history checks.** Permits ABC agents to check the national criminal database when conducting background checks on prospective licensees. The bill also increases the fee that an applicant for an ABC license has to pay for a national criminal history check through the FBI or CCRE from \$20 to the actual cost of those criminal history checks.

*Patron - Deeds*

## Failed

**HB127 Providing alcohol to underaged drinker; penalty.** Provides that if a person is found guilty of providing alcohol to an underaged person and the underaged person to whom he provided or assisted in giving alcohol was his child or in his home or under his supervision at the time of the offense, the person shall have his license to operate a motor vehicle suspended for a period of one year. The current penalty for any offender includes license suspension for no more than one year.

*Patron - Purkey*

**HB266 Alcoholic beverage control; mixed beverage restaurant licensees; liquor sale calculations.** Requires the Alcoholic Beverage Control Board to establish a system defining a uniform mixed beverage sale price based on volume of spirits sold. Such uniform sale price shall be used solely for the purposes of calculating gross receipts for mixed beverage restaurant licensees pursuant to § 4.1-210.

*Patron - Albo*

**HB421 Alcoholic beverage control (ABC); privatization of ABC stores.** Provides for the issuance of a "package store" license to authorize the retail sale of alcoholic beverages for off-premises consumption. The bill also requires the ABC Board to sell at auction all real estate used as ABC stores, and to terminate leased property upon which the ABC Board has operated a government store. The bill requires the ABC Board to complete an implementation study by December 31, 2008, on how it will privatize government stores. The bill has a delayed effective date of January 1, 2009, to achieve full retail

privatization of government stores. The bill contains numerous technical amendments.

*Patron - Marshall, R.G.*

**HB601 Alcoholic beverage control; local ordinances.** Allows localities by ordinance to regulate or prohibit the sale, for off-premises consumption, of single units of alcoholic beverages from their original multi-unit packaging by the manufacturer.

*Patron - McClellan*

**HB611 Alcoholic beverage control (ABC); privatization of ABC stores.** Provides for the issuance of a "package store" license to authorize the retail sale of alcoholic beverages for off-premises consumption. The bill also requires the ABC Board to dispose of all real estate used as ABC stores, and to terminate leased property upon which the ABC Board has operated a government store. The bill requires the ABC Board to complete an implementation study by December 31, 2008, on how it will privatize government stores. The bill has a delayed effective date of January 1, 2009, to achieve full retail privatization of government stores. The bill provides that persons holding a retail off-premises wine and beer license are eligible to obtain a package store license. The bill contains numerous technical amendments.

*Patron - Poisson*

**HB696 Alcoholic beverage control; substance abuse treatment.** Requires the ABC Board to deduct quarterly five percent from its net profits to be paid into the Substance Abuse Treatment Fund, which fund is created in the bill. The fund shall be administered by the Secretary of Health and Human Resources and money in the fund shall be used solely to support substance abuse treatment programs throughout Virginia.

*Patron - Armstrong*

**HB740 Underaged drinking; deferred disposition; mitigation.** Provides that an underaged drinker who summons law enforcement or medical assistance on behalf of another is eligible for deferred disposition of his case. The bill also provides that a person who provides alcohol to an underaged drinker shall have considered in mitigation the fact that he summoned law enforcement or medical assistance on behalf of another.

*Patron - Caputo*

**HB862 Alcoholic beverage control; alcohol content in prepared foods.** Prohibits the Alcoholic Beverage Control Board from prohibiting an on-premises restaurant licensee from using alcoholic beverages that the licensee otherwise is authorized to purchase and possess for the purposes of preparing and selling for on-premises consumption food products with a final alcohol content of more than one-half of one percent by volume, as long as such food products are sold and consumed by persons who are 21 years of age or older. This bill was incorporated into HB 1075.

*Patron - Ebbin*

**HB864 Alcoholic beverage control; mixed beverage licenses; local governments and historic buildings.** Permits the Alcoholic Beverage Control Board to grant annual mixed beverage special events licenses to local governments for use in a building owned by a local government and listed on the National Historic Landmarks Survey.

*Patron - Ebbin*

**HB1199 Alcoholic beverage control; operation of government stores.** Authorizes the ABC Board to sell in government stores magazines or other publications whose principal

purpose is to feature and educate the consuming public about the wine industry.

*Patron - Valentine*

**HB1269 Alcoholic beverage control; prohibited acts by licensees; exceptions.** Allows a mixed beverage licensee to make sangria. The bill defines sangria and provides that no mixed beverage licensee is prohibited from pre-mixing containers of sangria to be served and sold in pitchers for consumption on the licensed premises. This bill was incorporated into HB 1075.

*Patron - Ebbin*

**SB784 Alcoholic beverage control; operation of government stores.** Authorizes the ABC Board to sell in government stores magazines or other publications whose principal purpose is to feature and educate the consuming public about the Virginia wine industry.

*Patron - Deeds*

## Carried Over

**SB294 Grounds for which ABC Board may revoke or suspend license.** Eliminates provision that the ABC Board may revoke or suspend a license, other than a brewery license, if it has reasonable cause to believe that the licensee has employed a person who has been convicted of a felony or a crime of moral turpitude. The bill limits ABC Board's authority to revoke a license to licensees who employ a person who has violated the laws of the Commonwealth, of any other state, or of the United States, applicable to the manufacture, transportation, possession, use or sale of alcoholic beverages.

*Patron - Puller*

**SB323 Alcoholic beverage control; mixed beverage restaurant licensee food sale requirement.** Changes the gross receipt sale requirement for mixed beverage restaurant licensees. The bill requires licensees' gross receipts from the sale of food cooked or prepared and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, to amount to at least an average of \$4,000 per month annually.

*Patron - Wagner*

**SB366 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. The bill

eliminates the authority for creation of a nonprofit corporation by the Commissioner of Agriculture and Consumer Services and contains numerous technical corrections to effect such elimination.

*Patron - Watkins*

**CSB601 Alcoholic beverages; underage possession.** Changes the penalty for possession of alcoholic beverages by a person under age 21 to a Class 2 misdemeanor (confinement in jail for not more than six months and a fine of not more than \$1000, either or both) from a Class 1 misdemeanor (confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both).

*Patron - Norment*

## Aviation

### Failed

**FHB1158 Aircraft accident investigations; state police.** Provides joint jurisdiction to local police and the Department of State Police to investigate aircraft accidents. Currently, State Police have sole jurisdiction over such accidents.

*Patron - Saxman*

## Banking and Finance

### Passed

**FHB12 Payday Loan Act.** Requires the State Corporation Commission, by January 1, 2009, 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 the loan is permissible. Licensees are required to pay a database inquiry fee to the database provider. A payday lender is prohibited from making a payday loan to a person if the loan would cause the borrower to have more than one payday loan outstanding at the same time and from making a payday loan on the same day that the person has paid a previous payday loan. Payday lenders are permitted to charge, on any payday loan, interest at an annual rate of 36 percent, a loan fee of not more than 20 percent of the loan proceeds, and a \$5 verification fee. Payday lenders are prohibited from knowingly making loans to a member of the military service or to the spouse or dependent of such person. A borrower may enter into an extended payment plan, which allows the borrower to repay the loan in at least four equal installments over a period of not less than 60 days. A borrower may not enter into more than one extended payment plan in any 12-month period. A payday loan may not be made to a borrower in an extended payment plan or within 90 days after payment of an extended payment plan. The measure provides that the fifth payday loan made to a borrower within 180 days shall either be followed by a 45-day lockout period or be made as an extended term loan, under which the loan will be repaid in four equal installments over a 60-day period and be followed by a 90-day lockout period. 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; and (iv) state that the provisions of the Payday Loan Act apply to Internet lenders. The measure, except the authorization to establish the database, will become effective January 1, 2009. SB 588 is identical. This bill also incorporates HB 1404, HB 730, HB 249, and HB 176.

*Patron - Oder*

**FHB915 Credit Counseling Act; fees.** Removes two of the existing factors that the State Corporation Commission is required to use when setting the annual fee assessed on licensed credit counseling agencies. The factors being removed are the total assets held in trust by a licensee for Virginia consumers and the total revenues of a licensee from Virginia consumers.

*Patron - Purkey*

**FHB1098 Wet Settlement Act.** Provides that a determination by a settlement agent that prerecordation conditions in a real estate purchase contract have been satisfied shall not control the rights and obligations of the parties under the contract.

*Patron - Sickles*

**FHB1487 Home ownership protection.** Authorizes the State Corporation Commission to impose a fine not exceeding \$2,500 upon a mortgage lender or mortgage broker that is required to be licensed under the Mortgage Lender and Broker Act for violating any other law or regulation applicable to the conduct of the lender's or broker's business. The Housing Commission is directed to study all new federal legislation pertaining to mortgage lending and brokering, and to determine if the legislation requires changes to Virginia law. The measure authorizes the Commission to suspend or revoke a mortgage lender's or broker's license upon its failure promptly to pay when due reasonable fees to a licensed appraiser for appraisal services performed in connection with the origination or closing of a mortgage loan for a customer of the mortgage broker or lender. Other amendments to the Mortgage Lender and Broker Act (i) remove the element of the definition of a mortgage loan that has required the property securing the loan to be owner-occupied; (ii) require the Commission to conduct criminal background checks through the Central Criminal Records Exchange on every member, senior officer, director, and principal of a licensee; (iii) require licensees to conduct background checks on employees who may have access to or process personal identifying or financial information from a member of the public; (iv) require licensees to ensure that employees are properly trained in applicable state and federal mortgage lending laws and regulations; and (v) authorize the Attorney General to bring actions to enjoin violations of the federal Real Estate Settlement Procedures Act to the extent authorized by provisions of that Act.

*Patron - Suit*

**FSB149 CRESPA settlement agent; surety bond.** Increases the required surety bond under CRESPA from \$100,000 to \$200,000.

*Patron - Stosch*

**FSB158 Wet settlement act; lender's disclosure of appraisal information.** Requires any lender providing a loan secured by a first mortgage on real estate containing not more than four residential dwelling units to disclose on the settlement statement any fee charged to the borrower for an appraisal and any fee charged to the borrower for a valuation or opinion of value prepared using an automated or other mechanism prepared by a person who is not licensed as an appraiser.

*Patron - McEachin*

**SB588 Payday Loan Act.** Requires the State Corporation Commission, by January 1, 2009, 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 the loan is permissible. Licensees are required to pay a database inquiry fee to the database provider. A payday lender is prohibited from making a payday loan to a person if the loan would cause the borrower to have more than one payday loan outstanding at the same time and from making a payday loan on the same day that the person has paid a previous payday loan. Payday lenders are permitted to charge, on any payday loan, interest at an annual rate of 36 percent, a loan fee of not more than 20 percent of the loan proceeds, and a \$5 verification fee. Payday lenders are prohibited from knowingly making loans to a member of the military service or to the spouse or dependent of such person. A borrower may enter into an extended payment plan, which allows the borrower to repay the loan in at least four equal installments over a period of not less than 60 days. A borrower may not enter into more than one extended payment plan in any 12-month period. A payday loan may not be made to a borrower in an extended payment plan or within 90 days after payment of an extended payment plan. The measure provides that the fifth payday loan made to a borrower within 180 days shall either be followed by a 45-day lockout period or be made as an extended term loan, under which the loan will be repaid in four equal installments over a 60-day period and be followed by a 90-day lockout period. 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; and (iv) state that the provisions of the Payday Loan Act apply to Internet lenders. The measure, except the authorization to establish the database, will become effective January 1, 2009. HB 12 is identical.

*Patron - Puckett*

## Failed

**HB156 Mortgage loans; legal presence; penalty.** Makes it unlawful for any person to make a loan secured by a mortgage or deed of trust on real estate located in the Commonwealth to an individual unless the individual, prior to settlement, has provided evidence of legal presence. The lender is further required to keep copies of the evidence of legal presence for at least three years. Violators are subject to a fine of not more than \$10,000.

*Patron - Nichols*

**HB176 Payday Loan Act; database.** Requires the State Corporation Commission, by January 1, 2009, 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. The proceeds from the fees shall be used only for the payment of the expenses of the administration of the Payday Loan Act and of the performance of other functions of the Bureau of Financial Institutions. This bill was incorporated into HB 12.

*Patron - Ware, O.*

**HB189 Payday lending; power of localities to regulate.** Authorizes each locality to establish (i) a maximum annual interest rate for payday loans made within its jurisdiction and (ii) the maximum number of payday loans that payday lenders operating within its jurisdiction may, in a calendar year, make to a borrower residing in the locality. References in the Payday Loan Act to the fee that may be charged on such loans are revised to refer to the interest that may be charged.

*Patron - Marshall, R.G.*

**HB249 Payday lending charges.** Establishes a maximum annual interest rate for payday loans of 36 percent. In addition, the measure requires each prospective borrower to acknowledge in writing that he has received and read a copy of the most recent version of the State Corporation Commission's Consumer Guide to Payday Lending before entering into a payday loan. This bill was incorporated into HB 12.

*Patron - O'Bannon*

**HB730 Payday Loan Act.** Repeals the Payday Loan Act effective July 1, 2010. This bill was incorporated into HB 12.

*Patron - McClellan*

**HB804 Consumer Real Estate Settlement Protection Act; interest on escrow accounts.** Allows a settlement agent who is not an attorney to retain a portion of the interest received on funds deposited in connection with any escrow, settlement, or closing if (i) the settlement agent retains an amount not to exceed 10 percent of the interest earned on such deposits and (ii) the remainder of such interest is paid to the Department of Housing and Community Development to be used to support the statewide homeless intervention program administered by the Department.

*Patron - Englin*

**HB1097 Mortgage Lender and Broker Act.** Requires mortgage lenders and brokers required to be licensed under the Mortgage Lender and Broker Act to make a reasonable and good faith determination based on verified and documented information that a borrower has a reasonable ability to repay a nonqualified mortgage loan. The measure prohibits a mortgage lender from compensating a mortgage broker based on the terms of a nonqualified mortgage loan. The fine or penalty that may be imposed by the State Corporation Commission for a violation of either of these provisions is \$5,000; for other violations of the Act, the maximum fine remains \$2,500. Finally, the measure requires the employees of a mortgage lender or broker who originates mortgage loans to be registered with the Commissioner of the Bureau of Financial Institutions. Applicants for registration will be required to submit to a criminal background check and to satisfy training standards and education requirements. The employee registration provisions will become effective January 1, 2009.

*Patron - Sickles*

**HB1103 Payday Loan Act.** Requires the State Corporation Commission, by January 1, 2009, to contract with a third party 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 ineligible for the loan. The measure also (i) caps the maximum amount of a payday loan at the lesser of 25% of the borrower's gross monthly income or \$1,000, or \$500 if it is a second payday loan; (ii) requires the lender to keep records of the pay stubs used in determining gross monthly income; (iii) limits a borrower to having no more than two payday loans outstanding at any time; (iv) allows borrowers to enter into a 60-day, interest-free payment plan on a second payday loan; (v) increases



the minimum term of a payday loan from seven to 14 days; (vi) requires a one day waiting period between the repayment of a loan and making a new loan; (vii) clarifies and expands the disclosure requirements for borrower's right to cancel or rescind a payday loan by 5:00 pm of the business day following the date a loan is made; (viii) assesses licensees a fee of \$1 per payday loan to defray the costs of the database; (ix) requires lender to distribute the State Corporation Commission's Consumer Guide to Payday Lending to loan applicants; (x) requires lenders to notify a borrower by telephone call prior to depositing a check given as security for a payday loan; (xi) prohibits lenders from knowingly making loans to a member of the military service or to the spouse of such person; (xii) prohibits a lender from engaging in any unfair, misleading, deceptive, or fraudulent acts or practices in the making or collecting of a payday loan; (xiii) 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 certain restrictions and prohibitions contained in the Fair Debt Collection Practices Act; (xiv) provides that any provision of a written loan agreement that violates the Payday Loan Act is unenforceable against the borrower; (xv) states that the provisions of the Payday Loan Act apply to Internet lenders; and (xvi) allows licensees to secure payday loans with the borrower's electronic debit authorization or wire transfer authorizations.

*Patron - Sickles*

**HB1264 Consumer Real Estate Settlement Protection Act.** Allows a person who has been convicted of a felony involving fraud, deceit or misrepresentation to be employed by a settlement agent and assist in the performance of escrow, closing or settlement services involving the receipt or disbursement of funds if he works under the direct supervision of a licensed attorney.

*Patron - Hall*

**HB1351 Payday Loan Act.** Requires the State Corporation Commission, by July 1, 2009, 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. A payday lender is prohibited from making a payday loan if the loan would cause the borrower to have more than two 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 or dependent of such person. A borrower may enter into an extended payment plan to repay any payday loan, provided that it may do so with any lender not more frequently than once every 12 months. An extended payment plan allows the borrower to 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. 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, 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; (v) allow licensees to secure payday loans with the borrower's electronic debit authorization; (vi) prohibit a lender from filing or initiating a legal proceeding against a borrower until 60 days after the date of default on a payday loan; and (vii) prohibit a lender from making a payday loan to a borrower on the same day that the borrower pays or otherwise satisfies a previous payday loan.

*Patron - Ware, R.L.*

**HB1377 Payday lending charges.** Establishes a maximum annual interest rate for payday loans of 36 percent.

*Patron - Morrissey*

**HB1404 Payday loans; interest cap.** Limits the interest that may be charged on a payday loan to a maximum rate of 36 percent annually. This bill was incorporated into HB 12.

*Patron - Jones, D.C.*

**HB1495 Real estate lending practices.** Prohibits the assessment of a prepayment penalty on a loan secured by a mortgage or deed of trust on an owner-occupied home more than two years after the origination date of the loan. A prepayment penalty provision that contravenes requirements applicable to such loans shall be unenforceable. The measure also amends the Mortgage Lender and Broker Act to prohibit mortgage brokers from receiving compensation that is based on or varies with the terms of a mortgage loan, and to prohibit mortgage lenders and brokers from paying compensation to any person for placing a borrower in a mortgage loan, if the compensation is based on, or varies with, the terms of the mortgage loan.

*Patron - Jones, D.C.*

**HB1505 Payday Loan Act; database.** Requires the State Corporation Commission, by January 1, 2009, 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. A fee of not more than \$1 may be charged to defray the costs of using the database. The database provider will own the information contained in the database and be responsible for protecting the confidentiality and security of information in the database. The proceeds from the fees shall be used only for the payment of the expenses of the administration of the Payday Loan Act and of the performance of other functions of the Bureau of Financial Institutions.

*Patron - Nixon*

**SB24 Payday lending charges.** Establishes a maximum annual interest rate for payday loans of 36 percent. References in the Payday Loan Act to the fee that may be charged on such loans are revised to refer to the interest that may be charged.

*Patron - Reynolds*

**SB25 Payday Loan Act.** Repeals the Payday Loan Act effective July 1, 2008.

*Patron - Reynolds*

**SB156 Payday Loan Act.** Repeals the Payday Loan Act effective July 1, 2010.

*Patron - McEachin*

**SB238 Payday lending charges.** Establishes a maximum interest rate for payday loans of 36 percent annually.

*Patron - Locke*

**SB278 Payday Loan Act.** Repeals the Payday Loan Act effective January 1, 2009.

*Patron - Locke*

**SB279 Payday lending charges.** Establishes a maximum annual interest rate for payday loans of 36%.

*Patron - Miller, J.C.*

**SB565 Motor vehicle equity loans; penalties.** Regulates motor vehicle equity loans, which are closed-end loans secured by an interest in a motor vehicle. The measure caps the

interest on such loans at 20 percent per month for the first two months and three percent per month for the balance of the term. If such a loan is repaid in full within 48 hours, the loan shall not bear interest. The maximum term of such a loan is 12 months. The maximum amount of a motor vehicle equity loan is 50 percent of the value of the motor vehicle. Lenders are required to be licensed with the State Corporation Commission. A violation of the measure is a prohibited practice under the Consumer Protection Act. Violators are subject to civil and criminal penalties. Making unlicensed motor vehicle equity loans, or arranging or brokering motor vehicle equity loans, is punishable as a Class 1 misdemeanor.

*Patron - Obenshain*

**FSB670 Payday lending charges.** Establishes a maximum annual interest rate for payday loans of 36 percent. References in the Payday Loan Act to the fee that may be charged on such loans are revised to refer to the interest that may be charged.

*Patron - McEachin*

**FSB694 Payday loans; collection practices.** Prohibits a payday lender, when collecting a payday loan, from (i) engaging in any conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt, (ii) using any false, deceptive, or misleading representation or means in connection with the collection of a debt, and (iii) using unfair or unconscionable means to collect or attempt to collect any debt.

*Patron - McEachin*

**FSB709 Mortgage lenders and brokers.** Prohibits any mortgage lender or broker that is required to be licensed under the Mortgage Lender and Broker Act from making a mortgage loan to, or negotiating, placing or finding a mortgage loan for, a borrower if it is more expensive than another mortgage loan with identical terms that the lender or broker markets or offers and for which the borrower qualifies.

*Patron - Martin*

## Carried Over

**CHB279 Small Estate Act.** Updates certain banking and fiduciary statutes to make them consistent with the changes made to the Code under the Small Estate Act (promulgated in 2006), namely raising the qualifying amount from \$15,000 to \$50,000.

*Patron - Watts*

**CHB1091 Subprime adjustable mortgage loans; escrowing taxes and insurance.** Requires certain lenders that make a subprime adjustable rate mortgage loan to a borrower to collect and hold in escrow periodic payments for real estate taxes and insurance premiums.

*Patron - Sickles*

**CHB1093 Low-document, no-document and stated income mortgages.** Prohibits certain lenders from making a low-document, no-document, or stated-document mortgage loan unless the lender has obtained detailed documentation of all sources of income claimed by the borrower in the loan application, or corroborated the claimed income by independent verification, and determined, that a reasonable creditor would believe at the time the loan is closed that the borrower will be able to make the scheduled payments associated with the loan.

*Patron - Sickles*

**CSB157 Mortgage Lender and Broker Act; duties to borrowers.** Establishes a fiduciary duty of mortgage brokers to borrowers. Mortgage brokers are required to act in the borrower's best interest and with the utmost good faith. Mortgage brokers have the duties (i) to disclose all material information that might reasonably affect the borrower's rights, interests, or ability to receive the intended benefit from the loan, including the total compensation that the mortgage broker would receive from any of the loan options presented to the borrower, and (ii) to make reasonable efforts to secure or obtain a mortgage loan that is in the best interest of the borrower. Mortgage lenders are required to act in good faith and deal fairly in any transaction, practice or course of business in connection with a mortgage loan, and to make reasonable efforts to make a mortgage loan that is reasonably advantageous to the borrower. In addition, mortgage brokers and lenders are required to safeguard and account for any money handled for a borrower, follow reasonable and lawful instructions from the borrower, and use reasonable skill, care, and diligence.

*Patron - McEachin*

**CSB258 Mortgage lending practices; penalty.** Prohibits any (i) mortgage lender or broker, (ii) person required to be licensed under the Mortgage Lender and Broker Act, and (iii) person exempt from the licensing requirements of the Mortgage Lender and Broker Act, other than a state or federally chartered bank, savings institution, or chartered credit union, or person making, providing, or arranging a mortgage loan originated or purchased by an agency of the Commonwealth or a locality, from arranging special mortgages unless the borrower has obtained a written certification from an authorized independent loan counselor on the advisability of the loan transaction. A special mortgage is a residential mortgage loan originated, subsidized, or guaranteed by or through an agency of the Commonwealth, a locality, or a nonprofit organization that has one or more nonstandard payment terms which substantially benefit the borrower. Such persons are also prohibited from (a) entering into subprime loans containing a provision requiring or permitting the imposition of a prepayment penalty or charge in the event the loan is prepaid and (b) making, providing, or arranging for a residential mortgage loan, other than a reverse mortgage, if the borrower's compliance with any repayment option will result in negative amortization during any six-month period. The measure expressly gives borrowers a private cause of action, in which they may seek recovery of damages, statutory damages equal to the amount of all lender fees included in the amount of the principal of the mortgage loan, punitive damages, costs, and reasonable attorney fees. Finally, the measure makes it unlawful to knowingly make or cause to be made any deliberate and material misstatement, misrepresentation, or omission during the mortgage lending process with the intention that it be relied on by a mortgage lender, borrower, or any other party to the mortgage lending process; to knowingly use or facilitate the use of any deliberate and material misstatement, misrepresentation, or omission, knowing the same to contain a material misstatement, misrepresentation, or omission, during the mortgage lending process with the intention that it be relied on by a mortgage lender, borrower, or any other party to the mortgage lending process. Violations are to be punishable as a Class 1 misdemeanor or, if a financial loss of greater than \$200 results, a Class 6 felony. Second or subsequent convictions are punishable as a Class 6 felony. Violators shall also be required to pay restitution.

*Patron - Deeds*

## Civil Remedies and Procedure

### Passed

**HB80 Lis pendens; zoning ordinance violation.** Provides that in actions to enforce a zoning ordinance, no lis pendens or attachment shall affect a bona fide purchaser of real or personal estate unless the memorandum of lis pendens recorded in the clerk's office contains a description of the alleged zoning violation. The bill also provides that a memorandum of lis pendens admitted to record in an action to enforce a zoning ordinance shall expire after 180 days. This bill is identical to SB 427.

*Patron - Marshall, R.G.*

**HB172 Civil procedure; disclosure of insurance liability limits.** Allows an injured person, or his attorney, to request the disclosure of the liability limits of an insurance policy prior to filing a civil action for personal injuries resulting from a motor vehicle accident. The party requesting this information shall provide the insurer with (i) the date of the accident, (ii) the name and last-known address of the alleged tortfeasor, (iii) a copy of the accident report, if any, (iv) the claim number, if available, and (v) the injured person's medical records, medical bills, and wage-loss determination. The insurer only has to disclose the liability limits if the amount of the injured person's medical bills and wage losses equals or exceeds \$12,500. The bill also provides that disclosure of a policy's limits shall not constitute an admission that the alleged injury is subject to the policy.

*Patron - Kilgore*

**HB221 Landlord and managing agent immunity for mold claims.** Provides that landlords and managing agents are not liable for civil damages in an action for exposure to mold arising from the condition within the interior of a dwelling unit brought by a tenant, authorized occupant, or guest or invitee if the mold condition is caused solely by the negligence of the tenant. The bill also provides that managing agents with no maintenance responsibilities are not liable for damages unless the agents have actual knowledge of the mold condition and fail to disclose the existence of the condition to the landlord and any prospective or actual tenants. The bill provides further that if a written move-in inspection report reflects that there is no visible evidence of mold in a dwelling unit, and the tenant does not object in writing to such report within five days of his receipt of the report, there shall be a rebuttable presumption that no mold existed at the time of the move-in inspection. The bill also requires landlords and managing agents with maintenance responsibilities to perform mold remediation if visible evidence of mold occurs within a dwelling unit. This bill is identical to SB 232.

*Patron - Kilgore*

**HB403 Health care provider liability protections.** Provides that, in the absence of gross negligence or willful misconduct, health care providers who respond to a disaster are immune from civil liability for any injury or wrongful death arising from the delivery or withholding of health care. This immunity only applies (i) if a state or local emergency has been or is subsequently declared in response to such a disaster, and (ii) if the emergency and subsequent conditions caused a lack of resources, attributable to the disaster, rendering the health care provider unable to provide the same level or manner of care that would have been required in the absence of the emergency. The bill also allows persons who hold licenses or certificates evidencing their professional or mechanical skills who

render aid involving that skill during a disaster to receive reimbursement for their actual and necessary expenses. The bill also combines the definitions of the terms "man-made disaster" and "natural disaster" as contained in the Commonwealth of Virginia Emergency Services and Disaster Law of 2000 into the term "disaster" and adds the term "communicable disease of public health threat" to the definition. The bill also expands when immunity attaches for health care providers who abandon patients in order to respond to a disaster to include disasters, emergencies, and major disasters. This bill also makes technical amendments. This bill is identical to SB 657.

*Patron - Hamilton*

**HB501 Medical malpractice; professional services.** Defines the term "professional services in nursing homes" in the context of medical malpractice actions as services provided to a patient by a health care provider, including psycho-social services, personal hygiene, hydration, nutrition, fall assessments or interventions, patient monitoring, prevention and treatment of medical conditions, diagnosis or therapy. This bill is in response to the Supreme Court decision in *Alcoy v. Valley Nursing Homes, Inc.*, 272 Va. 37, 630 S.E.2d 301 (2006). This bill incorporates HB 1051 and is identical to SB 602.

*Patron - Hamilton*

**HB584 Presumption of knowledge of statewide standard of care; malpractice.** Adds nurses, including nurses licensed by a state participating in the Nurse Licensure Compact, to those persons presumed to know the statewide standard of care in the field in which they are qualified or certified for purposes of medical malpractice actions or proceedings before a medical malpractice review panel.

*Patron - Marsden*

**HB616 Malpractice actions; limitation.** Extends the two-year limitations period for personal injury actions in malpractice cases arising out of the negligent failure to diagnose a malignant tumor or cancer or to communicate such diagnosis to the patient for a period of one year from the date the existence of a malignant tumor or cancer is communicated to the patient.

*Patron - Amundson*

**HB708 Temporary detention orders; admission as evidence.** Clarifies that temporary detention orders and the records pertaining thereto are admissible as evidence because they are considered judicial records.

*Patron - Janis*

**HB882 Administrative orders; collection of interest.** Provides that administrative orders will be able to provide for interest and fix the period at which the interest commences on any principal sum awarded. The bill would, in the interest context, treat administrative orders as if they were a verdict, judgment, or decree.

*Patron - Loupassi*

**HB1133 Enforcement of deed of trust or mortgage.** Reduces the time in which one may enforce a deed of trust or mortgage from 20 years to 10 years.

*Patron - Fralin*

**HB1149 Trail activity; immunity.** Allows localities to establish a system of trails for ATVs and motorcycles and provides immunity for the locality in the absence of gross negligence or willful misconduct, for damages resulting from injuries from the use of such system.

*Patron - Phillips*

**HB1294 Good Samaritan statute; where protection extends; what is considered compensation.** Provides that immunity under the statute extends to those providing care at a location for screening or stabilization in addition to the scene of the accident and en route to the hospital. Also the bill clarifies that reimbursement for expenses is not considered compensation under the statute.

*Patron - Athey*

**SB232 Landlord and managing agent immunity for mold claims.** Provides that landlords and managing agents are not liable for civil damages in an action for exposure to mold arising from the condition within the interior of a dwelling unit brought by a tenant, authorized occupant, or guest or invitee if the mold condition is caused solely by the negligence of the tenant. The bill also provides that managing agents with no maintenance responsibilities are not liable for damages unless the agents have actual knowledge of the mold condition and fail to disclose the existence of the condition to the landlord and any prospective or actual tenants. The bill provides further that if a written move-in inspection report reflects that there is no visible evidence of mold in a dwelling unit, and the tenant does not object in writing to such report within five days of his receipt of the report, there shall be a rebuttable presumption that no mold existed at the time of the move-in inspection. The bill also requires landlords and managing agents with maintenance responsibilities to perform mold remediation if visible evidence of mold occurs within a dwelling unit. This bill is identical to HB 221.

*Patron - McDougle*

**SB427 Lis pendens; zoning ordinance violation.** Provides that in actions to enforce a zoning ordinance, no lis pendens or attachment shall affect a bona fide purchaser of real or personal estate unless the memorandum of lis pendens recorded in the clerk's office contains a description of the alleged zoning violation. The bill also provides that a memorandum of lis pendens admitted to record in an action to enforce a zoning ordinance shall expire after 180 days. This bill is identical to HB 80.

*Patron - Barker*

**SB602 Medical malpractice; professional services.** Defines the term "professional services in nursing homes" in the context of medical malpractice actions as services provided to a patient by a health care provider, including psycho-social services, personal hygiene, hydration, nutrition, fall assessments or interventions, patient monitoring, prevention and treatment of medical conditions, diagnosis or therapy. This bill is in response to the Supreme Court decision in *Alcoy v. Valley Nursing Homes, Inc.*, 272 Va. 37, 630 S.E.2d 301 (2006). This bill is identical to HB 501.

*Patron - Norment*

**SB657 Health care provider liability protections.** Provides that, in the absence of gross negligence or willful misconduct, health care providers who respond to a disaster are immune from civil liability for any injury or wrongful death arising from the delivery or withholding of health care. This immunity only applies (i) if a state or local emergency has been or is subsequently declared in response to such a disaster, and (ii) if the emergency and subsequent conditions caused a lack of resources, attributable to the disaster, rendering the health care provider unable to provide the same level or manner of care that would have been required in the absence of the emergency. The bill also allows persons who hold licenses or certificates evidencing their professional or mechanical skills who render aid involving that skill during a disaster to receive reimbursement for their actual and necessary expenses. The bill

also combines the definitions of the terms "man-made disaster" and "natural disaster" as contained in the Commonwealth of Virginia Emergency Services and Disaster Law of 2000 into the term "disaster" and adds the term "communicable disease of public health threat" to the definition. The bill also expands when immunity attaches for health care providers who abandon patients in order to respond to a disaster to include disasters, emergencies, and major disasters. This bill also makes technical amendments. This bill is identical to HB 403.

*Patron - Newman*

## Failed

**HB142 Virginia Successor Asbestos-Related Liability Fairness Act; created.** Creates the Virginia Successor Asbestos-Related Liability Fairness Act, which establishes limits on the liability of successor corporations for asbestos-related claims that have been assumed or incurred through merger or consolidation with another corporation.

*Patron - Kilgore*

**HB143 Copies of medical bills and charges; no cost.** Provides that a patient, patient's attorney, or insurance provider may obtain a list of charges or an account balance pertaining to that patient at no cost.

*Patron - Kilgore*

**HB145 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*

**HB151 Name change; proof that the applicant is U.S. citizen.** Requires that every application for a change of name contain proof that the applicant is a United States citizen.

*Patron - Lewis*

**HB157 Immunity for enforcement of immigration laws.** Provides immunity to agencies and employees of the Commonwealth and political subdivisions for the authorized enforcement of immigration laws.

*Patron - Nichols*

**HB409 Unauthorized use of person's name in website address; damages.** Provides that a person who uses the name of another in an internet website address without the written consent of such other person and with the intent to deceive the public that the website is owned, operated, or authorized by such other person is liable to that person for damages in the amount of \$1,000 or three times the amount of actual damages, whichever is greater.

*Patron - Griffith*

**HB947 Foreclosure protection; Attorney General may enforce violation; penalty.** Provides protection for homeowners during the foreclosure process by requiring persons who advertise services to assist persons to escape foreclosure to disclose fully the nature of their services and the homeowners' right to rescind a contract entered into with such persons. Also allows the Attorney General to enforce any violation of this article and provides that a violation of the article is a Class 5 felony. This bill was incorporated into HB 408.

*Patron - Iaquinto*

**HB1051 Medical malpractice; professional services.** Defines the term "professional services" in the context of medical malpractice actions as services provided to a patient by a health care provider pursuant to federal or state statutes or reg-

ulations. The bill also provides that the definition of "health care" includes professional services provided during a patient's residency at a nursing home. This bill is in response to the Supreme Court decision in *Alcoy v. Valley Nursing Homes, Inc.*, 272 Va. 37, 630 S.E.2d 301 (2006). This bill was incorporated into HB 501.

*Patron - Watts*

**HB1282 Medical Malpractice Settlement Offer and Recovery Act.** Provides that a defendant in a medical malpractice case may make an irrevocable settlement offer within 180 days after responsive pleadings were filed. The offer shall provide for the payment of the plaintiff's net compensatory damages and attorney fees in an amount equal to 10 percent of these damages, however it shall not provide for punitive or exemplary damages. The plaintiff has 30 days to accept or reject the offer. If the offer is rejected, the plaintiff's case proceeds with the increased burden that he prove by clear and convincing evidence that his injuries resulted from the defendant's gross negligence or wanton and willful misconduct.

*Patron - Athey*

**HB1370 Use of interpreters; not hearsay.** States that if a person is testifying regarding the statement of another, and it would not be considered impermissible hearsay but for the use of an interpreter to communicate with such person, then the fact that an interpreter was used shall not make it impermissible.

*Patron - Gilbert*

**HB1383 Evidence of life expectancy.** Establishes that in any matter where it is necessary to establish the expectancy of continued life, life tables published by the U.S. Department of Health and Human Services pertaining to age, sex, and ethnicity of the person shall be received in all courts. Currently the Code provides a table of the life expectancy based upon age and gender only.

*Patron - Janis*

**SB23 Assignment of judgment; docketing.** Requires that an assignment of a judgment shall be noted upon the judgment docket. Such a notation is currently discretionary. If no notation is made, the judgment shall be considered satisfied.

*Patron - Reynolds*

**SB213 Fiduciaries; naming represented person or fiduciary as the party to an action.** Allows either the fiduciary, or the person being represented by the fiduciary, to be named as the party to the action without prejudicing the underlying action. This bill also applies to persons who are deemed to lack capacity due to mental defect.

*Patron - Edwards*

**SB265 False academic credentials.** Creates a civil cause of action for persons who are damaged by a person who knowingly manufactures, issues, or uses a false academic credential to gain advantages in employment or education. Under current law there is a criminal penalty (Class 3 misdemeanor) for a person who materially falsifies or alters a transcript or diploma and fraudulently uses it for pecuniary gain.

*Patron - Deeds*

## Carried Over

**HB51 Immunity for enforcement of immigration laws.** Provides immunity to agencies and employees of the Commonwealth and political subdivisions for the authorized

enforcement of immigration laws. This bill was continued to the 2009 Regular Session of the General Assembly.

*Patron - Lingamfelter*

**HB382 Medical advisory committees and consultants; privileged communications.** Clarifies that information created by and shared with medical review or advisory committees is privileged and inadmissible in legal proceedings.

*Patron - O'Bannon*

**HB551 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 - Griffith*

**HB1068 Return of service of process; costs.** Provides that if a sheriff who has received process or papers to be served by him fails to return service of process within 72 hours of effecting service, the party requesting service of process may elect to have process served by a private process server. The party shall give notice of such an election to the clerk's office that issued the process and the sheriff prior to making such an election. If, at the time such notice is received, return of service of process has still not been made, the sheriff shall be liable for the costs subsequently incurred in effecting service as well as costs incurred in collecting the costs of service.

*Patron - Amundson*

**SB12 Return of service of process; costs.** Provides that if a sheriff who has received process or papers to be served by him fails to return service of process within 72 hours of effecting service, the party requesting service of process may elect to have process served by a private process server. The party shall give notice of such an election to the clerk's office that issued the process and the sheriff prior to making such an election. If, at the time such notice is received, return of service of process has still not been made, the sheriff shall be liable for the costs subsequently incurred in effecting service as well as costs incurred in collecting the costs of service.

*Patron - Puller*

**SB17 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

**HB462 Department of Criminal Justice Services; regulation of locksmiths.** Sets up a regulatory scheme for the regulation of locksmiths by the Criminal Justice Services Board.

*Patron - Albo*

**HB838 Board for Criminal Justice Services; establishment of Executive Committee.** Authorizes the Board for Criminal Justice Services to establish an Executive Committee comprising the Chairman and seven members of the Board to take actions on behalf of the Board including hearing an appeal

by a regulant of a determination of a violation of the regulations promulgated by the Board. Under the bill, decisions made by the Executive Committee affirming a violation of any regulation promulgated by the Board shall be subject to judicial review in accordance with the Administrative Process Act.

*Patron - Sherwood*

**☐HB844 Crimes Against Minors and Sex Offender Registry.** Allows the State Police to provide the Statewide Automated Victim Notification (SAVIN) system with Registry data in an electronic format to the Compensation Board for verification of registrant status and notification of victims and law enforcement. This bill incorporates HB 1376. This bill is identical to SB 74.

*Patron - Sherwood*

**☐HB866 Department of Criminal Justice Services; bail bondsmen; limitation on licensure.** Allows a spouse or person living in the same household as enumerated persons (e.g. employees of sheriff's offices, regional jails, and police departments, etc.) to be a licensed bail bondsman if the enumerated person is not a sworn officer or has no access to the records of inmates.

*Patron - Johnson*

**☐HB902 Registration procedures under the Sex Offender and Crimes Against Minors Act.** Specifies that the vehicle information currently required to be filed with the registration as a sex offender is motor vehicle, watercraft and aircraft information.

*Patron - Mathieson*

**☐HB1044 Sex Offender Registry.** Makes it clear that persons convicted under certain Code sections that were amended by the 2007 General Assembly must register even though the sections have been rewritten. The bill requires the registration of any conviction of crimes involving use of a communications system to facilitate certain offenses involving children rather than current law which requires registration only when the victim is a minor or is physically helpless. The bill also revises definitions to make it clear that an out-of-state conviction for a registerable offense has the same status as a Virginia conviction. This bill is identical to SB 114.

*Patron - Watts*

**☐HB1236 The Department of Criminal Justice Services; powers and duties.** Requires the Department of Criminal Justice Services to establish compulsory training standards and publish a model policy for law-enforcement personnel regarding death notifications.

*Patron - Merricks*

**☐HB1395 Policies for responding to crimes involving sexual assault.** Requires that the Department of State Police, local law-enforcement agencies and campus police departments establish written policies and procedures regarding response to incidents involving sexual assault. The Department of Criminal Justice Services is directed to provide law-enforcement agencies with technical support and assistance in developing the policies and procedures and to submit a report on the status of implementing such policies and procedures. A Code section on domestic violence procedures is moved from Title 19.2 to Title 9.1. This bill is identical to SB 786.

*Patron - Bell*

**☐SB74 Crimes Against Minors and Sex Offender Registry.** Allows the State Police to provide the Statewide Automated Victim Notification (SAVIN) system with Registry data in an electronic format to the Compensation Board for verifica-

tion of registrant status and notification of victims and law enforcement. This bill is identical to HB 844.

*Patron - Howell*

**☐SB114 Sex Offender Registry.** Makes it clear that persons convicted under certain Code sections that were amended by the 2007 General Assembly must register even though the sections have been rewritten. The bill requires the registration of any conviction of crimes involving use of a communications system to facilitate certain offenses involving children rather than current law which requires registration only when the victim is a minor or is physically helpless. The bill also revises definitions to make it clear that an out-of-state conviction for a registerable offense has the same status as a Virginia conviction. This bill is identical to HB 1044.

*Patron - McDougle*

**☐SB590 Sex offenders; registration; penalty.** Makes various amendments addressing the Sex Offender and Crimes Against Minors Registry including which crimes require what level of registration and the length of registration (15 years prior to petition, 25 years prior to petition, or life) in order to ensure that Virginia law complies with the federal Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. § 16901 et seq.). The bill also allows persons convicted of carnal knowledge of a child 13 or 14 years of age to register as a regular sex offender rather than a violent sex offender if the person convicted was more than five years older than the victim.

*Patron - Howell*

**☐SB786 Policies for responding to crimes involving sexual assault.** Requires that the Department of State Police, local law-enforcement agencies and campus police departments establish written policies and procedures regarding response to incidents involving sexual assault. The Department of Criminal Justice Services is directed to provide law-enforcement agencies with technical support and assistance in developing the policies and procedures and to submit a report on the status of implementing such policies and procedures. A Code section on domestic violence procedures is moved from Title 19.2 to Title 9.1. This bill is identical to HB 1395.

*Patron - Deeds*

## Failed

**☐HB10 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*

**☐HB100 Law-Enforcement Officers Procedural Guarantee Act; definitions.** Includes deputy sheriffs under the coverage of the Law-Enforcement Officers Procedural Guarantee Act.

*Patron - Poisson*

**☐HB271 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.*

**HB552 Removal of name and information from sex offender registry.** Provides that any person required to register, other than a person who has been convicted of any (i) sexually violent offense, (ii) two or more offenses for which registration is required, (iii) a violation of former § 18.2-67.2:1, or (iv) murder, may petition the circuit court for removal of his name and all identifying information from the sex offender registry on or after July 1, 2008, whose offense requiring registration was committed before July 1, 1994 (inception of the registry). Currently such a person may not be on file for such removal earlier than 10 years after the date of initial registration.

*Patron - Griffith*

**HB562 Criminal Justice Services Board; Committee on Training; membership.** Increases the membership of the Committee on Training from 14 to 15 members by adding a representative of the Virginia Association of Directors of Criminal Justice Training.

*Patron - Crockett-Stark*

**HB563 Criminal Justice Services Board; membership.** Increases the membership of the Criminal Justice Services Board from 29 to 30 by adding an individual who is a director of a criminal justice training academy, to be appointed by the Governor after consideration of the names submitted by the Virginia Association of Directors of Criminal Justice Training.

*Patron - Crockett-Stark*

**HB701 Sex Offenders and Crimes Against Minors Registry Act.** Allows a local law-enforcement agency to charge a person who is required to register pursuant to the act an administrative fee, not to exceed \$24.

*Patron - BaCote*

**HB964 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*

**HB998 Line of Duty Act; definition of disabled person.** Amends the definition of disabled person, for purposes of the Line of Duty Act, to include permanently disabled local employees who were injured in the line of duty on or after January 1, 1990. The Act currently provides health insurance coverage to eligible disabled state employees retroactively to 1966, but is not retroactive for disabled local employees.

*Patron - Bell*

**HB1376 Crimes Against Minors and Sex Offender Registry.** Allows the State Police to provide the Statewide Automated Victim Notification (SAVIN) system with Registry data in an electronic format to the Compensation Board for verification of registrant status and notification of victims and law enforcement. This bill has been incorporated into HB 844.

*Patron - Morrissey*

**HB1436 Line of Duty Act; definitions; funding for Line of Duty Health Benefits Trust Fund.** Includes local employees disabled on or after January 1, 1966, in the definition of "disabled employee." The bill also provides for a \$1 fee

to be collected from alarm company operators for each alarm system monitored and a \$5 fee to be collected for processes and services in civil proceedings to provide funding to the Line of Duty Health Benefits Trust Fund.

*Patron - Bulova*

**SB41 Line of Duty Act; definitions; funding for Line of Duty Death and Health Benefits Trust Fund.** Includes local employees disabled on or after January 1, 1966, in the definition of "disabled employee." The bill also provides for a \$1.50 fee to be collected per month from alarm company operators for each alarm system monitored and a \$5 fee to be collected for processes and services in civil proceedings to provide funding to the Line of Duty Death and Health Benefits Trust Fund. This bill is identical to SB 329.

*Patron - Reynolds*

**SB76 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. This bill incorporates SB355.

*Patron - Cuccinelli*

**SB269 Law-enforcement; overtime compensation.** Extends the coverage under the overtime compensation for law-enforcement employees and firefighters, etc., to include the Department of State Police. The bill will become effective only if an appropriation of general funds effectuating the purposes of the bill is included in the appropriations act.

*Patron - Deeds*

**SB281 Offender registration; local fee.** Allows local law-enforcement agencies to charge a fee, not to exceed \$24, for registration or reregistration of certain offenders.

*Patron - Miller, J.C.*

**SB329 Line of Duty Act; definitions; funding for Line of Duty Death and Health Benefits Trust Fund.** Includes local employees disabled on or after January 1, 1966, in the definition of "disabled employee." The bill also provides for a \$1.50 fee to be collected per month from alarm company operators for each alarm system monitored and a \$5 fee to be collected for processes and services in civil proceedings to provide funding to the Line of Duty Death and Health Benefits Trust Fund. This bill is identical to SB 41.

*Patron - Quayle*

**SB355 Law-Enforcement Officers Procedural Guarantee Act.** Makes several changes in the process and procedures afforded to officers under the procedural guarantee act, including right to counsel, notice of allegations, and a prohibition against a complaining officer being in charge of an investigation. The bill also grants the officer under investigation an opportunity to review the file at the conclusion of the investigation. This bill has been incorporated into SB 76.

*Patron - Deeds*

**SB659 Office of Commonwealth Preparedness and the Department of Criminal Justice Services; gang prevention.** Directs the Office of Commonwealth Preparedness to work with localities and other state agencies in identifying links between terrorism and gang-related activities and to coordinate with the Department of Criminal Justice Services to obtain federal grants related to gang prevention programs.

*Patron - Miller, Y.B.*

## Carried Over

**SB16 Crisis intervention pilot programs for persons with mental illness.** Permits the Department of Criminal Justice Services to establish crisis intervention team pilot programs in areas of the state by January 1, 2009. The crisis intervention team pilot programs shall assist law-enforcement officers in responding to crisis situations involving persons with mental illness, substance abuse problems, or both. By November 1, 2008, 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*

**SB65 Community criminal justice boards; membership.** Adds a provider and consumer of mental health services to the membership of community criminal justice boards.

*Patron - Howell*

**SB372 Placement of juveniles on the sex offender registry.** Provides that juveniles adjudicated delinquent for an offense for which registration on the sex offender registry is required and who are 12 years of age or older at the time of the offense shall be required to register.

*Patron - Stuart*

## Conservation

### Passed

**HB119 Soil and Water Conservation Districts.** Requires the Attorney General to represent Soil and Water Conservation Districts in any suits or actions brought by the districts or district directors, upon request of such districts or directors. Currently, attorneys for the Commonwealth are charged with the responsibility of representing districts and district directors.

*Patron - Landes*

**HB343 Cathode ray tubes; disposal bans.** Permits localities to prohibit the disposal of cathode ray tubes in any waste-to-energy or solid waste disposal facility within its jurisdiction, provided the locality has implemented a recycling program that is capable of handling all cathode ray tubes generated within its jurisdiction. Previously the ban only applied to privately operated landfills.

*Patron - Plum*

**HB344 Computer Recovery and Recycling Act; penalties.** Requires the manufacturer of more than 500 items of computer equipment to adopt and implement a recovery plan providing for the reasonably convenient collection, recycling, and reuse of computer equipment returned by a consumer in the Commonwealth. The manufacturer must also affix a permanent, readily visible label to the computer equipment with the manufacturer's brand before a manufacturer may offer

computer equipment for sale in the Commonwealth. Examples of collection methods meeting the recovery plan requirements in this Act include (i) a system by which the consumer may return the computer equipment free of charge; (ii) a system using a physical collection site; or (iii) a system using collection events at which the consumer may return computer equipment. Each manufacturer must annually report on the weight of computer equipment collected, recycled, and reused during the preceding calendar year.

*Patron - Plum*

**HB360 Nonpoint source reduction funding.** Authorizes the Governor and General Assembly to provide additional funding in excess of the amount deposited in the Water Quality Improvement Fund from a budget surplus to fund nonpoint source pollution reduction activities. This bill is identical to SB 513.

*Patron - Bulova*

**HB392 Stormwater ordinance.** Authorizes localities classified as MS4 stormwater localities to enact ordinances to enforce stormwater permits. The bill would give these localities the authority to seek civil charges and injunctive relief, and impose civil penalties. Any person who willingly and knowingly violates the ordinance would be subject to a criminal penalty of a Class 1 misdemeanor.

*Patron - Bulova*

**HB455 Scenic river.** Designates portions of the North Mayo River and South Mayo River as components of the Virginia Scenic Rivers System. This bill is identical to SB 40.

*Patron - Merricks*

**HB528 Chesapeake Bay ordinance appeals.** Allows localities subject to the Chesapeake Bay Preservation Act to adopt an ordinance that establishes a time limit of at least 30 days for an aggrieved party to appeal a decision of the local board to the circuit court.

*Patron - Pogge*

**HB837 Dam break inundation zones.** Provides localities with the authority to address development in dam break inundation zones. The bill directs developers to assist dam owners with required upgrades and requires additional disclosure and notification procedures for dam owners. The bill contains an enactment clause that specifies that the bill's provisions do not affect site plans or subdivision plans submitted prior to the effective date of the act.

*Patron - Sherwood*

**HB1115 Payment for forest protection.** Increases the annual amount a locality pays to the State Forester to provide forest fire protection, detection, prevention, and suppression. Beginning July 1, 2008, the amount localities will pay for such services will increase from the current five cents per acre to seven cents per acre and starting July 1, 2009, the payments will increase to nine cents per acre.

*Patron - Abbitt*

**HB1116 Environmental impact reports.** Requires an environmental impact report be done for any major state construction project that will cost \$500,000 or more. The current threshold amount requiring such a report is \$100,000.

*Patron - Abbitt*

**HB1142 Virginia Recreational Facilities Authority.** Delays the reversion of title to real property from the Virginia Recreational Facilities Authority to the Commonwealth, in the



event that the Authority ceases to operate a project, until July 1, 2009. This bill contains an emergency clause.

*Patron - Fralin*

**HB1214 Sale of trees from state-owned forests.** Increases to \$50,000 the minimum threshold at which public bidding is required for sales of trees taken from state forests. Currently, the State Forester is required to solicit bids if the underlying value of the trees is greater than from \$10,000.

*Patron - Tyler*

**HB1259 Environmental impact reports; highway projects.** Requires an environmental impact report in connection with a local highway construction, reconstruction, or improvement project only when such a project is estimated to cost more than \$1 million. The current threshold amount requiring such a report is \$100,000. This bill incorporates HB 1083. This bill is identical to SB 43.

*Patron - O'Bannon*

**HB1332 Air and Water Boards permit issuance process.** Establishes a uniform permit issuance process for the Air Pollution Control Board (Air Board) and the State Water Control Board (Water Board). After issuing a public notice of a pending permit action, if at least 25 individuals have requested a public hearing and the Director finds that the issues raised are germane to the permit action and are not inconsistent with state or federal laws, a public hearing will be held. The Director or the two Boards may convene a meeting under an expedited schedule to reconsider the decision of the Director to grant a public hearing. The meeting may be held electronically if one public forum is available. The Board is required to act on the permit within 90 days of the close of the comment period unless the applicant agrees to an extension of the time period. Persons who commented during the public hearing may address the Air and Water Boards at the meeting where final action on the permit will occur. The Board's decision shall contain a written basis for its decision. The bill also increases membership on the Air Pollution Control Board from five to seven members. However, the two new members are prohibited from voting on any action related to a permit that is under consideration as of January 1, 2008. A qualification of the Air Board members is changed so that no member can be a current employee of an entity subject to a permit or enforcement order of the Air Board. Currently, a majority of the members appointed to the Air Board can represent the public interest and not derive any significant positions of their income from entities subject to permit or enforcement actions. The qualifications of the membership of the Water Board and the Virginia Waste Management Board are changed to require that the members, by their education, training, or experience, be knowledgeable of water quality or waste management, respectively, and shall be fairly representative of conservation, public health, business, and agriculture. This bill is identical to SB 423.

*Patron - Landes*

**HB1335 Natural resources funding.** Establishes the Virginia Natural Resources Commitment Fund. The Fund would be capitalized with appropriated funds and moneys from public and private sources. Beginning July 1, 2008, and for the next 10 years, moneys in the Fund would be distributed to the Department of Conservation and Recreation's Agricultural Best Management Practices Cost-Share Program for the implementation of agricultural best management practices (BMP). Fifty-seven percent of the moneys are to be used for matching grants to implement BMPs on agricultural lands exclusively in the Chesapeake Bay watershed and 38 percent of the moneys would be used for all other lands in the Commonwealth. Five

percent of the moneys would be allocated to soil and water conservation districts. This bill is identical to SB 511.

*Patron - Landes*

**HB1443 Streamlined permitting process for alternative and renewable energy facilities.** Requires the Air Pollution Control Board to develop procedures for the expedited review of applications for the construction of a qualified energy generator. The expedited procedures cap the permit fees at \$50 and require processing of an application to be completed within 60 days. A qualified energy generator is a commercial facility located in the Commonwealth with the capacity annually to generate not more than five megawatts of electricity, or its equivalent in fuel, steam, or other form of energy, that is generated or produced from biomass. The measure does not apply to facilities that are subject to a major new source review program required by the federal Clean Air Act.

*Patron - Merricks*

**HB1448 State parks' employee housing.** Authorizes the Director of the Department of Conservation and Recreation to lease private residential properties that are near state parks and then subsequently sublease these properties to state park employees in order to provide security and operational efficiencies for Department properties.

*Patron - Plum*

**HB1552 Erosion and sediment control plan.** Allows any person creating and operating stream restoration banks in more than one jurisdiction to file general erosion and sediment control specifications for stream restoration banks annually with the Virginia Soil and Water Conservation Board.

*Patron - Lingamfelter*

**SB40 Scenic river.** Designates portions of the North Mayo River and South Mayo River as components of the Virginia Scenic Rivers System. This bill is identical to HB 455.

*Patron - Reynolds*

**SB43 Environmental impact reports; highway projects.** Requires an environmental impact report in connection with a local highway construction, reconstruction, or improvement project only when such a project is estimated to cost more than \$1 million. The current threshold amount requiring such a report is \$100,000. This bill is identical to HB 1259.

*Patron - Miller, Y.B.*

**SB254 Easement in state park.** Authorizes the Department of Conservation and Recreation to grant a 20-foot wide easement across a portion of the Staunton River State Park in exchange for the extinguishment of an existing right-of-way easement across Staunton River State Park.

*Patron - Ruff*

**SB303 Easement in state park.** Authorizes the Department of Conservation and Recreation to grant a 30-foot-wide easement across a portion of Lake Anna State Park in exchange for the extinguishment of an existing right-of-way easement across Lake Anne State Park.

*Patron - Houck*

**SB321 Environmental impact of renewable energy electric generating facilities.** Requires the Department of Environmental Quality to consult with other state agencies that have expertise in natural resource management when considering the cumulative impact of new and proposed renewable energy electric generating facilities. Along with such other agencies, the Department will develop a coordinated recommendation to submit to the State Corporation Commission

specifying any mitigation measures and additional site-specific studies.

*Patron - Wagner*

**SB423 Air and Water Boards permit issuance process.** Establishes a uniform permit issuance process for the Air Pollution Control Board (Air Board) and the State Water Control Board (Water Board). After issuing a public notice of a pending permit action, if at least 25 individuals have requested a public hearing and the Director finds that the issues raised are germane to the permit action and are not inconsistent with state or federal laws, a public hearing will be held. The Director or the two Boards may convene a meeting under an expedited schedule to reconsider the decision of the Director to grant a public hearing. The meeting may be held electronically if one public forum is available. The Board is required to act on the permit within 90 days of the close of the comment period unless the applicant agrees to an extension of the time period. Persons who commented during the public hearing may address the Air and Water Boards at the meeting where final action on the permit will occur. The Board's decision shall contain a written basis for its decision. The bill also increases membership on the Air Pollution Control Board from five to seven members. However, the two new members are prohibited from voting on any action related to a permit that is under consideration as of January 1, 2008. A qualification of the Air Board members is changed so that no member can be a current employee of an entity subject to a permit or enforcement order of the Air Board. Currently, a majority of the members appointed to the Air Board can represent the public interest and not derive any significant positions of their income from entities subject to permit or enforcement actions. The qualifications of the membership of the Water Board and the Virginia Waste Management Board are changed to require that the members, by their education, training, or experience, be knowledgeable of water quality or waste management, respectively, and shall be fairly representative of conservation, public health, business, and agriculture. This bill is identical to HB 1332.

*Patron - Puckett*

**SB511 Natural resources funding.** Establishes the Virginia Natural Resources Commitment Fund. The Fund would be capitalized with appropriated funds and moneys from public and private sources. Beginning July 1, 2008, and for the next 10 years moneys in the Fund would be distributed to the Department of Conservation and Recreation's Agricultural Best Management Practices Cost-Share Program for the implementation of agricultural best management practices (BMP). Fifty-seven percent of the moneys are to be used for matching grants to implement BMPs on agricultural lands exclusively in the Chesapeake Bay watershed and 38 percent of the moneys would be used for all other lands in the Commonwealth. Five percent of the moneys would be allocated to soil and water conservation districts. This bill is identical to HB 1335.

*Patron - Whipple*

**SB513 Nonpoint source reduction funding.** Authorizes the Governor and General Assembly to provide additional funding in excess of the amount deposited in the Water Quality Improvement Fund from a budget surplus to fund nonpoint source pollution reduction activities. This bill is identical to HB 360.

*Patron - Hanger*

**SB648 Used motor oil, other fluids for automotive maintenance, and oil filters; statewide recycling program.** Strengthens and broadens the current recycling program for used motor oil and used oil filters to include all automotive maintenance fluids and to require that the Department of Envi-

ronmental Quality maintain a toll-free hotline number and website for consumers that choose to properly dispose of used motor oil, other fluids for automotive maintenance, and oil filters.

*Patron - Ticer*

**SB679 Recovery of fire fighting costs by localities.** Allows a locality to collect the costs for fighting or extinguishing a fire if the fire was set intentionally and the person who set the fire did not prevent the fire from escaping. Further states that any such person shall be liable for the full amount incurred by the locality and any volunteer fire or rescue squad for fighting or extinguishing the fire and any reasonable administrative costs expended to collect such expenses. Also allows a locality to recover costs, up to \$750, from a minor's parents for any fire suppression that is the result of malicious or willful conduct on the part of the minor. The Department of Forestry already has the authority to collect costs expended by the Commonwealth in such circumstances.

*Patron - Reynolds*

**SB690 Disbursements from Water Quality Improvement Fund.** Authorizes the Department of Environmental Quality to reimburse localities for the costs of nutrient removal upgrades at publicly owned treatment works on a monthly basis so long as there is written certification from the grant recipient that the local share of the project costs has been expended.

*Patron - Watkins*

**SB748 Alternative fuels; net emissions increase.** Provides that no permit modifications, trial burns, or other demonstrations are required if the owner of an industrial burner chooses to replace residual oil with processed animal fat, processed fish oil, processed vegetable oil, distillate oil, or any mixture thereof in place of the same quantity of residual oil to fire industrial boilers. The Air Pollution Control Board is also required to adopt regulations containing certain provisions that clarify the process of emissions calculations under the minor new source program.

*Patron - Vogel*

## Failed

**HB18 Department of Environmental Quality.** Amends legislation passed during the 2007 Session of the General Assembly to consolidate the existing three citizen boards—the State Air Pollution Control Board, the State Water Control Board, and the Waste Management Board—into one 11-member citizen board. The existing three citizen boards would retain authority over any applications for permits and amendments pending before the end of 2007 until the earlier of the resolution of the application or June 30, 2010.

*Patron - Englin*

**HB19 Department of Environmental Quality.** Repeals legislation passed during the 2007 Session of the General Assembly to consolidate the existing three citizen boards—the State Air Pollution Control Board, the State Water Control Board, and the Waste Management Board—into one 11-member citizen board.

*Patron - Englin*

**HB260 Department of Conservation and Recreation.** Allows the Department to acquire abandoned railroad corridors for use as greenways, linear parks, or potential transportation corridors.

*Patron - Fralin*

**HB514 Fossil fuel combustion products permit.** Requires any applicant seeking approval for the use of fossil fuel combustion products as structural fill to (i) publish a notice of his intent to apply for approval for the project from the Department of Environmental Quality (DEQ), (ii) hold a public meeting to answer citizen's questions, and (iii) submit minutes of the meeting to DEQ. The DEQ is not to issue the permit until the applicant has fulfilled these requirements.

*Patron - Crockett-Stark*

**HB643 Air emissions from major stationary sources.** Requires operators of major stationary sources of air pollution that have facilities (i) whose stacks do not meet good engineering practices and (ii) emit one or more of the criteria pollutants, to demonstrate compliance with all National Ambient Air Quality Standards (NAAQS) by December 31, 2008. If this deadline is not met, then by July 1, 2009, the Department of Environmental Quality shall issue only a permit that ensures modeled compliance with all NAAQS.

*Patron - Hogan*

**HB650 Department of Environmental Quality; authority of citizen boards.** Provides that the Air Pollution Control Board and the State Water Control Board may delegate their authority to make permitting decisions to the Director of the Department of Environmental Quality (the authority to issue permits related to waste management is already vested with the Director). Either Board has the discretion to make a final permitting decision if it finds significant public interest in the permit, substantial and disputed issues within the scope of the Board's statutory authority, and that the time required for a public hearing and decision by the Board would not create an unreasonable delay. The membership of all three citizen environmental boards would also be reconfigured so that the membership of each board—the Air Pollution Control Board, the State Water Control Board, and the Virginia Waste Management Board—includes at least one member from the other two boards.

*Patron - Hogan*

**HB913 Regulation of arborists.** Prohibits any person from using the titles "arborist" and "consulting arborist" unless he possesses the proper certification. The bill provides for injunctive relief to restrain the invalid use of the titles and exempts any person who is not certified to perform arboriculture, defined as the specialized field involving the cultivation of trees and shrubs especially for ornamental purposes, if the person does not represent himself to the public as being an arborist or a consulting arborist.

*Patron - Purkey*

**HB1083 Submission of environmental impact report on major state projects.** Exempts counties, cities, and towns from submission of environmental impact reports on highway construction, reconstruction, and improvement projects estimated to cost more than \$1 million. This bill was incorporated into HB 1259.

*Patron - Suit*

**HB1230 Greenhouse gas emissions; mandatory reporting.** Requires that the State Air Pollution Control Board adopt regulations requiring the reporting of greenhouse gas emissions from stationary sources. The regulations would apply only to those sources that emit more than a de minimis amount of greenhouse gas and that are already required to report emissions of other air pollutants. The Board is also authorized to adopt regulations that require those same parties to report greenhouse gas emissions from fleets of motor vehicles. Beginning in 2008, the Virginia Department of Transpor-

ation is required to provide the Department of Environmental Quality with data necessary to maintain a greenhouse gas emissions inventory for individual road segments throughout the Commonwealth.

*Patron - Vanderhye*

**HB1408 Eligibility for betterment loans.** Directs the Board of Health and the Director of the Department of Environmental Quality to develop procedures for qualifying the owners of failing septic tanks, underground storage tanks, and contaminated dry cleaning stores, for betterment loans to be provided by private lenders.

*Patron - Poindexter*

**HB1466 Environmental impact of renewable energy electric generating facilities.** Requires the Department of Environmental Quality to evaluate information provided by state agencies with expertise in natural resource management regarding the potential environmental impacts of a proposed renewable energy electric generating facility. The Department is required to coordinate the development of consensus recommendations to address the facility's potential adverse environmental impacts. The recommendations shall identify specific measures, including additional site studies, to mitigate or minimize these adverse environment impacts.

*Patron - Shannon*

**HB1549 Recycling glass containers.** Requires all "on-premises" licensees of the Virginia Alcoholic Beverage Control Board to recycle their glass containers, if the locality in which they are located is within 50 miles of a recycling center. A \$50 civil penalty is assessed on anyone who violates this requirement.

*Patron - Cosgrove*

**SB234 Greenhouse gas emissions; mandatory reporting.** Requires that the State Air Pollution Control Board adopt regulations requiring the reporting of greenhouse gas emissions from stationary sources. The regulations would apply only to those sources that emit more than a de minimis amount of greenhouse gas and that are already required to report emissions of other air pollutants. To the extent possible, reporting requirements will incorporate standards and protocols developed by other widely recognized and verified greenhouse gas inventory programs. Beginning in 2009, the Virginia Department of Transportation is required to provide the Department of Environmental Quality with data necessary to maintain a greenhouse gas emissions inventory for individual road segments throughout the Commonwealth. The Board is also authorized to establish a voluntary program allowing persons to register voluntary reductions in direct or indirect emissions of greenhouse gases. The voluntary program may include the reporting of reductions in emissions from motor vehicle fleets owned by persons otherwise required to report emissions from stationary sources.

*Patron - Whipple*

**SB386 Application of the Chesapeake Bay Preservation Act.** Redefines the localities that are under the jurisdiction of the Chesapeake Bay Preservation Act (CBPA). Currently, the CBPA applies to specifically named counties and cities that are defined as being located within Tidewater Virginia. The bill changes the definition of which localities constitute Tidewater Virginia to include only those localities wholly east of Interstate 95. Because the definition of Tidewater Virginia in the CBPA also appears in the stormwater law, to ensure that there is no change in the coverage of the stormwater program, the counties and cities currently listed in the CBPA's definition of Tidewater are delineated in the stormwater law.

*Patron - Martin*

**FSB594 Dam safety.** Exempts the owners of historically significant dams that do not present an imminent danger from having to correct deficiencies identified in a dam safety inspection conducted by the Department of Conservation and Recreation.

*Patron - Norment*

**FSB717 Fossil fuel combustion products permit.** Requires a solid waste permit to authorize the placement of unamended coal combustion byproduct as structural fill in a 100-year flood plain.

*Patron - Edwards*

## Carried Over

**CHB378 Department of Conservation and Recreation; Virginia Golden Age Card Program.** Provides for the Department of Conservation and Recreation to establish a Virginia Golden Age Card authorizing citizens of the Commonwealth who are 60 years of age or older to enter the camping facilities of Virginia's state parks at a 50% discount for a maximum of 14 days in any calendar year.

*Patron - Marshall, D.W.*

**CHB1533 Television recycling programs; manufacturer fees; disposal ban.** Bans the disposal of covered televisions and component parts as solid waste effective January 1, 2009. The bill requires manufacturers of televisions covered by the act to pay a \$5,000 per year state registration fee and report to the Department of Environmental Quality on the weight, in pounds, of televisions sold in the Commonwealth. The Department will use the fees collected to provide reimbursements to localities implementing television recycling programs in compliance with criteria established by the Department. If a locality does not implement a television recycling program, the Department shall initiate a program for residents in that locality. Both the Department and the Office of the Attorney General have authority to enforce the provisions of this act.

*Patron - Plum*

**CHB1548 Recyclable construction and demolition debris.** Prohibits publicly owned landfills from accepting three or more tons of construction and demolition debris per hauler trip if there are recycling facilities available in the area or there is a construction and demolition landfill in the area.

*Patron - Morgan*

**CHB1567 Nonpoint source pollution; commercial lawn care providers.** Expands an existing training program for nutrient management training to include a voluntary program for commercial providers of lawn care or landscaping services to reduce nonpoint source pollution. Businesses that employ at least one individual trained and certified under a nutrient management program are eligible to receive a "Friend of the Bay Award."

*Patron - Marsden*

**CSB308 State Forester; right of entry.** Clarifies the right of the State Forester or his designees to enter and inspect any forest lands or logging operations to carry out the provisions of Virginia's forestry laws. The law continues to provide that no action for trespass may lie against the State Forester or his designees for actions taken in the performance of their duties.

*Patron - Reynolds*

**CSB470 Natural resources funding.** Provides annual funding for natural resources from (i) 20 percent of the remaining revenues of state recordation taxes that are not currently

allocated and (ii) unallocated land preservation tax credits in each calendar year. Of the revenues allocated to natural resources, 17 percent would be used to provide matching grants to local purchase of development rights programs, 16 percent would be distributed to the Virginia Land Conservation Fund, and 67 percent would be distributed to the Agricultural Best Management Practices Cost-Share Program for agricultural best management practices. For the moneys allocated to agricultural best management practices, five percent would be distributed to soil and water conservation districts to provide technical assistance for the implementation of agricultural best management practices. The remaining moneys would be used for matching grants for agricultural best management practices, with 60 percent of the moneys used for lands exclusively in the Chesapeake Bay watershed and 40 percent of the moneys used for all other lands in the Commonwealth. For the moneys allocated to provide matching grants to local purchase of development rights programs, 60 percent of the moneys would be used for grants for local purchase of the development rights programs of counties and cities wholly or partly within the Chesapeake Bay watershed and 40 percent of the moneys would be used for grants for local purchase of the development rights programs of all other counties and cities. In general, for each \$1 received, the local purchase of development rights program would be required to provide a \$1 match.

*Patron - Hanger*

**CSB712 Cap and trade system for NOx and SO2; non-attainment areas.** Provides that the Air Pollution Control Board may prohibit electric generating facilities located within specified nonattainment areas in the Commonwealth from meeting their compliance obligations for pollutants that contribute to ongoing nonattainment in that area through the purchase of allowances for NOx and SO2 only if the Board finds that: (i) the prohibition will directly and quantifiably reduce ambient concentrations of ozone or PM2.5 in the affected nonattainment area; and (ii) there is no other reasonably available approach to achieve a comparable air quality benefit for the Commonwealth.

*Patron - Wagner*

**CSB752 Brownfields; public notice of voluntary remediation plans.** Requires the Department of Environmental Quality to provide written notice of an application for a voluntary remediation plan to any person who owns a property that abuts or lies within 100 feet of the boundary lines of the subject property or who owns a property that is identified as contaminated by a release on the subject property. Notice must also be published in a newspaper of general circulation. A public comment period of at least 30 days shall follow the issuance of notice.

*Patron - Herring*

## Contracts

### Failed

**FHB1200 Contracts; improper use of payment device numbers.** Provides a civil penalty of not more than \$2,500 per violation for the improper use of a credit card number.

*Patron - Valentine*

# Corporations

## Passed

**HB918 Professional corporations; professional limited liability companies.** Conforms the substantive provisions that govern mergers and consolidations of professional corporations and professional limited liability companies. The measure also (i) provides a credit toward the entrance fee that is due from a foreign stock or nonstock corporation applying for a certificate of authority if it was previously a Virginia corporation; (ii) authorizes the issuance of a certificate of correction to a Virginia stock or nonstock corporation upon the filing of articles of correction that were received within 30 days of the effective date of the articles being corrected; and (iii) makes technical amendments.

*Patron - Joannou*

**HB926 Business entities; employing illegal aliens.** Provides that the authority of certain business entities, including foreign and domestic corporations, limited liability companies, business trusts, and limited partnerships, to operate in the Commonwealth may be terminated involuntarily or revoked upon the conviction of the business entity for a violation of 8 U.S.C. § 1324a(f) (hiring or continuing to employ illegal aliens). A business entity whose authority to operate in the Commonwealth is terminated or revoked is not eligible to have that authority reinstated for a period of not less than one year. The business entity shall immediately report any such conviction to the State Corporation Commission and file with the Commission an authenticated copy of the judgment or record of conviction. This bill incorporates HB 227. This bill is identical to SB 782.

*Patron - Byron*

**HB1490 Foreign business entities; failure to register.** Bars the successor to a foreign limited liability company, business trust or limited partnership that transacted business in the Commonwealth without registering in the Commonwealth, and the assignee of a cause of action arising out of that business, from maintaining a proceeding based on that cause of action in any court until the foreign business entity or its successor has registered with the State Corporation Commission. Similar prohibitions currently exist with respect to foreign stock and nonstock corporations.

*Patron - Putney*

**SB146 Stock and nonstock corporations.** Authorizes the State Corporation Commission to correct Commission records at any time to eliminate clerical errors and eliminate filings made by a person without authority to act for the stock or nonstock corporation. The period within which a shareholder is required to file a petition asserting that a certification contains a misstatement of a material fact is increased from 10 to 30 days after the effective date of the certificate. The measure clarifies that actions required to be adopted, as well as actions required to be taken, at a shareholders meeting may be adopted or taken without a meeting if the action is adopted or taken by all of the shareholders entitled to vote. The requirement that a stock corporation give nonvoting shareholders written notice of certain actions not less than 15 days before the action becomes effective is repealed. A provision that allowed an exception to the requirement that, unless otherwise provided in the articles of incorporation, each class of shares be allowed to vote as a separate voting group on a proposed amendment to the articles that would increase or decrease the aggregate number of authorized shares of the class is repealed.

Other elements revise provisions relating to the time limit on the commencement of proceedings to enforce a claim against a dissolved corporation, limitations on remedial actions, maintaining records with respect to beneficial owners whose shares are held by a nominee, and proceedings to determine the security to be provided for claims involving a dissolved corporation.

*Patron - Stosch*

**SB209 Professional corporations and professional limited liability companies.** Authorizes persons or professional business entities that are duly licensed or authorized to render the professional service under the laws of the Commonwealth or the jurisdiction under whose laws the entity is formed to be shareholders of a professional corporation or members of a professional limited liability company. The requirements that at least one of the members of a professional limited liability company and that at least one shareholder of a professional corporation be licensed or otherwise legally authorized to render the service in the Commonwealth are deleted.

*Patron - Stosch*

**SB360 Virginia Business Trust Act.** Reorganizes provisions of the Virginia Business Trust Act regarding the winding up, cancellation, and reinstatement of business trusts. The revisions to the structure of the Act conform to the organization of the Virginia Stock and Nonstock Corporation Acts. Other provisions address the involuntary cancellation and reinstatement of foreign business trusts and the cancellation of a business trust's existence. The measure also authorizes the removal of the initial registered office and registered agent information in the articles of trust if a statement of change is on file with the Commission, and makes technical clarifications.

*Patron - Watkins*

**SB573 Virginia Limited Liability Company Act.** Reorganizes provisions of the Virginia Limited Liability Company Act regarding the winding up, cancellation, and reinstatement of limited liability companies. The revisions to the structure of the Act conform to the organization of the Virginia Stock and Nonstock Corporation Acts. Other provisions address the involuntary cancellation of domestic and foreign limited liability companies and state that upon certain events a limited liability company's existence is cancelled, rather than stating that the events result in cancellation of the company's certificate of organization. The measure also (i) provides a uniform method of reinstating a domestic limited liability company that has been canceled, (ii) authorizes the removal of the initial registered office and registered agent information in the articles of organization if a statement of change is on file with the Commission, and (iii) makes technical clarifications.

*Patron - Saslaw*

**SB782 Business entities; employing illegal aliens.** Provides that the authority of certain business entities, including foreign and domestic corporations, limited liability companies, business trusts, and limited partnerships, to operate in the Commonwealth may be terminated involuntarily or revoked upon the conviction of the business entity for a violation of 8 U.S.C. § 1324a(f) (hiring or continuing to employ illegal aliens). A business entity whose authority to operate in the Commonwealth is terminated or revoked is not eligible to have that authority reinstated for a period of not less than one year. The business entity shall immediately report any such conviction to the State Corporation Commission and file with the Commission an authenticated copy of the judgment or record of conviction. This bill is identical to HB 926.

*Patron - Obenshain*

## Failed

**HB742 Corporations; business office of registered agent.** Authorizes the business office of an individual registered agent of a corporation to be at a post office box at any post office in the Commonwealth. Such business office is not required to be identical with the corporation's registered office. If such a post office box is the registered agent's business office, then the clerk of the State Corporation Commission is an agent of the corporation for the purpose of receiving service of process.

*Patron - Caputo*

## Counties, Cities and Towns

## Passed

**HB8 Lien for water and sewer charges.** Adds the Towns of Front Royal and Kenbridge 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.

*Patron - Wright*

**HB33 Marked sheriffs' office vehicles.** Allows marked sheriffs' office vehicles to be painted solid colors other than brown or white.

*Patron - Ingram*

**HB140 Local governing bodies and local school boards.** Requires local governing bodies and local school boards to annually publish their approved budgets online. If there is no local government website or local school board website, the budgets must be available in hard copy.

*Patron - Peace*

**HB190 Provisions for subdivision of a lot for conveyance to a family member.** Includes stepchildren within the definition of "immediate family" for purposes of family subdivision provisions. This bill is identical to SB 230.

*Patron - Orrock*

**HB195 Subdivision plats.** Clarifies definitions related to subdivision plats and preliminary subdivision plats.

*Patron - Orrock*

**HB262 Housing loans and grants in designated conservation or rehabilitation districts.** Grants authority to localities to make loans or grants of local funds to certain individuals for the purpose of rehabilitating owner-occupied residences or assisting in the purchase of an owner-occupied residence in designated conservation or rehabilitation districts.

*Patron - Ware, O.*

**HB350 Powers of zoning administrator.** Expands certain authority related to enforcement of occupancy limits in residential dwelling units to all zoning administrators, rather than just those in Planning District 8. This bill is identical to HB 663.

*Patron - Cole*

**HB357 Special rate districts.** Adds Fauquier County to those localities that may request an electric utility that proposes to construct an overhead electric transmission line of 150 kilovolts or more, any portion of which would be located in such locality, to enter into an agreement with the locality that provides the locality will impose a tax or assessment on electric utility customers in a special rate district in an amount sufficient to cover the utility's additional costs of constructing that portion of the proposed line to be located in such locality, or any smaller portion thereof as the utility and the locality may agree, as an underground rather than an overhead line.

*Patron - Cole*

**HB394 Powers of water and waste authorities.** Grants such authorities powers related to intellectual property rights.

*Patron - Bulova*

**HB430 Administrative inspection warrants.** Provides that a zoning ordinance may include provisions for the issuance of inspection warrants by a magistrate or court of competent jurisdiction. The zoning administrator or his agent may present sworn testimony to a magistrate or court of competent jurisdiction and if such sworn testimony establishes probable cause that a zoning ordinance violation has occurred, request that the magistrate or court grant the zoning administrator or his agent an inspection warrant to enable the zoning administrator or his agent to enter the subject dwelling for the purpose of determining whether violations of the zoning ordinance exist. The zoning administrator or his agent shall make a reasonable effort to obtain consent from the owner or tenant of the subject dwelling prior to seeking the issuance of an inspection warrant under this bill. This bill is identical to SB 428.

*Patron - Frederick*

**HB432 Arts and cultural districts.** Adds the City of Manassas to those localities authorized to create an arts and cultural district for the purpose of increasing awareness and support for the arts and culture in the locality. Localities may provide incentives for the support and creation of arts and cultural venues in the district.

*Patron - Frederick*

**HB434 Defacement of buildings; immunity.** Provides that local employees and agents of a locality who remove graffiti from buildings shall have any and all immunity normally provided to an employee of the locality.

*Patron - Frederick*

**HB443 Rights and duties of county chairman in Loudoun County.** Lists various rights and duties of the board chairman in Loudoun County.

*Patron - Rust*

**HB445 Occupancy limits.** Provides that no fines shall accrue against the owner or managing agent of a single-family residential dwelling unit for the violation of a zoning ordinance regulating occupancy limits during the pendency of any legal action commenced by such owner or managing agent against a tenant to eliminate an overcrowding condition.

*Patron - Rust*

**HB451 Composition of the Northern Virginia Transportation Authority.** Increases the membership from 16 to 17 by adding a town representative who shall serve as a nonvoting member.

*Patron - Rust*

**HB466 Restraining certain violations.** Allows a zoning administrator or locality to record a memorandum of lis pendens for certain zoning ordinance violations.  
*Patron - Watts*

**HB522 Land use adjacent to certain jet bases.** Includes interfacility traffic areas or any other area designated by the military as an area of special concern based on the potential for adverse effects on military operations as property that must be included in the land use program of any locality in which a United States Navy Master Jet Base is located. This bill contains an emergency clause.  
*Patron - Suit*

**HB526 Peninsula Ports Authority of Virginia.** Creates a procedure for the dissolution of the Peninsula Ports Authority of Virginia.  
*Patron - Pogge*

**HB663 Powers of zoning administrator.** Expands certain authority related to enforcement of occupancy limits in residential dwelling units to all zoning administrators, rather than just those in Planning District 8. This bill is identical to HB 350.  
*Patron - Lewis*

**HB679 Civil penalties for violations of zoning ordinance.** Requires the general district court, upon a finding of liability, to order a violator of a zoning ordinance to abate or remedy the violation in compliance with the zoning ordinance within a period not to exceed 30 days. In addition, the bill provides that should the violator choose to waive trial, admit liability, and pay the civil penalty, the violator will have to first agree in writing to abate or remedy the violation within a specified timeframe. The bill also provides that when civil penalties for a zoning ordinance violation total \$5,000 or more, the violation may be prosecuted as a criminal misdemeanor. This bill incorporates HB 1090.  
*Patron - Hull*

**HB721 Approval of plats, site plans, and plans of development in certain localities.** Creates a more compact approval process for commercial property in localities with a population greater than 90,000.  
*Patron - Oder*

**HB877 Community Development Authority; City of Richmond.** Provides that the board of any such authority shall consist of seven members.  
*Patron - Loupassi*

**HB879 Affordable dwelling unit ordinances.** Provides that a locality establishing an affordable housing dwelling unit program in any ordinance may establish a requirement that the prices for resales and rentals be controlled by the local housing authority or local governing body or designee for a period of not less than 15 years, but not to exceed 50 years, after the initial sale or rental transaction for each affordable dwelling unit, provided that the ordinance further provides for reasonable rules and regulations to implement a price control provision. Under current law, the prices for resales and rentals may be controlled by the local housing authority or local governing body or designee for a period of 50 years after the initial sale or rental transaction for each affordable dwelling unit. HB 330 is incorporated into this bill.  
*Patron - Loupassi*

**HB883 Affordable Dwelling Unit ordinance; permitting certain densities in the comprehensive plan.** Authorizes

the City of Charlottesville to provide in its comprehensive plan for the physical development within the city for densities of development ranging between a floor area ratio (FAR) of 1.0 (1.0 FAR) and a floor area ratio of 10.0 (10.0 FAR) or greater in some or all parts of the city. The bill authorizes the City of Charlottesville to establish affordable housing contributions from developers as a condition of the governing body's approval of a special exception application for residential, commercial, or mixed-use projects with a density equal to or greater than 1.0 FAR. Under the bill, the provisions of the ordinance would allow the developer to provide on-site Affordable Dwelling Units, off-site Affordable Dwelling Units, or a cash contribution to the city's affordable housing fund in lieu of providing the units. This bill is identical to SB 268.  
*Patron - Toscano*

**HB991 Transfer of development rights.** Permits, in Albemarle County, the severance and transfer of development rights from a sending property without requiring those rights to be immediately affixed to a specific receiving property.  
*Patron - Bell*

**HB1061 Zoning ordinances.** Provides that a zoning ordinance may prescribe an appeal period of less than 30 days, but not less than 10 days, for a notice of violation involving maximum occupancy limitations of a residential dwelling unit. This bill incorporates HB 1101.  
*Patron - Amundson*

**HB1078 Vested rights and nonconforming uses.** Makes several changes to the vested rights and nonconforming use provisions, including (i) that a locality shall use square footage and building code provisions in determining whether a nonconforming use has been enlarged or structurally altered; and (ii) providing that when a property owner has paid taxes to the locality for a building or structure for a period in excess of 15 years, a zoning ordinance may provide that such building or structure shall be nonconforming, but not illegal.  
*Patron - Suit*

**HB1079 Board of Zoning appeals; variances.** Provides that a structure permitted by a variance may not be expanded unless the expansion is within an area of the site or part of the structure for which no variance is required under the ordinance. Where the expansion is proposed within an area of the site or part of the structure for which a variance is required, the approval of an additional variance shall be required.  
*Patron - Suit*

**HB1084 Approval of certain proffered conditions.** Provides that in any instance in which a locality has accepted proffered conditions that include pedestrian improvements, and the Virginia Department of Transportation has reviewed and not objected to the proposed pedestrian improvements during the processing of the rezoning, the Virginia Department of Transportation shall allow the proffered improvements to be constructed, except when such improvements will violate local, state, or federal laws, regulations, or mandated engineering and safety standards.  
*Patron - Englin*

**HB1086 Appeals to boards of zoning appeals.** Provides that a written notice of a zoning violation or a written order of the zoning administrator that includes such statement sent by registered or certified mail to, or posted at, the last known address of the property owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed sufficient notice to the

property owner and shall satisfy the notice requirements under general law.

*Patron - Sickles*

**HB1107 Fines for overcrowding in residential dwellings.** Increases the maximum fines for repeat violations of ordinances regulating the number of unrelated persons in single-family residential dwellings.

*Patron - Rust*

**HB1177 Plats.** Provides that once a plat for all or a portion of a multiphase development is recorded, the preliminary plat shall remain valid for a period of five years from the date of the latest recorded plat of subdivision for the property. Also, an approved final subdivision plat that has been recorded, from which any part of the property subdivided has been conveyed to third parties (other than to the developer or local jurisdiction), shall remain valid for an indefinite period of time unless and until any portion of the property is subject to a vacation action.

*Patron - Lingamfelter*

**HB1342 Lien for water and sewer charges.** Adds the County of Isle of Wight 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.

*Patron - Barlow*

**HB1355 Sewage treatment plants.** Provides that whenever the governing body of a locality or a combination of governing bodies of two or more localities is expanding or upgrading a sewage treatment plant, the facility shall be expanded or upgraded so that it has the capability to accept and treat the septage from all onsite sewage disposal systems, which are not adequately served by another approved disposal site, located in the locality or combination thereof to be served by such plant.

*Patron - Bulova*

**HB1437 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 20 years after development is projected to be as follows: (i) 10 percent tree canopy for a site zoned business, commercial, or industrial; (ii) 10 percent tree canopy for a residential site zoned 20 or more units per acre; (iii) 15 percent tree canopy for a residential site zoned more than eight but less than 20 units per acre; (iv) 20 percent tree canopy for a residential site zoned more than four but not more than eight units per acre; (v) 25 percent tree canopy for a residential site zoned more than two but not more than four units per acre; and (vi) 30 percent tree canopy for a residential site zoned two or less units per acre. Finally, the bill mandates that any tree conservation ordinance provide for certain deviations from the canopy requirements.

*Patron - Bulova*

**HB1463 Group homes.** Removes Henry County from a provision related to the zoning classification of group homes.

*Patron - Armstrong*

**HB1480 Allowances to injured deputy sheriffs.** Requires a locality to allow a deputy sheriff injured in the line of duty to use accrued vacation, compensatory, and sick leave to supplement his workers' compensation allowance, so as to receive 100 percent compensation. The bill also requires the locality to continue to pay any employer's share of certain health insurance coverage for the injured deputy and his dependents. This bill is identical to SB 673.

*Patron - Kilgore*

**HB1496 Southwest Regional Recreation Authority.** Establishes an authority for Southwest Virginia to create a multi-purpose regional recreational area similar to, and potentially adjoining, such areas in West Virginia and Kentucky. The recreational area might consist of various trails and other amenities on private open-space lands where members of the public could, for example, hunt, fish, boat, camp, ride motorcycles or all-terrain vehicles, ride mountain bikes, or ride horses. The Southwest Regional Recreation Authority would have various powers to manage the area by raising funds, employing staff, and adopting rules punishable by civil penalties. Landowners participating in the recreation area would be afforded a limited liability for persons engaging in recreational activities on their property.

*Patron - Bowling*

**HB1527 Enforcement of certain sewer charges.** Provides that in Planning District 1 or Planning District 2 a water and waste authority may require that water service provided by another entity be discontinued under certain circumstances for nonpayment of sewer charges. This bill contains an emergency clause.

*Patron - Phillips*

**HB1528 Southwest Virginia Health Facilities Authority.** Makes changes to the membership of the board of directors of such authority.

*Patron - Phillips*

**SB230 Provisions for subdivision of a lot for conveyance to a family member.** Includes stepchildren within the definition of "immediate family" for purposes of family subdivision provisions. This bill is identical to HB 190.

*Patron - McDougle*

**SB237 Donations by localities.** Allows localities to make donations to any nonprofit association or organization furnishing services to beautify and maintain communities and/or to prevent neighborhood deterioration.

*Patron - Whipple*

**SB268 Affordable Dwelling Unit ordinance; permitting certain densities in the comprehensive plan.** Authorizes the City of Charlottesville to provide in its comprehensive plan for the physical development within the city for densities of development ranging between a floor area ratio (FAR) of 1.0 (1.0 FAR) and a floor area ratio of 10.0 (10.0 FAR) or greater in some or all parts of the city. The bill authorizes the City of Charlottesville to establish affordable housing contributions from developers as a condition of the governing body's approval of a special exception application for residential, commercial, or mixed-use projects with a density equal to or greater than 1.0 FAR. Under the bill, the provisions of the ordinance would allow the developer to provide on-site Affordable Dwelling Units, off-site Affordable Dwelling Units, or a cash contribution to the city's affordable housing fund in lieu of providing the units. This bill is identical to HB 883.

*Patron - Deeds*



**SB393 Variances; nonconforming uses.** Provides that a zoning ordinance shall permit the owner of any residential or commercial building damaged or destroyed by a natural disaster or other act of God to repair, rebuild, or replace such building to eliminate or reduce the nonconforming features to the extent possible, without the need to obtain a variance. Under current law, if a residential or commercial building is damaged or destroyed by a natural disaster or other act of God, the zoning ordinance may require that such building be repaired, rebuilt, or replaced to eliminate or reduce the nonconforming features to the extent possible, without the need to obtain a variance.

*Patron - Martin*

**SB415 Industrial Development and Revenue Bond Act.** Provides that in Buchanan County a constitutional officer who has previously served on the board of the industrial development authority may serve as a director of the authority, provided the governing body approves.

*Patron - Puckett*

**SB428 Administrative inspection warrants.** Provides that a zoning ordinance may include provisions for the issuance of inspection warrants by a magistrate or court of competent jurisdiction. The zoning administrator or his agent may present sworn testimony to a magistrate or court of competent jurisdiction and if such sworn testimony establishes probable cause that a zoning ordinance violation has occurred, request that the magistrate or court grant the zoning administrator or his agent an inspection warrant to enable the zoning administrator or his agent to enter the subject dwelling for the purpose of determining whether violations of the zoning ordinance exist. The zoning administrator or his agent shall make a reasonable effort to obtain consent from the owner or tenant of the subject dwelling prior to seeking the issuance of an inspection warrant under this bill. This bill is identical to HB 430.

*Patron - Barker*

**SB532 Disclosures in land use proceedings; Loudoun County.** Requires each individual member of the Loudoun County board of supervisors, planning commission, and board of zoning appeals in any proceeding before each such body involving an application for a special exception or variance or involving an application for amendment of a zoning ordinance map, which does not constitute the adoption of a comprehensive zoning plan, an ordinance applicable throughout the locality, or an application filed by the board of supervisors that involves more than 10 parcels that are owned by different individuals, trusts, corporations, or other entities, to, prior to any hearing on the matter or at such hearing, make a full public disclosure of any business or financial relationship that such member has, or has had within the 12-month period prior to such hearing, (i) with the applicant in such case; (ii) with the title owner, contract purchaser, or lessee of the land that is the subject of the application, except, in the case of a condominium, with the title owner, contract purchaser, or lessee of 10 percent or more of the units in the condominium; (iii) if any of the foregoing is a trustee (other than a trustee under a corporate mortgage or deed of trust securing one or more issues of corporate mortgage bonds), with any trust beneficiary having an interest in such land; or (iv) with the agent, attorney, or real estate broker of any of the foregoing.

*Patron - Herring*

**SB673 Allowances to injured deputy sheriffs.** Requires a locality to allow a deputy sheriff injured in the line of duty to use accrued vacation, compensatory, and sick leave to supplement his workers' compensation allowance, so as to receive 100 percent compensation. The bill also requires the

locality to continue to pay any employer's share of certain health insurance coverage for the injured deputy and his dependents. The bill is identical to HB 1480.

*Patron - Wampler*

**SB704 Gifts and donations by localities to certain nonprofit foundations.** Provides that a locality may make gifts and donations to nonprofit foundations established to support the locality's public parks, libraries, and law enforcement. For the purposes of this bill, "donations" to any such foundation shall include the lawful provision of in-kind resources.

*Patron - Puller*

**SB710 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 20 years after development is projected to be as follows: (i) 10 percent tree canopy for a site zoned business, commercial, or industrial; (ii) 10 percent tree canopy for a residential site zoned 20 or more units per acre; (iii) 15 percent tree canopy for a residential site zoned more than eight but less than 20 units per acre; (iv) 20 percent tree canopy for a residential site zoned more than four but not more than eight units per acre; (v) 25 percent tree canopy for a residential site zoned more than two but not more than four units per acre; and (vi) 30 percent tree canopy for a residential site zoned two or less units per acre. Finally, the bill mandates that any tree conservation ordinance provide for certain deviations from the canopy requirements. This bill incorporates SB 448 and is identical to HB 1437.

*Patron - Ticer*

**SB740 Southwest Regional Recreation Authority.** Establishes an authority for Southwest Virginia to create a multi-purpose regional recreational area similar to, and potentially adjoining, such areas in West Virginia and Kentucky. The recreational area might consist of various trails and other amenities on private open-space lands where members of the public could, for example, hunt, fish, boat, camp, ride motorcycles or all-terrain vehicles, ride mountain bikes, or ride horses. The Southwest Regional Recreation Authority would have various powers to manage the area by raising funds, employing staff, and adopting rules punishable by civil penalties. Landowners participating in the recreation area would be afforded a limited liability for persons engaging in recreational activities on their property.

*Patron - Puckett*

**SB742 Moratorium on city annexation and county immunity notices and proceedings.** Provides that the moratorium on annexation proceedings does not end following the expiration of the 2006-2008 or the 2008-2010 biennium if, for the 2008-2010 biennium, actual appropriations to local governments for law-enforcement expenditures are less than the amount statutorily required.

*Patron - Hanger*

**SB791 Incentive zoning; definition.** Redefines the term "incentive zoning" for the purposes of Chapter 22 of Title 15.2 as the use of bonuses in the form of increased project density or other benefits to a developer in return for the developer providing certain features, design elements, uses, services, or amenities desired by the locality, including but not limited to, site design incorporating principles of new urbanism and traditional neighborhood development, environmentally sustainable

and energy-efficient building design, affordable housing creation and preservation, and historical preservation, as part of the development.

*Patron - Whipple*

## Failed

**HB72 Capital improvements impact fees.** Allows localities to adopt provisions for the assessment of impact fees prior to issuance of a building permit. The impact fees may be assessed in relation to the adequacy of education, transportation, parks, or public safety needs. Such fees shall be a pro-rata share of the costs of reasonable and necessary capital improvements attributable to the proposed development. Prior to any impact fee assessment, the locality must identify the particular public facility needs in its comprehensive plan and must have in place a capital improvement program that provides a reasonable basis for determining the extent or level of inadequacy of such facilities in the area of the proposed development. If the locality does not apply impact fees paid by a developer to the capital project that served as the basis for such assessment within six years of collection, then the developer may seek a writ of mandamus to compel the locality to do so.

*Patron - Marshall, R.G.*

**HB82 Zoning violations; overcrowding.** Provides for enhanced fines for any conviction resulting from a violation of provisions related to overcrowding of residential dwellings. The bill also authorizes zoning provisions to provide that any conviction resulting from a violation of provisions that prohibit a person from permitting a single-family residential dwelling owned by him to be occupied by any unrelated person who has no legal right to do so or in violation of any of the provisions regulating the number of unrelated persons in single-family residential dwellings shall be punishable by a fine of up to \$1,500 for each such unrelated person.

*Patron - Marshall, R.G.*

**HB200 Zoning enforcement; Planning District 8.** Provides for enhanced penalties in Planning District 8 for certain violations related to overcrowding of residential dwellings.

*Patron - Marshall, R.G.*

**HB202 Adoption of certain ordinances.** Provides that if the results of any May, June, or November general election would result in a change in a majority of the membership of a governing body on the following July 1, September 1, or January 1, respectively, no regulation, district boundary, or classification of property shall be amended, supplemented, or changed from the date of such election and until such respective date except by a two-thirds vote of the governing body members.

*Patron - Marshall, R.G.*

**HB205 Provisions of zoning ordinance.** Provides that a zoning ordinance may contain provisions for the issuance of inspection warrants by a magistrate. The zoning administrator may present sworn testimony to a magistrate or court of competent jurisdiction and request that the magistrate or court grant the zoning administrator an inspection warrant to enable the zoning administrator to enter the subject dwelling for the purpose of determining whether violations of the zoning ordinance exist. The zoning administrator shall make a reasonable effort to obtain consent from the owner or tenant of the subject dwelling prior to seeking the issuance of an inspection warrant.

*Patron - Marshall, R.G.*

**HB208 Adequate public facilities.** Allows any locality to adopt provisions in its subdivision ordinance for deferring the approval of subdivision plats or site plans when it deter-

mines that existing schools, roads, public safety, sewer or water facilities are inadequate to support the proposed development. Such deferrals cannot extend beyond 12 years. A locality may also consider the adequacy of public facilities in the preparation of its zoning ordinance.

*Patron - Cole*

**HB212 Certain firearms taxes; destruction of records.** Repeals local authority to impose a license tax of not more than \$25 on persons engaged in the business of selling pistols and revolvers. Also, a recordkeeping requirement for such persons is deleted and the clerk of the circuit court shall destroy any such existing records.

*Patron - Cole*

**HB265 Regulation of wood burning fireplaces.** Provides that in any locality with a population density of greater than 1,000 persons per square mile, the locality may by ordinance regulate the use of wood burning fireplaces in any portion of the locality where such use may constitute a nuisance to adjacent residences.

*Patron - Albo*

**HB288 Virginia Indoor Clean Air Act; restaurants.** Allows localities to adopt ordinances containing standards or provisions relating to smoking in restaurants that meet or exceed those established in the Virginia Indoor Clean Air Act.

*Patron - Englin*

**HB294 Water and sewage connections.** Provides that New Kent County may require connection to its water and sewer systems by owners of property that can be served by the systems if the property, at the time of installation of such public system, or at a future time, does not have a then-existing or correctable domestic supply or source of potable water and a then-existing or correctable system for the disposal of sewage.

*Patron - Peace*

**HB301 Performance of certain federal immigration functions.** Requires the sheriff of a locality with a population greater than 300,000 to enter into a memorandum of agreement with Immigration and Customs Enforcement that would allow designated local law-enforcement officers to perform certain federal immigration law functions in the Commonwealth. Such an agreement is often referred to as an agreement under the federal 287(g) program.

*Patron - Nichols*

**HB304 Occupancy limits in single-family dwellings.** Requires localities to limit occupancy to no more than four unrelated persons.

*Patron - Nichols*

**HB330 Affordable housing; price controls.** Changes the current requirement, which localities may include in their affordable dwelling unit ordinances, that the prices for resales and rentals be controlled by the authority or locality from "for a period of fifty years" after the initial sale or rental transaction for each affordable dwelling unit, to "at least 15 years but no more than 50 years." This bill was incorporated in HB 879.

*Patron - McClellan*

**HB358 Suspending water hook-ups during certain emergencies.** Allows a locality that has adopted a water supply emergency ordinance to suspend the issuance of water hook-up permits for connection to its water and sewer systems during such emergency.

*Patron - Cole*

**HB367 Sanctuary cities prohibited.** Prohibits a local governing body from adopting a policy that serves to protect undocumented immigrants from deportation. Furthermore, no locality shall prohibit its employees from asking a person about his immigration status.

*Patron - Carrico*

**HB371 Local control of firearms; attorney fees.** Requires a locality to pay attorney fees resulting from taking certain actions prohibited with regard to firearm control.

*Patron - Carrico*

**HB387 Purchase of property by locality.** Expands the definition of "public use" for purposes of determining whether a locality is authorized to acquire property.

*Patron - Bulova*

**HB393 Northern Virginia Transportation Authority.** Changes the applicability of certain existing fund distribution from "the Cities of Falls Church and Alexandria and the County of Arlington" to "any city or county that maintained its own roads as of July 1, 2007."

*Patron - Bulova*

**HB452 Penalties related to overcrowding of dwellings.** Removes the prohibition regarding a potential jail term for violating certain zoning provisions related to overcrowding of residential dwellings.

*Patron - Rust*

**HB485 Carbon monoxide detectors in certain buildings.** Provides that any locality may, by ordinance, require that carbon monoxide detectors be installed in the following structures or buildings: (i) any building containing one or more dwelling units, (ii) any hotel or motel regularly used or offered for or intended to be used to provide overnight sleeping accommodations for one or more persons, and (iii) rooming houses regularly used, offered for, or intended to be used to provide overnight sleeping accommodations.

*Patron - Shuler*

**HB486 Failure to provide adequate crowd control.** Expands existing authority to bring a civil action against a person who negligently fails to provide adequate security or crowd control at events that draw large crowds to include the Town of Blacksburg. This bill was incorporated into HB 851.

*Patron - Shuler*

**HB508 Approval of annexation by referendum.** Requires a city-initiated annexation to be approved by two-thirds of the voters in each of the affected localities.

*Patron - Hamilton*

**HB509 Annexation, granting of city charters, and county immunity.** Repeals the temporary restrictions on city annexation of counties, the creation of new cities, and the granting of county immunity from annexation.

*Patron - Hamilton*

**HB511 Vacant building registration.** Increases the vacant building annual registration fee from \$25 to \$50. The bill also increases the civil penalty for failure to register such building from \$50 to \$75.

*Patron - Dance*

**HB635 Impact fees.** Expands existing road impact fee provisions to include school improvements and extends the applicability of such provisions from localities that meet certain population and growth criteria to all localities. "Impact

fee" is defined as a charge or assessment imposed against new development in order to generate revenue to fund or recover the costs of public facilities necessitated by and attributable to the new development. The value of any dedication, contribution, or construction from the developer for off-site road improvements and school facility improvements within the service area shall be treated as a credit against the impact fee.

*Patron - May*

**HB675 Urban county executive form of government; discrimination based on sexual orientation.** Allows Fairfax County (the only county with such form of government) by ordinance to prohibit discrimination in housing, real estate transactions, employment, public accommodations, credit, and education on the basis of sexual orientation. Such authority currently exists with regard to race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, age, marital status, or disability.

*Patron - Plum*

**HB697 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*

**HB726 Conditional zoning; purchase of development rights.** Provides that localities with cash proffer authority may accept cash proffers for the purchase of development rights to preserve open space.

*Patron - Scott, E.T.*

**HB788 Highway maintenance payments to counties.** Allows counties that maintain their own secondary highways (Henrico and Arlington) and are more than 100 square miles in size to receive the same per-lane-mile maintenance payments provided for roads within urban transportation service districts in other counties.

*Patron - Ingram*

**HB851 Failure to provide adequate crowd control.** Expands existing authority to bring a civil action against a person who negligently fails to provide adequate security or crowd control at events that draw large crowds to include all cities and towns. This bill incorporates HB 486.

*Patron - Orrock*

**HB901 Employee benefits; residence in certain localities.** Allows localities comprising Planning District 8, which is composed of the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park; the towns of Dumfries, Herndon, Leesburg, Purcellville, and Vienna; and the counties of Arlington, Fairfax, Loudoun, and Prince William, to provide for the use of funds, other than state funds, to provide grants, loans, and other assistance for local government 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 locality.

*Patron - Scott, J.M.*

**HB954 Conditional zoning; purchase of development rights.** Provides that localities with cash proffer authority may accept cash proffers for the purchase of development rights to preserve farmland or open space.

*Patron - Scott, E.T.*

**HB957 Northern Virginia Transportation Authority.** Increases the membership of the Authority to provide for a

mayor from a town within a county that is a member of the Authority.

*Patron - Shannon*

**HB958 Local government authority; registration of non-owner occupied residential dwellings; civil penalty.** Authorizes localities to require all non-owner occupied residential dwellings to be registered on an annual basis. Failure to register shall be a \$50 civil penalty; however, failure to register in conservation and rehabilitation districts designated by the governing body, or in other areas designated as blighted, is punishable by a civil penalty not exceeding \$250.

*Patron - Shannon*

**HB976 Single lot development; stormwater management.** Provides that the developer of a single lot shall provide storm water management where substantial redevelopment of such lot is proposed. Substantial redevelopment" shall be deemed to occur when land-disturbing activities occur on more than 15 percent of the square footage of any single lot.

*Patron - Shannon*

**HB1026 Restrictions on granting public benefits; penalty.** Prohibits localities from granting public benefits to persons who are not citizens, legal permanent residents, or conditional resident aliens of the United States. The bill also provides that failure to determine immigration status shall result in the termination of all funds appropriated in the general appropriations act except those funds required by the Constitution of the Commonwealth and federal law.

*Patron - Frederick*

**HB1033 Urban transportation service districts.** Grants towns authority to create such districts. Creation of such districts is also a prerequisite for use of the new impact fee authority granted during the 2007 Session.

*Patron - Frederick*

**HB1036 Property tax rates; assessments; bills.** Requires: (i) localities to fix tax rates for an ensuing year at least 30 days prior to approval of the budget for the ensuing year, with separate public notices and separate public hearings; (ii) localities to attach to each real and personal property tax bill information showing how the amount of the tax bill has been apportioned in the current fiscal year on the major categories of spending; and (iii) localities to provide more detailed information on notices of reassessments. The bill has a delayed effective date of January 1, 2009.

*Patron - Frederick*

**HB1063 Virginia Indoor Clean Air Act; restaurants in Northern Virginia.** Allows localities in Northern Virginia to adopt concurrent ordinances containing standards or provisions relating to smoking in restaurants which exceed those established in the Virginia Indoor Clean Air Act.

*Patron - Brink*

**HB1087 Public access to social security numbers; exceptions.** Provides that the social security number of any individual contained in the public records of a local government shall be confidential and exempt from disclosure under the Freedom of Information Act. The bill provides, however, that a social security number may be released (i) in accordance with a proper judicial order; (ii) to any law-enforcement agency, officer, or authorized agent thereof acting in the performance of official law-enforcement duties; or (iii) to any data subject exercising his rights under the Government Data Collection and Dissemination Practices Act.

*Patron - Sickles*

**HB1090 Civil penalties for violations of zoning ordinance.** Requires the general district court, upon a finding of liability, to order a violator of a zoning ordinance to abate or remedy the violation in compliance with the zoning ordinance within a period not to exceed 30 days. In addition, the bill provides that should the violator choose to waive trial, admit liability, and pay the civil penalty, the violator will have to first agree in writing to abate or remedy the violation within a specified timeframe. This bill was incorporated into HB 679.

*Patron - Sickles*

**HB1101 Notice of certain zoning violations.** Provides that localities may shorten the appeal period from 30 days to 10 days for notices of violations of zoning ordinances that limit occupancy in residential dwellings. This bill was incorporated into HB 1061.

*Patron - Sickles*

**HB1159 Provisions of zoning ordinance.** Provides that a zoning ordinance may contain provisions for the issuance of inspection warrants by a magistrate. The zoning administrator may present sworn testimony to a magistrate or court of competent jurisdiction and request that the magistrate or court grant the zoning administrator an inspection warrant to enable the zoning administrator to enter the subject dwelling for the purpose of determining whether violations of the zoning ordinance exist. The zoning administrator shall make a reasonable effort to obtain consent from the owner or tenant of the subject dwelling prior to seeking the issuance of an inspection warrant.

*Patron - Albo*

**HB1210 Vacant building registration; penalties.** Provides for enhanced penalties for failure to register vacant buildings.

*Patron - Melvin*

**HB1253 Smoking in restaurants.** Prohibits smoking in restaurants.

*Patron - Marsden*

**HB1279 Transportation district commissioners; compensation.** Raises the per diem for transportation district commissioners from \$50 to \$100.

*Patron - Spruill*

**HB1297 Adequate public facilities.** Provides that any locality that is subject to the provisions of the Chesapeake Bay Preservation Act may by ordinance adopt provisions related to the provision of adequate public facilities. Local adequate public facility provisions may be applied during the subdivision or site plan review and approval process.

*Patron - Frederick*

**HB1303 Virginia Residential Property Disclosure Act; property located within a historic district.** Authorizes a locality to, by ordinance, provide that an owner of residential real property located within such locality shall disclose, in writing, to the purchaser of such property whether (i) such property is located in a historic district designated by the locality pursuant to § 15.2-2306 and (ii) the provisions of any historic district ordinance affect the property. Such written disclosure shall state the specific historic district in which the property is located according to the official zoning map.

*Patron - Oder*

**HB1341 Virginia Indoor Clean Air Act; restaurants.** Allows localities to adopt ordinances containing standards or

provisions relating to smoking in restaurants that meet or exceed those established in the Virginia Indoor Clean Air Act.

*Patron - Barlow*

**HB1343 Rezoning property to previous zoning designation.** Allows a locality to include provisions in its zoning ordinance that permit the county to require that an approved site plan or final subdivision plan be obtained for the development within a specified period of not less than five years. If no such approval is obtained during the specified period, the locality may rezone the property to its previous zoning designation. However, a locality may not rezone the property if the rezoning would adversely impact the terms of a loan that the property owner has obtained at least one year prior to a proposed locality initiated rezoning. If a locality rezones such property to its previous zoning designation, the locality shall compensate the property owner through use of a tax credit equal to the amount of excess real estate taxes that the landowner has paid due to the higher zoning classification.

*Patron - Barlow*

**HB1380 Approval of sewage systems.** Clarifies that counties and towns may approve a sewage system at a reduced size if it is in the best interest of the locality.

*Patron - Albo*

**HB1415 Extension of health insurance coverage funded by localities.** Provides that the governing body of any locality that self-funds a health insurance program for its officers and employees may extend coverage under such program to any other class of persons as may be mutually agreed upon by the locality and the policyholder.

*Patron - Scott, J.M.*

**HB1430 Clustering of single-family dwellings; Surry County.** Extends the effective date of legislation from the 2006 Session requiring Surry County to provide for the clustering of single-family dwellings and the preservation of open space developments from July 1, 2007, to July 1, 2009. This bill is identical to SB 671.

*Patron - Barlow*

**HB1432 Virginia Indoor Clean Air Act; restaurants in certain cities.** Allows cities with a population of at least 200,000 to adopt ordinances containing standards or provisions relating to smoking in restaurants that exceed those established in the Virginia Indoor Clean Air Act.

*Patron - Howell, A.T.*

**HB1565 Multicounty/city Transportation District.** Creates such district for the purpose of providing funding for transportation projects. Each district member is authorized to have a local option fuel tax of \$0.02 per gallon.

*Patron - Crockett-Stark*

**HB1566 Speed limits in counties.** Grants counties certain powers with regard to setting speed limits and performing maintenance along county roads.

*Patron - Crockett-Stark*

**HB1571 Impact fees.** Restores road impact fee provisions to how they existed prior to July 1, 2007, and repeals general impact fee provisions passed during the 2007 Session.

*Patron - Hull*

**HB1574 Photo-monitoring systems.** Provides that any county, city, or town having less than 10,000 residents may install and operate a traffic light signal photo-monitoring system at no more than one intersection for every intersection

within such county, city, or town that has an average daily traffic volume of at least 20,000 vehicles per day.

*Patron - Hargrove*

**SB20 Carbon monoxide detectors in certain buildings.** Provides that any locality may, by ordinance, require carbon monoxide alarms be installed in (i) any building containing one or more dwelling units, (ii) any hotel or motel regularly used, offered for, or intended to be used to provide overnight sleeping accommodations, and (iii) any rooming house regularly used, offered for, or intended to be used to provide overnight sleeping accommodations when such structures or buildings contain dwelling units that have an attached garage or carport or are serviced by fuel-fired appliances.

*Patron - Edwards*

**SB32 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*

**SB33 Control of firearms; outdoor theaters, cabarets, carnivals, and fairs.** Provides that localities may adopt an ordinance that prohibits firearms, ammunition, or components or combinations thereof at outdoor theaters, cabarets, carnivals, and fairs at which 500 or more persons are authorized to lawfully attend.

*Patron - Locke*

**SB49 Matters to be considered in drawing and applying zoning ordinances and districts.** Provides that zoning ordinances and districts shall be drawn and applied with reasonable consideration for the conservation of environmental resources.

*Patron - Whipple*

**SB50 Purpose of zoning ordinances.** Provides that zoning ordinances shall be designed to give reasonable consideration to conserving natural and environmental resources.

*Patron - Whipple*

**SB51 Extension of health insurance coverage funded by localities.** Provides that the governing body of any locality that self-funds a health insurance program for its officers and employees may extend coverage under such program to any other class of persons as may be mutually agreed upon by the locality and the policyholder.

*Patron - Whipple*

**SB159 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 county or city with a police force to be fixed by the Compensation Board at not less than two.

*Patron - McEachin*

**SB184 Advertisement of plans; descriptive summary.** Provides that no person who received actual 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*

**SB196 Storage of hazardous materials.** Permits localities to prohibit the initiation of 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*

**ESB202 Virginia Indoor Clean Air Act; restaurants.** Allows localities to adopt ordinances containing standards or provisions relating to smoking in restaurants that meet or exceed those established in the Virginia Indoor Clean Air Act.

*Patron - Quayle*

**ESB300 Dangerous weapons in government facilities.** Provides that the governing body of any locality may, by ordinance, make it unlawful for any person to possess a dangerous weapon upon the property, including buildings and grounds thereof, of any facility that is owned or leased by that locality and used by it for governmental purposes.

*Patron - Whipple*

**ESB347 Smoking ban in restaurants; local option.** Provides that any locality within Planning District 23 may adopt an ordinance regulating smoking in restaurants.

*Patron - Blevins*

**ESB419 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*

**ESB448 Conservation of trees during the development process for air quality improvement in localities.** Provides that 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 percent tree canopy for a site zoned business, commercial, or industrial; (ii) 10 percent tree canopy for a residential site zoned 20 or more units per acre; (iii) 15 percent tree canopy for a residential site zoned more than 10 but less than 20 units per acre; (iv) 20 percent tree canopy for a residential site zoned more than five but not more than 10 units per acre; and (v) 30 percent 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. This bill has been incorporated into SB 710.

*Patron - Petersen*

**ESB453 Northern Virginia Transportation Authority.** Alters the membership of the Authority to provide for a mayor from a town within a county that is a member of the Authority.

*Patron - Petersen*

**ESB455 Local government authority; registration of non-owner occupied residential dwellings; civil penalty.** Authorizes localities to require all non-owner occupied residential dwellings to be registered on an annual basis. Failure to register shall be a \$50 civil penalty; however, failure to register in conservation and rehabilitation districts designated by the

governing body, or in other areas designated as blighted, is punishable by a civil penalty not exceeding \$250.

*Patron - Petersen*

**ESB457 Single lot development; stormwater management.** Provides that the developer of a single lot shall provide storm water management where substantial redevelopment of such lot is proposed. Substantial redevelopment" shall be deemed to occur when land-disturbing activities occur on more than 15 percent of the square footage of any single lot.

*Patron - Petersen*

**ESB531 Certain disclosures of real parties in interest.** Provides that in any locality that has adopted zoning, every applicant for a special exception, or a special use permit, amendment to the zoning ordinance or variance shall make complete disclosure of the equitable ownership of the real estate to be affected, including, in the case of corporate ownership, the name of stockholders, officers, and directors and in any case the names and addresses of all of the real parties of interest.

*Patron - Herring*

**ESB632 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 percent tree canopy for a site zoned business, commercial, or industrial; (ii) 10 percent tree canopy for a residential site zoned 20 or more units per acre; (iii) 15 percent tree canopy for a residential site zoned more than 10 but less than 20 units per acre; (iv) 20 percent tree canopy for a residential site zoned more than five but not more than 10 units per acre; and (v) 30 percent 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*

**ESB671 Clustering of single-family dwellings; Surry County.** Extends the effective date of legislation from the 2006 Session requiring Surry County to provide for the clustering of single-family dwellings and the preservation of open space developments from July 1, 2007, to July 1, 2009. This bill is identical to HB 1430.

*Patron - Quayle*

**ESB724 Hampton Roads and Northern Virginia Transportation Authorities.** Repeals the authority of the Hampton Roads and Northern Virginia Transportation Authorities to impose fees or taxes, and provides that each local governing body embraced by the Hampton Roads or the Northern Virginia Transportation Authority may impose the taxes and fees that were previously authorized for imposition by the respective Authorities. All revenues from such local taxes and fees would be required to be transferred to the respective Authority.

*Patron - Cuccinelli*

**ESB755 Virginia Water and Waste Authorities Act.** Provides that each political subdivision may adopt, after a public hearing, an ordinance requiring the delivery of all or any portion of the refuse generated or collected within such political subdivision to the refuse collection and disposal system of the authority. The bill also provides that the exercise of such

forementioned power or other certain powers shall not be deemed to cause displacement under the provisions of § 15.2-930, 15.2-934, or 15.2-5121.

*Patron - Quayle*

## Carried Over

**HB356 Impact fees.** Provides that the assessment, collection, and imposition of impact fees shall, at the option of the locality, not apply to a subdivision, separation, or split-off of property made pursuant to a family subdivision ordinance, provided that title to the parcels subdivided, separated, or split-off is held in the name of an immediate family member for at least the first 60 months immediately following the subdivision, separation, or split-off.

*Patron - Cole*

**HB463 Farm wineries.** Adds a list of "usual and customary activities" that will be permitted at farm wineries. Also, a winery that receives a judgment from a court of competent jurisdiction in a suit against any local government to enforce the provisions of this section shall be entitled to receive its attorney fees and costs expended in such suit.

*Patron - Albo*

**HB892 Annexation.** Extends from 2010 to 2020 the temporary restriction on city annexation authority, the granting of city charters, and county immunity proceedings.

*Patron - Lohr*

**HB923 Public schools; financing.** Creates the Virginia School Construction Revolving Fund for financing elementary, secondary, or vocational education school projects. This bill incorporates HB 566.

*Patron - Rust*

**HB1534 Plastic carryout bags.** Authorizes a locality to provide that a retail merchant located within its jurisdiction shall not provide to any of its customers at the point of sale any plastic carryout bag in which a product or products purchased by any such customer from such store is placed unless such plastic carryout bag is a durable plastic bag, with handles, that is at least 2.25 mils thick and is specifically designed and manufactured for multiple reuse.

*Patron - Barlow*

**HB1564 Regional Industrial Facility Authority; Wythe County.** Provides that Wythe County may withdraw from Virginia's First Regional Industrial Facility Authority if Wythe County (i) has not voted affirmatively for such regional industrial facility authority to incur debt; (ii) has not entered into any participation agreement with other member localities of the authority obligating itself to pay any debt incurred by the Authority; or (iii) is not otherwise legally obligated to pay any debt incurred by the Authority.

*Patron - Crockett-Stark*

**HB1573 Central Virginia Regional Transportation Authority.** Creates an authority to include the Counties of Chesterfield, Hanover and Henrico, and the City of Richmond. The Authority may also include other localities in the Richmond region. The Authority shall have powers related to transportation infrastructure improvements and shall also have revenue authority. However, the fees and taxes authorized by this Act by the Authority shall only be imposed or assessed by the Authority if (i) at least three of the four governing bodies of the core localities embraced by the Authority that include at least 51 percent of the population of the core localities

embraced by the Authority pass a duly adopted resolution stating their approval of such power of the Authority.

*Patron - Hall*

**SB120 Failure to provide adequate crowd control.** Expands existing authority to bring a civil action against a person who negligently fails to provide adequate security or crowd control at events that draw large crowds to include the Town of Blacksburg.

*Patron - Edwards*

**SB162 Vacant building registration; penalties.** Provides for enhanced penalties for failure to register vacant buildings.

*Patron - Lucas*

**SB163 Derelict structures.** Authorizes a locality, by ordinance, to impose on the record owner of a derelict structure, a fee not to exceed the lesser of \$2,500 or 15 percent of the most recently assessed value of the derelict structure and the land upon which the structure is situated if such owner or owners fail to (i) respond in writing within 30 days from the date notice declaring such structure derelict is sent with an abatement or removal plan to be completed within a reasonable time or (ii) abate or remove the derelict structure within the time prescribed in a plan for abatement or removal which has been approved by the locality. Also, a locality may provide that any owner or owners of such derelict structure who fail to (i) respond to a notice in writing with an abatement or removal plan or (ii) abate or remove the derelict structure as prescribed in an approved plan, shall be guilty of a misdemeanor punishable by a fine of not more than \$2,500. The bill also allows a locality to abate or remove the derelict structure should the owner fail to act; the cost of which shall be a lien on the property. The bill defines derelict structure.

*Patron - Lucas*

**SB166 Replacement of trees during development process in certain localities.** Reduces the maturity date from 20 years to 15 years. The bill also increases the mature canopy coverage from 20 percent to 30 percent for a residential site zoned 10 units or less per acre.

*Patron - Lucas*

**SB185 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*

**SB519 Board of zoning appeals decisions; costs and fees.** Allows the petitioner to be awarded reasonable attorney fees and court costs in a successful action against the board of zoning appeals.

*Patron - Watkins*

**SB530 Failure to provide adequate crowd control.** Expands existing authority to bring a civil action against a person who negligently fails to provide adequate security or crowd control at events that draw large crowds to include all cities and towns.

*Patron - Houck*

**SB656 Annexation.** Extends the current annexation moratorium to 2018.

*Patron - Newman*

**SB711 Plastic carryout bags.** Authorizes a locality to provide that a retail merchant located within its jurisdiction shall not provide to any of its customers at the point of sale any plastic carryout bag in which a product or products purchased by any such customer from such store is placed unless such plastic carryout bag is a durable plastic bag, with handles, that is at least 2.25 mils thick and is specifically designed and manufactured for multiple reuse.

*Patron - Quayle*

**SB737 Public schools; financing.** Creates the Virginia School Construction Revolving Fund for financing elementary, secondary, or vocational education school projects.

*Patron - Barker*

**SB751 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. A town may charge rates for out-of-town customers that are higher than the rates for in-town customers, provided the difference does not exceed 50 percent. 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 town. The county may then petition for the appointment of a special court to set rates for such services.

*Patron - Herring*

**SB766 Demolition of historic structures and areas; civil penalty.** Authorizes a civil penalty for the demolition of a building or structure designated as an historic area, cemetery or grave without the approval of the architectural review board or the governing body of the county. The bill also includes in the amount of the civil penalty the value of a plan for data recovery that has been approved by the Department of Historic Resources. The bill defines "plan for data recovery" as a strategy for retrieving and documenting historical information from an archaeological or architectural resource or resources, a landscape, or a cemetery.

*Patron - Colgan*

**SB767 Richmond Metropolitan Authority; composition of Board; revenue authority.** Revises the composition of the Board of Directors of the Richmond Metropolitan Authority (RMA) and provides an opportunity for additional localities to join the Authority. The RMA is also granted additional revenue authority. However, the fees and taxes authorized by this Act by the Authority shall only be imposed or assessed by the Authority if (i) the member localities approve the restructuring of the Board of Directors of the Authority as proposed by this Act and (ii) a majority of Authority members that include at least 51 percent of the population of the localities embraced by the Authority pass a duly adopted resolution stating its approval of such power of the Authority.

*Patron - Watkins*

**SB768 Conditional zoning; impact fees.** Replaces the current cash proffer system with a system of impact fees. This

bill was continued to the 2009 Session of the General Assembly.

*Patron - Watkins*

**SB777 Sewage and water systems.** Provides that the governing body of any county or town that has adopted a master plan for a sewage system is authorized to deny an application for a sewage system if such proposed sewage system does not conform to the comprehensive plan for the county or town. In addition, the governing body of any county notified of the proposed establishment of a water system or of the extension of any existing water system may disapprove the same if it finds that such water system (i) does not conform to the county's comprehensive plan or (ii) is not in the best interests of the inhabitants of the county.

*Patron - Hurt*

**SB780 Public schools; financing.** Creates the Virginia School Construction Revolving Fund for financing elementary, secondary, or vocational education school projects.

*Patron - Blevins*

**SB783 Tax rates.** Requires each locality to fix tax rates for an ensuing year at least 30 days prior to approval of the budget for the ensuing year, with separate public notices and separate public hearings. The bill also requires each locality to lower its real estate tax rate for the forthcoming tax year to produce no more than 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 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. The bill has a delayed effective date of January 1, 2009.

*Patron - Martin*

## Courts Not of Record

### Passed

**HB105 Appointment of designees by chairmen of Courts of Justice Committees.** Allows the chairmen of the Courts of Justice committees to designate another member of the committee to sit in their stead on certain commissions, etc.

*Patron - Albo*

**HB282 Parentage proceedings; jurisdiction.** Provides that circuit courts and juvenile and domestic relations district courts have concurrent original jurisdiction over proceedings to determine parentage only when the parentage of a child is at issue in any matter otherwise before the circuit court. In all other cases, the juvenile and domestic relations district court has exclusive original jurisdiction over parentage proceedings. As introduced, this bill was a recommendation of the Committee on District Courts and the Judicial Council. This bill is identical to SB 46.

*Patron - Toscano*

**HB400 Parental admission of minors for inpatient treatment; minors incapable of making an informed decision.** Provides that minors 14 years of age or older who are incapable of making an informed decision may be admitted to inpatient treatment upon the application of a parent. The bill also defines the term "incapable of making an informed decision." This bill is identical to SB 67.

*Patron - Hamilton*



**HB402 Involuntary commitment petition; minors; withdrawal.** Provides that a petition for the involuntary commitment of a minor shall be served upon the minor and the minor's parents unless the petition has been withdrawn or dismissed. Current law only provides that such petition need not be served if the petition has been dismissed. This bill is identical to SB 68.

*Patron - Hamilton*

**HB527 Retention of juvenile fingerprints; deferred disposition.** Requires that fingerprints of a juvenile whose criminal charges are deferred and dismissed for an offense that would be a felony if committed by an adult, be sent to and retained by the Central Criminal Records Exchange. Currently such fingerprints are retained only upon a finding of delinquency or guilt.

*Patron - Pogge*

**HB582 Psychiatric inpatient treatment of minors; timing of petition and hearing.** Increases from 72 hours to 96 hours the length of time (i) to hold a hearing for the involuntary commitment of a minor or the emergency admission of a minor for inpatient treatment, and (ii) that a minor may be admitted by his parents to a facility over his objections. The bill also provides that the time to hold the involuntary commitment hearing runs from the issuance of the temporary detention order or the filing of the petition for such hearing, whichever occurs later. The bill provides further that a petition for judicial approval of the admission of a minor by his parents over his objections shall be filed no sooner than 24 hours and no later than 96 hours after his admission. This bill is identical to SB 276.

*Patron - Marsden*

**HB753 Protective orders; expiration; Virginia Criminal Information Network.** Provides that when a protective order is issued, the district court must forthwith, but no later than the end of the business day on which the order was issued, enter and transfer identifying information to the Virginia Criminal Information Network (VCIN) system. If the order is issued by the circuit court, the primary law-enforcement agency to whom the order was forwarded by the clerk of the court must enter the name of the person subject to the order and other appropriate information into VCIN. Upon entry of the order, a copy of the order and an addendum containing identifying information must be forwarded forthwith to the primary law-enforcement agency responsible for service. Upon effecting service, the agency must enter the date and time of service into VCIN. If an entering agency determines that any identifying information is incorrect, it must enter the corrected information into VCIN. The bill also establishes the precise time when protective orders expire so that they can automatically be cleared from VCIN. The bill also requires, with some exceptions, that clerks make electronic reports of certain proceedings or adjudications to the Central Criminal Records Exchange and defines the term "electronic report." This bill incorporates HB 974. This bill is identical to SB 540.

*Patron - Peace*

**HB1254 Juvenile crime; reports.** Provides that a juvenile intake officer must report to the Bureau of Immigration and Customs Enforcement of the United States Department of Homeland Security a juvenile who has been detained in a secure facility based on an allegation that he committed a violent juvenile felony, if the intake officer has probable cause to believe that the juvenile is in the U.S. illegally.

*Patron - Marsden*

**HB1258 Expungement of juvenile records.** Requires that when a clerk destroys records pursuant to a juvenile record expungement, he shall destroy all records, including electronic records.

*Patron - Marsden*

**HB1489 Foster care plan.** Eliminates the requirement that a foster care plan for a child placed out of his home be filed by a public agency, other than a local board of social services, designated by a community policy and management team. Currently, such agencies must file a foster care plan when placing a child through an agreement with the child's parents or guardians where legal custody remains with the parents or guardians.

*Patron - Fralin*

**HB1542 Local salary supplements for district court employees.** Removes the restriction on local salary supplements paid to local district court employees. This bill is identical to SB 112.

*Patron - Janis*

**SB46 Parentage proceedings; jurisdiction.** Provides that circuit courts and juvenile and domestic relations district courts have concurrent original jurisdiction over proceedings to determine parentage only when the parentage of a child is at issue in any matter otherwise before the circuit court. In all other cases, the juvenile and domestic relations district court has exclusive original jurisdiction over parentage proceedings. As introduced, this bill was a recommendation of the Committee on District Courts and the Judicial Council. This bill is identical to HB 282.

*Patron - Puller*

**SB67 Parental admission of minors for inpatient treatment; minors incapable of making an informed decision.** Provides that minors 14 years of age or older who are incapable of making an informed decision may be admitted to inpatient treatment upon the application of a parent. The bill also defines the term "incapable of making an informed decision." This bill is identical to HB 400.

*Patron - Howell*

**SB68 Involuntary commitment petition; minors; withdrawal.** Provides that a petition for the involuntary commitment of a minor shall be served upon the minor and the minor's parents unless the petition has been withdrawn or dismissed. Current law only provides that such petition need not be served if the petition has been dismissed. This bill is identical to HB 402.

*Patron - Howell*

**SB112 Local salary supplements for district court employees.** Removes the restriction on local salary supplements paid to local district court employees. This bill is identical to HB 1542.

*Patron - McDougle*

**SB173 Domestic violence; retention of records.** Provides that records in cases involving misdemeanor convictions for (i) assault and battery against a family or household member, or (ii) violating a protective order shall be retained for 20 years. A third conviction for these crimes within 20 years is a felony, however, currently, such records are only required to be retained for 10 years.

*Patron - Blevins*

**SB247 Commitment of minors; appointment of counsel and guardians ad litem.** Provides that a court shall

appoint a guardian ad litem and counsel for a minor for involuntary commitment hearings and proceedings for the judicial approval of the admission for inpatient treatment of a minor 14 years of age or older over his objections.

*Patron - Howell*

**SB276 Psychiatric inpatient treatment of minors; timing of petition and hearing.** Increases from 72 hours to 96 hours the length of time (i) to hold a hearing for the involuntary commitment of a minor or the emergency admission of a minor for inpatient treatment, and (ii) that a minor may be admitted by his parents to a facility over his objections. The bill also provides that the time to hold the involuntary commitment hearing runs from the issuance of the temporary detention order or the filing of the petition for such hearing, whichever occurs later. The bill provides further that a petition for judicial approval of the admission of a minor by his parents over his objections shall be filed no sooner than 24 hours and no later than 96 hours after his admission. This bill incorporates SB 245. This bill is identical to HB 582.

*Patron - Cuccinelli*

**SB540 Protective orders; expiration; Virginia Criminal Information Network.** Provides that when a protective order is issued, the district court shall forthwith, but no later than the end of the business day on which the order was issued, enter and transfer identifying information to the Virginia Criminal Information Network (VCIN) system. If the order is issued by the circuit court, the primary law-enforcement agency to whom the order was forwarded by the clerk of the court shall enter the name of the person subject to the order and other appropriate information into VCIN. A copy of such order and an addendum containing any such identifying information shall be forwarded forthwith to the primary law-enforcement agency responsible for service and entry of such orders for service on the person who is the subject of the order. Upon effecting service, the agency shall enter the date and time of service into VCIN. The bill also provides that if any agency determines that any identifying information is incorrect, it shall enter the corrected information into VCIN. The bill also establishes the precise time when protective orders expire so that they can automatically be cleared from VCIN. The bill also requires that clerks make electronic reports of certain proceedings or adjudications to the Central Criminal Records Exchange and defines the term "electronic report." This bill is identical to HB 753.

*Patron - Obenshain*

**SB566 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. As introduced, this bill was a recommendation of the Boyd-Graves Conference.

*Patron - Obenshain*

## Failed

**HB95 Deferral of proceedings for traffic infractions.** Provides that persons who have not (i) previously been convicted of any traffic offense, including any traffic infraction; (ii) previously been referred to a traffic school or driver improvement clinic in lieu of a conviction; or (iii) previously had proceedings against them for a traffic infraction dismissed pursuant to this section, may be placed on probation instead of being adjudicated guilty of a traffic infraction. Probation is conditioned on the person not being found guilty of another traffic offense that was committed within six months of the

deferral. If this condition is fulfilled, the proceedings against the person shall be dismissed.

*Patron - Purkey*

**HB274 Termination of parental rights; appeal.** Allows a person whose parental rights have been terminated by a ruling of the juvenile and domestic relations district court to appeal the matter directly to the court of appeals as opposed to appealing the matter to the circuit court.

*Patron - Toscano*

**HB493 Protective order information sent to VCIN.** Requires that, when a court exercises its discretion and transfers information surrounding a protective order to VCIN, the information shall be complete and accurate and as required by the State Police.

*Patron - Cosgrove*

**HB573 Supervised visitation.** States that any time supervised visitation is ordered, it shall be done in compliance with the following definition of supervised visitation:

"Supervised visitation" means contact between a parent and a child that occurs in the immediate presence of a supervising person approved by the court and under conditions designed to prevent any physical, emotional, or sexual abuse, threats, intimidation, abduction, or humiliation of either the child or the child's custodial parent or guardian. The supervising person shall not be any family or household member as that term is defined in clauses (i), (ii), (iv), (v), and (vi) under the definition of "family or household member" in § 16.1-228, nor in anyway financially affiliated with the parent subject to the supervised visitation. However, if the court orders supervised visitation pursuant to a finding that a child was or is being abused or neglected pursuant to subdivision 4 under the "abused and neglected" definition in § 16.1-228, the supervising person shall not be a family or household member as that term is defined in its entirety in § 16.1-228.

*Patron - Watts*

**HB591 Advisement of right to counsel; determination of indigency; probation officers.** Removes probation officers and other court services staff from the list of persons who are permitted to advise a child of his right to counsel in cases in which the child is alleged to be in need of services, in need of supervision, or delinquent and from the list of persons who are permitted to advise a parent or guardian of his right to counsel in cases in which a child is alleged to be abused or neglected or at risk of abuse or neglect or in which a parent could be subjected to the loss of residual parental rights. The bill also provides that probation officers and other court services staff are not responsible for determining whether or not parties who request court-appointed counsel are indigent.

*Patron - Marsden*

**HB606 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*

**HB750 Termination of parental rights; juvenile court as court of record.** Establishes that a juvenile and domestic relations district court functions as a court of record in cases involving termination of residual parental rights. The bill further provides that juvenile court decisions in such cases are appealed directly to the Court of Appeals.

*Patron - Toscano*

**HB814 Information in protective orders.** Provides that protective orders of all types shall include information on whether or not the respondent possesses a firearm.

*Patron - Ward*

**HB817 Number of district court judges.** Increases by one the number of general district court judges in the following districts: 2nd (Virginia Beach); 11th (Petersburg, Dinwiddie, Nottoway, Amelia, Powhatan); 15th (Fredericksburg, Caroline, Essex, Hanover, King George, Lancaster, Northumberland, Richmond, Spotsylvania, Stafford, Westmoreland); and 26th (Harrisonburg, Winchester, Clarke, Frederick, Page, Rockingham, Shenandoah, Warren); and increases by one the number of juvenile and domestic relations district court judges in the following districts: 1st (Chesapeake); 11th (Petersburg, Dinwiddie, Nottoway, Amelia, Powhatan); 15th (Fredericksburg, Caroline, Essex, Hanover, King George, Lancaster, Northumberland, Richmond, Spotsylvania, Stafford, Westmoreland); 16th (Charlottesville, Madison, Greene, Albemarle, Fluvanna, Goochland, Louisa, Orange, Culpeper); 28th (Bristol, Smyth, Washington); and 29th (Tazewell, Buchanan, Russell, Dickenson). This bill is a recommendation of the Committee on District Courts.

*Patron - Albo*

**HB968 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 Committee on District Courts and the Judicial Council.

*Patron - Shannon*

**HB970 Protective orders; probation violation.** Provides that courts may, whenever a permanent protective order is issued, place the subject of the protective order on active probation making the violation of the protective order a probation violation.

*Patron - Shannon*

**HB974 Protective orders; expiration; Virginia Criminal Information Network.** Provides that when a protective order is issued, a court shall immediately enter and transfer information to the Virginia Criminal Information Network (VCIN) system. A copy of such order shall also be delivered immediately to the primary law-enforcement agency responsible for service and entry of such orders for service on the person who is the subject of the order. The bill also establishes the precise time when protective orders expire so that they can automatically be cleared from VCIN. The bill also requires that clerks make electronic reports of certain proceedings or adjudications to the Central Criminal Records Exchange and defines the term "electronic report." This bill has been incorporated into HB 753.

*Patron - Shannon*

**HB1255 Venue; transfer of jurisdiction of a juvenile.** Provides that a child released to a legal residence in a court services unit jurisdiction other than the committing jurisdiction shall be the responsibility of the court services unit in the jurisdiction of the legal residence.

*Patron - Marsden*

**HB1327 Custody and visitation; ex parte orders.** Limits when an ex parte order establishing or modifying custody or visitation to situations where the child would be (i) subjected to an imminent threat to life or health to the extent that severe or irreparable injury would be likely to result, or (ii) in

cases to establish custody or visitation, removed from the court's jurisdiction to the child's immediate detriment. The party applying for an ex parte order must show that he has made a good faith attempt to give notice to the other party or that giving such notice would compound the threat to the child. If an ex parte order is entered, a preliminary hearing must be held within five business days where the party applying for the ex parte order must present his application de novo.

*Patron - Peace*

**HB1381 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.

*Patron - Janis*

**HB1519 Juveniles; ages 11 through 13; released to detention home.** Provides that a juvenile between the ages of 11 and 13 who would ordinarily be punished for certain offenses in a correctional facility, may be released to a detention home or other juvenile facility if the operator of such facility notifies the court that they are capable and willing to accept juveniles between those ages.

*Patron - Marsden*

**HB1568 Transfer of juveniles to circuit court; appeal.** Clarifies that when a decision to transfer a juvenile from a court not of record to a court of record is made, the court shall consider after-discovered evidence on the issue of transfer, that was not discovered, introduced, and considered during the initial transfer hearing.

*Patron - Morrissey*

**SB100 Protective orders; custody and visitation; access to child.** Requires a court, when entering an order on behalf of another petitioner, to independently determine whether such order should prohibit contacts between a child and the person subject to a protective order, who is the parent or other custodian of the child. The court shall determine whether prohibiting such contacts in the protective order is necessary to protect the health and safety of the child and that there are no less drastic alternatives available. If the court determines that such contacts should not be prohibited, the court shall include in the protective order how such contacts will be maintained without violating the terms of the order.

*Patron - Cuccinelli*

**SB245 Psychiatric inpatient treatment of minors; timing of petition and hearing.** Increases from 72 hours to 96 hours the length of time (i) to hold a hearing for the involuntary commitment of a minor or the emergency admission of a minor for inpatient treatment, and (ii) that a minor may be admitted by his parents to a facility over his objections. The bill also provides that the time to hold the involuntary commitment hearing runs from the filing of the petition for such hearing. The bill provides further that a petition for judicial approval of the admission of a minor by his parents over his objections shall be filed no sooner than 24 hours and no later than 96 hours after his admission. This bill has been incorporated into SB 276.

*Patron - Howell*

**SB337 Recording courtroom proceedings.** Provides that proceedings in general and juvenile and domestic relations district courts may be recorded verbatim by a court reporter or by mechanical or electronic devices. The bill also provides that the proceedings in misdemeanor cases may be recorded in the same manner. The bill also imposes a fee of \$50 upon any party who uses mechanical or electronic devices provided by the court to make a verbatim recording of the evidence and

incidents of a trial or proceeding in both circuit and district courts. The fee shall be retained locally and paid into a special fund for the purpose of repairing, replacing, or supplementing such devices or to pay for the purchase price of such devices or for renovations to the courtroom necessary for the use of such devices.

*Patron - Cuccinelli*

**FSB518 Custody and visitation; ex parte orders.** Limits when an ex parte order establishing or modifying custody or visitation to situations where the child would be (i) subjected to an imminent threat to life or health to the extent that severe or irreparable injury would be likely to result, or (ii) in cases to establish custody or visitation, removed from the court's jurisdiction to the child's immediate detriment. The party applying for an ex parte order must show that he has made a good faith attempt to give notice to the other party or that giving such notice would compound the threat to the child. If an ex parte order is entered, a preliminary hearing must be held within five business days where the party applying for the ex parte order must present his application de novo.

*Patron - Quayle*

**FSB564 Appeal bonds; support cases.** Provides that a party may elect to appeal only the portions of a juvenile and domestic relations district court judgment (i) establishing or modifying support, or (ii) convicting him or holding him in contempt for failure to support, without appealing any portion of the judgment establishing a support arrearage. If such an election is made, the portion of the judgment establishing an arrearage remains in full force and effect and is not subject to appeal. The bill also clarifies that only parties who appeal the portion of a judgment establishing a support arrearage, either alone or in conjunction with an appeal of a support order, have to post an appeal bond. This bill is a recommendation of the Boyd-Graves Conference.

*Patron - Obenshain*

## Carried Over

**CHB323 Prepayable traffic infractions; payment of costs.** Eliminates the payment of costs where the fine for an offense or infraction is prepaid.

*Patron - Saxman*

**CHB1252 Court ordered investigations; child custody.** Clarifies that child custody investigations shall only be conducted by local department of social services.

*Patron - Marsden*

**CHB1321 Foster care plan for children 16 years of age or older; opt out option.** Clarifies that a foster care plan can provide, for children 16 years and older, no substitute parental supervision and allows for, under the same plan, educational or vocational training to help the child transition out of the foster care system. Also delineates the procedure by which any person 18 to 21 years of age who is in the independent living system may choose to opt out of the independent living system and the procedure for disqualification from independent living system.

*Patron - Toscano*

**CHB1426 Recording courtroom proceedings; juvenile and domestic relations district court.** Provides that proceedings in juvenile and domestic relations district courts may be recorded verbatim by a court reporter or by mechanical or electronic devices.

*Patron - Griffith*

**CHB1518 Emergency protective orders; pilot program.** Directs the Office of the Executive Secretary of the Supreme Court to allow magistrates in Accomack County not to use emergency custody orders but to instead use preliminary protective orders.

*Patron - Marsden*

**CHB1550 Service of process.** Provides that if a plaintiff requesting the reissuance of service of process on a defendant where service was not had, the plaintiff must pay the requisite fee for each subsequent reissuance of process requested after two attempts have been made. Currently, the law provides that process may be reissued once if service is not had after the initial request and that no fee is charged for this reissuance, but it is silent on subsequent requests for reissuances. The bill also eliminates the exception that requests for reissuance of a notice of motion for judgment are not governed by the reissuance provision. The bill further clarifies that in civil actions in the general district courts, service of process is considered timely if (i) it is made within 12 months of the commencement of an action, or (ii) if made more than 12 months after an action is commenced, the court finds that the plaintiff exercised due diligence to have timely service made on the defendant.

*Patron - Peace*

**CSB179 Number of district court judges.** Increases by one the number of general district court judges in the following districts: 2nd (Virginia Beach); 11th (Petersburg, Dinwiddie, Nottoway, Amelia, Powhatan); 15th (Fredericksburg, Caroline, Essex, Hanover, King George, Lancaster, Northumberland, Richmond, Spotsylvania, Stafford, Westmoreland); and 26th (Harrisonburg, Winchester, Clarke, Frederick, Page, Rockingham, Shenandoah, Warren); and increases by one the number of juvenile and domestic relations district court judges in the following districts: 1st (Chesapeake); 11th (Petersburg, Dinwiddie, Nottoway, Amelia, Powhatan); 15th (Fredericksburg, Caroline, Essex, Hanover, King George, Lancaster, Northumberland, Richmond, Spotsylvania, Stafford, Westmoreland); 16th (Charlottesville, Madison, Greene, Albemarle, Fluvanna, Goochland, Louisa, Orange, Culpeper); 28th (Bristol, Smyth, Washington); and 29th (Tazewell, Buchanan, Russell, Dickenson). This bill is a recommendation of the Committee on District Courts.

*Patron - Marsh*

**CSB394 Termination of parental rights; juvenile court as court of record.** Establishes that a juvenile and domestic relations district court functions as a court of record in cases involving termination of residual parental rights. The bill further provides that juvenile court decisions in such cases are appealed directly to the Court of Appeals.

*Patron - Edwards*

**CSB492 Real ID; alternative verification system.** Requires the Department of Health's Office of Vital Records, along with the Department of Motor Vehicles and other appropriate state and local agencies, to develop and implement a plan to provide Virginia resident verification, as an alternative to the requirements of the federal Real ID Act of 2005. The measure specifies that Virginia shall not comply with the unfunded mandates of the Real ID Act.

*Patron - Hanger*

## Courts of Record

### Passed

**HB917 Preservation of papers in court clerk's office.** Requires that all papers in the clerk's office be preserved in the office, even if reproduced electronically, and shall be destroyed only in accordance with law. This bill is identical to SB 180.

*Patron - Joannou*

**HB945 Court of Appeals; en banc hearings.** Clarifies that when there is a dissent in a panel opinion and an aggrieved party requests an en banc hearing, at least four judges of the court must vote in favor of the hearing. The bill makes it clear that the voting judges must be active and would not include retired judges sitting by designation. This bill is identical to SB 605.

*Patron - Iaquinto*

**HB1106 Circuit Court clerks; electronic filing and recording; digital reproduction; recordation of judgments; secure remote access; deed cover sheets; fees collected by clerks.** Clarifies a number of issues for circuit court clerks including: use of the last four digits of a social security number on judgments (filer is responsible); that the clerk may provide information from a locality to remote access users; filer is responsible for cover sheet accuracy; allowing the clerk to rely on the cover sheet to index; the difference between e-filing of court records and e-recording of land records. The bill also provides standard definitions of subscriber, secure remote access, public access, and electronic recording of land records. The bill also establishes a \$5 per document fee for e-recording of a land record and provides for a \$50 per month subscription rate for remote access to land, civil, and criminal records. This bill is identical to SB 622.

*Patron - Kilgore*

**SB180 Preservation of papers in court clerk's office.** Requires that all papers in the clerk's office be preserved in the office, even if reproduced electronically, and shall be destroyed only in accordance with law. This bill is identical to HB 917.

*Patron - Marsh*

**SB248 Additional fees in certain courts; use by Virginia State Bar.** Increases the civil action filing fee in circuit and district court to \$10. Currently, the fee is \$5. The additional \$5 would be deposited into the Legal Aid Services Fund.

*Patron - Howell*

**SB563 Cases held under advisement; time limit.** Provides that whenever a judge of a circuit court holds a civil case under advisement for more than 90 days after final submission of the case, the court shall report, in writing, to the parties or their counsel an expected time of a decision. If such a judge (i) holds a civil case under advisement for more than 90 days, (ii) fails to make the required written report, or (iii) fails to render a decision within the expected time stated in the report, any party may notify the Chief Justice of the Supreme Court. Whenever the Chief Justice, or any justice designated by him, has reasonable cause to believe that any judge of a court of record may be holding a civil case under advisement for an unreasonable length of time, he shall inquire into the cause of the delay and shall, if necessary, designate a judge or retired judge of a court of record to assist the regular judge in the performance of his duties. As introduced, this bill was a recommendation of the Boyd-Graves Conference.

*Patron - Obenshain*

**SB605 Court of Appeals; en banc hearings.** Clarifies that when there is a dissent in a panel opinion and an aggrieved party requests an en banc hearing, at least four judges of the court must vote in favor of the hearing. The bill makes it clear that the voting judges must be active and would not include retired judges sitting by designation. This bill is identical to HB 945.

*Patron - Stolle*

**SB622 Circuit Court clerks; electronic filing and recording; digital reproduction; recordation of judgments; secure remote access; deed cover sheets; fees collected by clerks.** Clarifies a number of issues for circuit court clerks including: use of the last four digits of a social security number on judgments (filer is responsible); that the clerk may provide information from a locality to remote access users; filer is responsible for cover sheet accuracy; allowing the clerk to rely on the cover sheet to index; the difference between e-filing of court records and e-recording of land records. The bill also provides standard definitions of subscriber, secure remote access, public access, and electronic recording of land records. The bill establishes a \$5 per document fee for e-recording of a land record and provides for a subscription rate not to exceed \$50 per month for remote access to land records. This bill is identical to HB 1106.

*Patron - Stolle*

### Failed

**HB428 Rules of the Supreme Court of Virginia.** Directs the Supreme Court, upon the recommendation of the Virginia Association of Commonwealth's Attorneys, to adopt rules governing procedures for the investigation and prosecution of election law violations.

*Patron - Marshall, R.G.*

**HB712 Judicial vacancies.** Removes the requirement that the Committee on District Courts and the Supreme Court certify vacancies in the judiciary prior to the legislature filling those vacancies.

*Patron - Janis*

**HB818 Number of circuit court judges.** Adds an additional circuit court judge to each of the following circuits: 10th (Appomattox, Buckingham, Charlotte, Cumberland, Halifax, Lunenburg, Mecklenburg, Prince Edward); 14th (Henrico); 15th (Fredericksburg, Caroline, Essex, Hanover, King George, Lancaster, Northumberland, Richmond, Spotsylvania, Stafford, Westmoreland); 26th (Harrisonburg, Winchester, Clarke, Frederick, 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 Judicial Council.

*Patron - Albo*

**HB916 Supreme Court; circuit court case management system.** Requires that any changes in circuit court clerks' technology plans which modify or supplant the statewide case or financial automated systems be approved by the Executive Secretary. The bill also requires the Compensation Board to consider local funds expended on circuit court technology plans in weighing technology funding requests.

*Patron - Joannou*

**HB1169 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 - Cosgrove*

**HB1295 Supreme Court; direct appeals.** Provides that the Supreme Court, on its own motion or upon application of Attorney General, may certify a case for determination by the Supreme Court before it has been determined by the circuit court whenever a general district court or an administrative agency renders a decision declaring that a statute or a regulation of the Commonwealth is unconstitutional on its face or as applied.

*Patron - Athey*

**HB1368 Per diem compensation for substitute and retired judges.** Increases the daily per diem rate for substitute and retired judges from \$200 to \$250.

*Patron - Jones, S.C.*

**HB1499 Fees collected by the court; legal aid services.** Increases the additional filing fees collected to fund legal aid services from \$5 to \$10.

*Patron - Kilgore*

**SB181 Supreme Court; circuit court case management system.** Requires that any changes in circuit court clerks' technology plans which modify or supplant the statewide case or financial automated systems be approved by the Executive Secretary. The bill also requires the Compensation Board to consider local funds expended on circuit court technology plans in weighing technology funding requests.

*Patron - Marsh*

**SB547 Criminal appeals.** Provides that in order to appeal a circuit court conviction of a traffic infraction or a crime the defense counsel or the trial judge must certify that there is a legitimate issue for appeal.

*Patron - Hurt*

## Carried Over

**SB18 Mental health courts; pilot program.** Directs the Office of the Executive Secretary of the Supreme Court to establish by January 1, 2009, no less than two and no more than five mental health courts in Virginia for nonviolent offenders with serious mental illnesses.

*Patron - Edwards*

**SB178 Number of circuit court judges.** Adds an additional circuit court judge to each of the following circuits: 10th (Appomattox, Buckingham, Charlotte, Cumberland, Halifax, Lunenburg, Mecklenburg, Prince Edward); 14th (Henrico); 15th (Fredericksburg, Caroline, Essex, Hanover, King George, Lancaster, Northumberland, Richmond, Spotsylvania, Stafford, Westmoreland); 26th (Harrisonburg, Winchester, Clarke, Frederick, 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 Judicial Council.

*Patron - Marsh*

## Crimes and Offenses Generally

### Passed

**HB34 Aggravated sexual battery; penalty.** Provides that it is a Class 1 misdemeanor for any person 18 years of age or older to, with lascivious intent, kiss a child under the age of 13 on the mouth while knowingly and intentionally penetrating the mouth of such child with his tongue. A convicted offender must register on the sex offender registry.

*Patron - Ingram*

**HB134 Department of Charitable Gaming; prohibited practices acts; bingo prize money.** Allows qualified organizations to sell bingo cards and the sheets used for bingo jackpot games with other bingo games. The bill provides, however that bingo jackpot cards and sheets must continue to be accounted for separately than other bingo games.

*Patron - Albo*

**HB159 Stolen property; criminal investigation.** Provides that if a person buys or receives any goods used in the course of a criminal investigation by law enforcement that the person believes are stolen, he is deemed guilty of larceny of the goods.

*Patron - Albo*

**HB223 Offenses prohibiting proximity to children; penalty.** Provides that any adult who is convicted of an offense prohibiting proximity to children, when the offense occurred on or after July 1, 2008, shall as part of his sentence be forever prohibited from going, for the purpose of having any contact whatsoever with children that are not in his custody, within 100 feet of the premises of any place owned or operated by a locality that he knows or should know is a playground, athletic field or facility, or gymnasium. A violation is a Class 6 felony. This bill incorporates HB 705.

*Patron - Cosgrove*

**HB529 Concealed handgun permits; renewal and replacement permits.** States that when a new five-year permit is issued while there is an existing valid permit, the new permit becomes effective upon the expiration of the existing permit, so long as the application is received by the court at least 90 days but no more than 180 days prior to the expiration of the existing permit. The bill also allows a person with a concealed handgun permit who moves from one residence to another in Virginia to receive, for a fee not to exceed \$10, a replacement permit indicating the new address. The permittee would receive the replacement permit from the clerk of the circuit court that issued the original permit.

*Patron - Pogge*

**HB567 Sex offenses prohibiting entry onto school property; penalty.** Provides that every adult who is convicted of a sexually violent offense, as defined in § 9.1-902, shall be prohibited from entering and being present upon any property he knows or has reason to know is a public or private elementary or secondary school or child day center property during school-related and school-sponsored activities. Currently, the prohibition only applies during school hours.

*Patron - Crockett-Stark*

**HB597 Crimes; effect of subsequent marriage to child over 14 years of age.** Repeals the code section that provides a defense to carnal knowledge of a child 14 years of age

or older when there is a subsequent marriage of the victim and the perpetrator. SB 608 is identical.

*Patron - McClellan*

**HB622 Sex offenses prohibiting residing in proximity to children; penalty.** Prohibits an adult convicted of certain sex offenses from living within 500 feet of a public park that is owned and operated by a county, city or town, shares a boundary line with a primary, secondary or high school and is regularly used for school activities. A violation is a Class 6 felony and there is an exception if the public park was established subsequent to the offender's conviction.

*Patron - Brink*

**HB709 Purchase of firearms; consent form; mental health questions.** Requires that a person seeking to purchase a firearm from a firearms dealer answer questions on the state background check consent form concerning whether the applicant has ever been acquitted by reason of insanity, been adjudicated legally incompetent or mentally incapacitated, or been involuntarily admitted to a facility or involuntarily ordered to out-patient mental health treatment. This bill is identical to SB 226.

*Patron - Janis*

**HB719 Punishment for underage drinking and driving; penalty.** Provides that "zero tolerance" (0.02% BAC) underage drinking and driving is punishable as a Class 1 misdemeanor. Currently, the punishment is loss of license for six months and a fine of no more than \$500. This bill provides for forfeiture of such person's license to operate a motor vehicle for a period of one year from the date of conviction and either a mandatory minimum fine of \$500 or 50 hours of community service. The bill has a sunset date of July 1, 2010, and provides that the Department of Criminal Justice Services will report to the Chairmen of the House and Senate Committees for Courts of Justice on the bill's effect on Virginia's participation under the federal Juvenile Justice and Delinquency Prevention Act.

*Patron - Janis*

**HB830 Affidavit as evidence of sex offender's failure to register; custodian of records.** Provides that a person accused of failing to register or reregister as a sex offender may call, in any hearing or trial where an affidavit from the State Police stating the failure to register or reregister is admitted into evidence, the custodian of records issuing the affidavit as a witness. The custodian of records will be considered to be an adverse witness and he shall be summoned and appear at the cost of the Commonwealth.

*Patron - Kilgore*

**HB842 Concealed weapons; retired Capitol Police.** Exempts retired Capitol Police officers from the concealed weapons permit requirements.

*Patron - Sherwood*

**HB873 Concealed handgun permits; proof of competency with a handgun.** Provides that once an applicant for a concealed handgun permit presents proof of competency such demonstrated competency will never expire.

*Patron - Johnson*

**HB931 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 provisions of the bill will become effective only if an appropriation of general funds effectuating the purposes of the bill is included in a general appropriations act. This bill is identical to SB 562.

*Patron - Gilbert*

**HB933 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, a 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 560. **This bill was vetoed by the Governor.**

*Patron - Gilbert*

**HB990 Pyramid promotional schemes; penalty.** Revises the definition of "pyramid promotional scheme," "compensation," and "consideration" and provides that in addition to the Class 1 misdemeanor for contriving, preparing, setting up, operating, advertising or promoting a pyramid promotional scheme, such activity constitutes a prohibited practice under the Virginia Consumer Protection Act. This bill is identical to SB 95.

*Patron - Bell*

**HB995 Unlawful filming of another; penalty.** Provides that the third offense of unlawful filming of another is a Class 6 felony. Under current law unlawful filming is a felony only if it involves a nonconsenting person under the age of 18.

*Patron - Bell*

**HB1178 False signatures; penalty.** Provides that any person who maliciously affixes a facsimile or likeness of the signature of another person to any writing without the permission of that person and with the intent to create the false impression that the writing was signed by that person is guilty of a Class 1 misdemeanor.

*Patron - Lingamfelter*

**HB1220 Carrying concealed handguns; law-enforcement officers on long-term leave.** Allows a law-enforcement officer on long-term leave due to a service-related injury to carry a concealed handgun without a permit, so long as such officer receives written proof of consultation and favorable review to carry a concealed handgun from the law-enforcement agency that employs the officer. The proof of consultation would only be valid until the officer returns to work or terminates his employment with the agency, unless he retires on dis-

ability because of the service-related injury in which case he may retain it.

*Patron - Bowling*

**HB1241 Credit card theft; venue.** Provides that a prosecution for credit card theft may be had in any county or city where a credit card number is used, is attempted to be used, or is possessed with intent to commit credit card forgery or fraud.

*Patron - Moran*

**HB1362 Misuse of public assets.** Provides that any full-time officer, agent, or employee of the Commonwealth, or political subdivision who, without lawful authorization, uses or permits the use of public assets for private or personal purposes unrelated to the duties and office of the accused or any other legitimate government interest when the value of such use exceeds \$1,000 in any 12-month period, is guilty of a Class 4 felony. The bill defines public assets as any personal property belonging to or paid for by a public body or the labor of any person other than the accused that is paid for by the public body. This bill is identical to SB 350.

*Patron - Cline*

**HB1414 Revocation of concealed handgun permits; notification of the State Police.** Requires the court that issued a person a concealed handgun permit to revoke the permit upon notification by the State Police that the person has been convicted of an offense that would disqualify him from obtaining a permit or if the person is adjudicated legally incompetent, mentally incapacitated, or is involuntarily committed. The law currently requires such persons to forfeit and surrender their concealed handgun permits, but does not require the issuing court to revoke the permit.

*Patron - Scott, J.M.*

**HB1442 DUI ignition interlock limitations.** Requires the implementation of ignition interlock for a violation of the conditions of a restricted license. The bill has an effective date of October 1, 2008.

*Patron - Iaquinto*

**HB1469 Database breach notification.** Requires an individual or entity that owns or licenses computerized data that includes personal information to disclose any breach of the security of the system following discovery or notification of the breach to the Office of the Attorney General and any affected resident of the Commonwealth whose unencrypted and unredacted personal information was, or is reasonably believed to have been accessed and acquired by an unauthorized person. A breach is defined as the unauthorized access and acquisition of unencrypted and unredacted computerized data that compromises the security or confidentiality of personal information maintained by an individual or entity as part of a database of personal information regarding multiple individuals and that causes, or the individual or entity reasonably believes has caused, or will cause, identity theft or other fraud to any resident of the Commonwealth. Violations by a state-chartered or licensed financial institution shall be enforceable exclusively by the financial institution's primary state regulator. Violations by an entity regulated by the State Corporation Commission shall be enforceable exclusively by the Commission. All other violations shall be enforced by the Office of the Attorney General, which may impose a civil penalty not to exceed \$150,000 per breach or series of breaches of a similar nature that are discovered in a single investigation. The bill specifies that its provisions do not limit an individual from recovering direct economic damages. This bill incorporates HB

390, HB 971, HB 1052, and HB 1504. This bill is identical to SB 307.

*Patron - Byron*

**SB26 RICO; dogfighting.** Adds organized dogfighting as a qualifying offense under the Virginia Racketeer Influenced and Corrupt Organization Act.

*Patron - Reynolds*

**SB95 Pyramid promotional schemes; penalty.** Revises the definition of "pyramid promotional scheme," "compensation," and "consideration" and provides that in addition to the Class 1 misdemeanor for contriving, preparing, setting up, operating, advertising or promoting a pyramid promotional scheme, such activity constitutes a prohibited practice under the Virginia Consumer Protection Act. This bill is identical to HB 990.

*Patron - Reynolds*

**SB216 Involuntary mental health treatment; purchase of firearms; reporting to Central Criminal Records Exchange.** Clarifies that orders for both involuntary inpatient and outpatient mental health treatment must be forwarded by the clerk of court to the Central Criminal Records Exchange, and that persons ordered to either involuntary inpatient or outpatient treatment or persons who were the subject of a temporary detention order and who subsequently agreed to voluntary commitment, are prohibited from purchasing, possessing, or transporting a firearm. This portion of the bill codifies Executive Order 50 (2007). The bill also provides that persons found incompetent to stand trial are prohibited from possessing or transporting a firearm. A person who is prohibited from possessing a firearm because he was (i) acquitted by reason of insanity, (ii) found incompetent to stand trial, or (iii) involuntarily committed to inpatient or outpatient mental health treatment, may petition the general district court to have his right to possess a firearm restored. Such petition shall be granted if the court finds that the person's disabilities and his criminal history, treatment record, and reputation are such that the person will not be likely to act in a manner dangerous to public safety and that granting the petition will not be contrary to the public interest. The bill also provides that clerks of court shall forward to the Central Criminal Records Exchange any orders affecting an individual's right to possess a firearm, such as if a person is acquitted by reason of insanity, is found incompetent to stand trial, or has the right to possess a firearm restored by a court order. This bill is identical to HB 815.

*Patron - Edwards*

**SB222 Possession of firearms by persons who committed felonies while juveniles.** Provides that despite the date of his conviction, a juvenile adjudicated delinquent of certain heinous felonies shall not, when he reaches the age of 29 years, be entitled to possess a firearm. Currently, the prohibition on possession after the age of 29 exists only for juvenile felonies committed on or after July 2005.

*Patron - McDougle*

**SB226 Purchase of firearms; consent form; mental health questions.** Requires that a person seeking to purchase a firearm from a firearms dealer answer questions on the state background check consent form concerning whether the applicant has ever been acquitted by reason of insanity, been adjudicated legally incompetent or mentally incapacitated, or been involuntarily admitted to a facility or involuntarily ordered to outpatient mental health treatment. This bill is identical to HB 709.

*Patron - McDougle*



**SB307 Database breach notification.** Requires an individual or entity that owns or licenses computerized data that includes personal information to disclose any breach of the security of the system following discovery or notification of the breach to the Office of the Attorney General and any affected resident of the Commonwealth whose unencrypted and unredacted personal information was, or is reasonably believed to have been accessed and acquired by an unauthorized person. A breach is defined as the unauthorized access and acquisition of unencrypted and unredacted computerized data that compromises the security or confidentiality of personal information maintained by an individual or entity as part of a database of personal information regarding multiple individuals and that causes, or the individual or entity reasonably believes has caused, or will cause, identity theft or other fraud to any resident of the Commonwealth. Violations by a state-chartered or licensed financial institution shall be enforceable exclusively by the financial institution's primary state regulator. Violations by an entity regulated by the State Corporation Commission shall be enforceable exclusively by the Commission. All other violations shall be enforced by the Office of the Attorney General, which may impose a civil penalty not to exceed \$150,000 per breach or series of breaches of a similar nature that are discovered in a single investigation. The bill specifies that its provisions do not limit an individual from recovering direct economic damages. This bill is identical to HB 1469.

*Patron - Reynolds*

**SB350 Misuse of public assets; penalty.** Provides that any full-time officer, agent, or employee of the Commonwealth, or political subdivision who, without lawful authorization, uses or permits the use of public assets for private or personal purposes unrelated to the duties and office of the accused or any other legitimate government interest when the value of such use exceeds \$1,000 in any 12-month period, is guilty of a Class 4 felony. The bill defines public assets as any personal property belonging to or paid for by a public body or the labor of any person other than the accused that is paid for by the public body. This bill is identical to HB 1362.

*Patron - Reynolds*

**SB382 Sale of firearms to persons not lawfully present in the United States; penalty.** Prohibits the sale or transfer of firearms to any person who is not a citizen of the United States and who is not lawfully present in the United States. A violation of this section is a Class 6 felony.

*Patron - Martin*

**SB436 Possession of concealed weapons in vehicles.** 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. **This bill was vetoed by the Governor.**

*Patron - Vogel*

**SB439 Testing of certain defendants for HIV or hepatitis B or C viruses.** States when in the criminal process the victim of a sexual assault may request and when the court may order a defendant to submit to tests for human immunodeficiency virus and hepatitis B or C viruses.

*Patron - Vogel*

**SB476 Concealed handguns; restaurants; penalty.** Prohibits a person who carries a concealed handgun onto the premises of a restaurant or club from consuming an alcoholic beverage while on the premises. A person who carries a concealed handgun onto the premises of a restaurant or club shall

inform a designated employee of the restaurant or club of that fact. A person who consumes alcohol in violation of the provisions of the bill is guilty of a Class 2 misdemeanor and a person who becomes intoxicated in violation of the provisions of the bill is guilty of a Class 1 misdemeanor. **This bill was vetoed by the Governor.**

*Patron - Hanger*

**SB560 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, a 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 933. **This bill was vetoed by the Governor.**

*Patron - Obenshain*

**SB562 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 provisions of the bill will become effective only if an appropriation of general funds effectuating the purposes of the bill is included in a general appropriations act. This bill is identical to HB 931.

*Patron - Obenshain*

**SB696 Charitable gaming; conduct of raffles.** Allows each stub or other detachable section of each ticket won through some other authorized charitable game conducted by the same organization holding the raffle to be included in the raffle drawing.

*Patron - Colgan*

**SB776 Concealed weapons; attorney for the Commonwealth may carry without a permit.** Authorizes an attorney for the Commonwealth or an assistant attorney for the Commonwealth to carry a concealed handgun without obtaining a permit wherever such attorney may travel in the Commonwealth. Current law only authorizes an attorney for the Commonwealth 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 - Hurt*

## Failed

**HB45 Fraudulently assisting illegal aliens; penalty.** Provides that any person, knowing an individual is an alien in the United States unlawfully, who, with the intent to violate the immigration laws of the United States, fraudulently assists the illegal alien in acquiring or attempting to acquire a benefit, service, status, or privilege to which the illegal alien is not lawfully entitled, is guilty of a Class 1 misdemeanor.

*Patron - Tata*

**HB81 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.*

**HB136 Definition of "school" for the purposes of prohibiting weapons on school grounds.** Defines "school" for the purposes of prohibiting weapons on school grounds as any public school from kindergarten through grade 12 operated under the authority of any locality within the Commonwealth, or any private or religious school that offers instruction at any level or grade from kindergarten through grade 12. Currently the definition is limited to any elementary, middle, or secondary school.

*Patron - Peace*

**HB160 Punishment for using emergency exit during larceny.** Provides that when a person is convicted of larceny and it is found at trial that, in the commission of the offense, he used an exit door erected and maintained to comply with the requirements of 29 C.F.R. § 1910 Subpart E, or any other exit designated for use as an emergency exit to exit the premises of a store, he is guilty of a Class 6 felony.

*Patron - Albo*

**HB169 Concealed weapons; box cutters; penalty.** Adds box cutters to the list of weapons that are prohibited from being carried concealed.

*Patron - Albo*

**HB210 Armed security officers; protection of private schools and child day centers.** States that armed security officers, licensed by the Department of Criminal Justice Services, may carry firearms onto school property if such officer is hired by the school to provide protection to students and employees, and prohibits the Child Day-Care Council from adopting any regulations that would prevent a child day center from hiring such an armed security officer.

*Patron - Cole*

**HB224 Driving while intoxicated; elimination of requirement that intoxicant be self-administered.** Eliminates the requirement that a person be under the influence of a self-administered intoxicant or drug in order to be convicted of driving while intoxicated. Instead, a person may be convicted if he operates a motor vehicle while under the influence of any self-administered narcotic drug or any other intoxicant or drug

or any such substance he knows was administered to him. This bill incorporates HB 558.

*Patron - Cosgrove*

**HB226 Charitable gaming; use of proceeds.** Provides that the percentage, determined by the Charitable Gaming Board, which an organization must use for charitable purposes, is based on net receipts of the organization and not its gross receipts from charitable gaming.

*Patron - Cosgrove*

**HB281 Protective orders; possession of firearms.** Prohibits a person subject to a protective order from possessing a firearm. Currently, persons subject to such orders are prohibiting from purchasing and transporting firearms.

*Patron - Toscano*

**HB296 Death penalty; moratorium on executions.** Provides that the Commonwealth shall not conduct executions of prisoners sentenced to death for a period of five years. All other matters of law relating to the death penalty, such as bringing and trying capital charges, sentencing proceedings, imposition of a death sentence, appeals and habeas review are not affected by the bill.

*Patron - Hargrove*

**HB299 Crimes; death penalty.** Abolishes the death penalty for all Class 1 felonies committed on or after July 1, 2007.

*Patron - Hargrove*

**HB321 Assault or an assault and battery upon any juvenile correctional officer.** Provides that an assault or an assault and battery upon any juvenile correctional officer or other person directly involved in the care, treatment, or supervision of juveniles who are in a juvenile correctional facility, in a secure juvenile detention facility, or in a secure facility operated by or under contract with the Department of Juvenile Justice is a Class 6 felony. This bill expands the class of individuals for whom, if they are victims of an assault, there is a greater penalty for the crime.

*Patron - Saxman*

**HB334 Crimes; larceny of certain animals.** Makes it a Class 5 felony to steal a cat.

*Patron - McClellan*

**HB335 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 is incorporated into HB 1328.

*Patron - McClellan*

**HB370 Concealed handgun permit applications; access to personal information.** Prohibits a clerk of a circuit court and the Department of State Police from disseminating to the public any personal identifying information contained on an application for a concealed handgun permit or a court order issuing a permit. This bill was incorporated into HB 982.

*Patron - Carrico*

**HB384 Computer trespass; penalty.** Alters the elements of the crime of computer trespass, no longer requiring that a person act with malicious intent in order to be guilty but

requiring that the crime be committed without the consent and authorization of the computer's owner.

*Patron - Ware, R.L.*

**HB385 Computer invasion of privacy; personal information; penalties.** Expands the type of information, the examination of which without authority would constitute the crime of computer invasion of privacy, to include any personal information relating to any other person as well as another person's name and date of birth.

*Patron - Ware, R.L.*

**HB386 Computer crimes; exclusion of evidence.** Provides that information or evidence acquired in violation of Article 7.1, dealing with computer crimes, of Chapter 5 of Title 18.2 may not be used as evidence in any civil or criminal trial or other proceeding.

*Patron - Ware, R.L.*

**HB422 Abortion post-viability a felony.** Provides that no abortion shall be performed following a determination by two physicians that the fetus to be aborted is viable. A violation is a Class 4 felony.

*Patron - Marshall, R.G.*

**HB429 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 when the pregnant female is less than 18 years of age, the person is guilty of a Class 6 felony.

*Patron - Marshall, R.G.*

**HB435 Failure to identify oneself to a law-enforcement officer; penalty.** Provides that any person who while in a public place or a place open to the public refuses to identify himself at the request of a law-enforcement officer in uniform or a properly identified police officer, when the surrounding circumstances reasonably require that public safety requires such identification, is guilty of a Class 1 misdemeanor.

*Patron - Frederick*

**HB491 Elements of indecent exposure.** Provides that any person who (i) intentionally makes an obscene display or exposure of his person, or the private parts thereof, in (a) any public place, or (b) any place where others may see him, intending to be seen by others, or (ii) procures another to so expose himself, is guilty of a Class 1 misdemeanor. The section previously provided that such person was guilty of indecent exposure if the display was done in any public place or in any place where others are present, and did not include the requirement that he intended the display or exposure to be seen by others.

*Patron - Amundson*

**HB495 Punishment of the offense of impersonating a police officer; penalty.** Raises the punishment for the offense of impersonating a police officer from a Class 1 misdemeanor to a Class 6 felony.

*Patron - Cosgrove*

**HB496 Crimes; the definition of "predicate criminal act" under the Crimes by Gangs Act.** Includes within the definition the shooting at certain vehicles (§ 18.2-154) and the shooting within an occupied dwelling (§ 18.2-279).

*Patron - Cosgrove*

**HB535 Involuntary mental health treatment; purchase of firearms; reporting to Central Criminal Records Exchange.** Clarifies that orders for both involuntary inpatient

and outpatient mental health treatment must be forwarded by the clerk of court to the Central Criminal Records Exchange, and that persons ordered to either involuntary inpatient or outpatient treatment are prohibited from purchasing, possessing, or transporting a firearm. This bill codifies Executive Order 50 (2007). This bill has been incorporated into HB 815.

*Patron - Mathieson*

**HB550 Applicability of the implied consent law.** Provides that the provisions of the law of implied consent (to the DUI breath or blood test) shall apply notwithstanding the inability of the person so arrested to comprehend, because of his state of inebriation or inability to understand the English language, the advisement of the arresting officer or the person administering the test.

*Patron - Griffith*

**HB554 Computer crimes; website redirection; penalty.** Adds a Class 6 felony to the list of computer trespass crimes if a person, with malicious intent, intentionally alters the markup language or Uniform Resource Locator (URL) of a website so as to redirect a user from his intended URL or website destination to a third-party URL or website.

*Patron - Griffith*

**HB558 Driving while intoxicated; elimination of requirement that intoxicant be self-administered.** Eliminates the requirement that a person be under the influence of a self-administered intoxicant or drug in order to be convicted of driving while intoxicated. Instead, a person may be convicted if he operates a motor vehicle while he knows or should know that he is under the influence of an intoxicant or drug. This bill has been incorporated into HB 224.

*Patron - Valentine*

**HB574 Child sex offenses.** Creates a number of new crimes labeled "indecent liberties with children" that mirror, and expand upon, existing offenses but with new victim age classifications and specific offender classifications. The bill also provides that any person who is convicted of such an offense and was previously convicted of such an offense or of any offense set forth in subsection B of § 18.2-67.5:2 (felony sexual assaults) shall upon conviction be sentenced to the maximum term authorized for the offense and shall not have all or any part of his sentence suspended.

*Patron - Watts*

**HB588 Concealed weapons; pneumatic guns; penalty.** Prohibits the carrying of concealed pneumatic guns.

*Patron - Marsden*

**HB589 Hazing and gangs; penalty.** Provides that voluntarily submitting to hazing as a part of gang initiation is a Class 3 misdemeanor and that engaging in an act of carnal knowledge with the subject of such hazing is a Class 1 misdemeanor.

*Patron - Marsden*

**HB590 Crimes by gangs; predicate criminal act.** Adds to the list of predicate criminal acts the simple larceny of a motor vehicle.

*Patron - Marsden*

**HB592 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 a 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. This bill was incorporated into HB 745.

*Patron - Marsden*

**HB608 Protective orders; possession of firearms; penalty.** Prohibits a person subject to a protective order from possessing a firearm.

*Patron - Eisenberg*

**HB610 Hate crimes; homeless persons; penalty.** Adds homeless persons to the categories of acts for which a person may seek injunctive relief or file an action for damages. The bill also adds homeless persons to the categories of victims whose intentional selection for a "hate crime" involving assault or trespass amplifies the Class 1 misdemeanor to a Class 6 felony penalty. The bill also adds homeless persons to the definition of "hate crime" for purposes of a central repository of information regarding hate crimes maintained by the State Police.

*Patron - Eisenberg*

**HB653 Concealed handgun permit applications; access to personal information.** Prohibits a clerk of a circuit court and the Department of State Police from disseminating to the public any personal identifying information contained on an application for a concealed handgun permit or a court order issuing a permit. This bill was incorporated into HB 982.

*Patron - Wright*

**HB657 Purchase of firearms; reporting to Central Criminal Records Exchange.** Clarifies that orders for both involuntary inpatient and outpatient mental health treatment must be forwarded by the clerk of court to the Central Criminal Records Exchange, and that persons ordered to either involuntary inpatient or outpatient treatment are prohibited from purchasing, possessing, or transporting a firearm. This portion of the bill codifies Executive Order 50 (2007). The bill also clarifies that clerks of court shall forward to the Central Criminal Records Exchange other orders affecting an individual's right to possess a firearm, such as if a person is acquitted by reason of insanity, is found incompetent to stand trial, or has the right to possess a firearm restored by a circuit court. This bill has been incorporated into HB 815.

*Patron - Griffith*

**HB705 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. This bill has been incorporated into HB 223.

*Patron - BaCote*

**HB710 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 injury. The bill also provides that a person who uses justifiable force against an intruder shall be immune from civil liability for injuries or death of the other person.

*Patron - Janis*

**HB716 Conduct punishable as disorderly conduct.** Removes the proviso that conduct punishable elsewhere in the

Code as criminal conduct may not also be punished as disorderly conduct. This bill responds to the decision in *Battle v. Commonwealth*, 50 Va. App. 135, 647 S. E. 2d 499 (2007).

*Patron - Janis*

**HB734 Possession of firearms; public libraries; penalty.** Prohibits the possession of a firearm at a state, regional, or local public library. 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 - Caputo*

**HB741 Involuntary mental health treatment; purchase of firearms; reporting to Central Criminal Records Exchange.** Clarifies that orders for both involuntary inpatient and outpatient mental health treatment must be forwarded by the clerk of court to the Central Criminal Records Exchange, and that persons ordered to either involuntary inpatient or outpatient treatment are prohibited from purchasing, possessing, or transporting a firearm. This bill codifies Executive Order 50 (2007). This bill has been incorporated into HB 815.

*Patron - Caputo*

**HB745 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 a 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. This bill incorporates HB 592.

*Patron - Caputo*

**HB746 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 - Caputo*

**HB810 Machine gun registration.** Requires the Superintendent of State Police to be notified in writing within 24 hours of the change of address of a person who has registered a machine gun or of a change in the permanent physical location of a machine gun.

*Patron - Ward*

**HB835 Mental incompetence; firearms.** Provides that it is a Class 1 misdemeanor for a person who has been adjudicated incompetent to stand trial to purchase, possess, or transport any firearm. The bill also requires the court to send to the Central Criminal Records Exchange orders finding that a defendant is incompetent to stand trial and orders for involuntary treatment. This bill has been incorporated into HB 815.

*Patron - Moran*

**HB843 Concealed handgun permits; access to permittee information.** Protects from public disclosure permittee names and descriptive information held by the Department of State Police for purposes of entry into the Virginia Criminal Information Network. However, the information would still be available to law-enforcement agencies, officers, and agents in the course of law-enforcement duties, and nonidentifying statistical information would be available to the general public. The bill also requires a circuit court to withhold from public disclosure additional personal identifying information about

the applicant, if the applicant has requested on the permit application that such information be withheld. The bill directs the Department of State Police to revise the application forms to notify the applicant of the right to request that information be withheld, and to develop procedures for current permit holders to request that information be withheld from public disclosure. This bill was incorporated into HB 982.

*Patron - Sherwood*

**HB876 DUI Court.** Allows Chesterfield and Colonial Heights General District Courts to use a special docket to run a driving under the influence court based on the state drug court model. Participants will be those who violate ASAP program requirements, but participation will not result in a reduction of charges.

*Patron - Loupassi*

**HB893 Assault and battery of juvenile detention facility employee; penalty.** Provides that any person who commits an assault or an assault and battery against a person employed in a secure juvenile detention facility who is directly involved in the control, care, treatment, or supervision of detainees confined in such a facility while that employee is engaged in the performance of his duties is guilty of a Class 6 felony with a mandatory minimum sentence of six months.

*Patron - Lohr*

**HB899 Sale of firearms; microstamping.** Requires that all semiautomatic handguns sold or transferred after January 1, 2010, be equipped with technology that etches a microscopic array of characters identifying the make, model, and serial number of the handgun on the cartridge case when the handgun is fired. A violation of this requirement is a Class 1 misdemeanor.

*Patron - Scott, J.M.*

**HB905 Increased punishment for statutory burglary.** Raises the penalty for statutory burglary (with intent to commit rape or murder, etc.) from the current Class 3 felony to a period of between 10 to 20 years in prison plus a \$100,000 fine. The bill also raises the felony penalty for statutory burglary (with intent to commit larceny or assault and battery) from the current one to 20 years to two to 20 years in prison. The bill also eliminates the "Class 1 misdemeanor" option of 12 months jail confinement and a \$2,500 fine for the latter offense.

*Patron - Jones, D.C.*

**HB932 Reckless handling of firearms; penalty.** Provides a Class 6 felony if the reckless handling of a firearm unintentionally causes the serious bodily injury of another person resulting in permanent and significant physical impairment.

*Patron - Gilbert*

**HB966 Assault and battery; ABC agent, penalty.** Adds special agents of the Department of Alcoholic Beverage Control to the definition of law-enforcement officer, which means that the punishment for committing an assault and battery on a special agent engaged in the performance of his public duties is elevated from a Class 1 misdemeanor to a Class 6 felony with a six-month mandatory minimum term of confinement.

*Patron - Shannon*

**HB969 Causing or encouraging acts rendering children delinquent; penalty.** Provides that any person 18 years of age or older who engages in sexual intercourse with a child 15 years of age or older not his spouse, child, or grandchild as a

part of initiation or recruitment into a criminal street gang is guilty of a Class 6 felony.

*Patron - Shannon*

**HB971 Database breach notification.** Requires a person or business that conducts business in Virginia and that owns or licenses computerized data that includes personal information to conduct a reasonable investigation to promptly determine the likelihood that personal information has been or will be misused when it becomes aware of an incident of unauthorized access to personal customer information. Notification must be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement. The bill also contains alternative notification provisions. Any customer injured by a violation of this section may institute a civil action to recover actual damages or to enjoin any business that violates or has violated this section. This bill has been incorporated into HB 1469.

*Patron - Shannon*

**HB973 What constitutes taking indecent liberties with children; penalty.** Provides that if any person 18 years of age or over, who, with lascivious intent, knowingly and intentionally proposes that a child under the age of 15 years feel or fondle his own sexual or genital parts is guilty of taking indecent liberties with a child, a Class 5 felony.

*Patron - Shannon*

**HB992 Definition of prostitution.** Includes in the definition of prostitution any person who, for money or its equivalent, commits manipulation of the genitals of another by hand resulting in ejaculation, punishable as a Class 1 misdemeanor.

*Patron - Bell*

**HB1001 Restitution for cost of response to bomb threat; penalty for bomb threat.** Creates a mechanism for recovery of the costs incurred by emergency responders responding to a bomb threat, either by a court order at sentencing or a separate civil action. The bill also provides for the option of community service in lieu of restitution.

*Patron - Bell*

**HB1052 Database breach notification.** Requires that an individual or a commercial entity that conducts business in Virginia and that owns or licenses data that includes personal information about a resident of Virginia shall, when it becomes aware of a breach of the security of the system, (i) conduct in good faith a reasonable and prompt investigation to determine the likelihood that personal information has been or will be misused and (ii) notify the Office of the Attorney General that a breach has occurred. A breach of the security of the system is defined as the unauthorized acquisition and access of unencrypted or unredacted data that compromises the security, confidentiality, or integrity of personal information maintained by an individual or a commercial entity. Types of notification meeting the requirements of this bill are listed, but not required if, after a reasonable investigation, the person or commercial entity determines that there is no reasonable likelihood of harm to affected Virginia residents. The Attorney General may bring an action in law to address violations and ensure proper compliance with this section. Nothing in this section shall limit an individual from recovering direct economic damages resulting from a violation of this section. This bill has been incorporated into HB 1469.

*Patron - Plum*

**HB1054 Involuntary mental health treatment; purchase of firearms; reporting to Central Criminal Records Exchange.** Clarifies that orders for both involuntary inpatient and outpatient mental health treatment must be forwarded by

the clerk of court to the Central Criminal Records Exchange, and that persons ordered to either involuntary inpatient or outpatient treatment are prohibited from purchasing, possessing, or transporting a firearm. This bill codifies Executive Order 50 (2007). This bill has been incorporated into HB 815.

*Patron - Scott, J.M.*

**HB1055 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.*

**HB1126 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 or legally prescribed medication 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.*

**HB1156 Penalties for drug distribution resulting in death or serious bodily injury.** Imposes mandatory minimum punishments of from one to ten years for drug manufacturing or distribution and requires that sentences be served consecutively.

*Patron - Phillips*

**HB1168 Temporary detention orders; voluntary and involuntary mental health treatment; purchase of firearms; reporting to Central Criminal Records Exchange.** Prohibits a person who is the subject of a temporary detention order and subsequently agrees to voluntary admission to a mental health facility from purchasing or possessing a firearm. The bill also clarifies existing law that prohibits a person who has been involuntarily committed to inpatient treatment or who is ordered to involuntary outpatient treatment from purchasing or possessing a firearm. This bill has been incorporated into HB 815.

*Patron - Eisenberg*

**HB1180 Second offense of assault and battery against a family member; penalty.** Adds a five-day minimum mandatory term of confinement for a second (Class 1 misdemeanor) offense of assault and battery against a family or household member within 20 years. Currently, a third offense within 20 years is a Class 6 felony.

*Patron - Lingamfelter*

**HB1182 Grand larceny as a predicate criminal act for gang membership.** Adds grand larceny to the list of predicate criminal acts upon which gang participation is predicated.

*Patron - Lingamfelter*

**HB1248 Harboring illegal alien; penalty.** Provides that any person who as a part of a commercial enterprise (i) transports or moves or attempts to transport or move a known illegal alien into or within the Commonwealth or (ii) conceals or shields from detection or attempts to conceal or shield from detection that alien in any place, including any building, vehi-

cle, or vessel with the purpose of violating the immigration laws of the United States is guilty of a Class 6 felony.

*Patron - Hugo*

**HB1277 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*

**HB1285 Protective orders; transport of firearms by certain law-enforcement officers.** Allows, at the discretion of the sheriff or chief law-enforcement officer, a law-enforcement officer subject to a protective or restraining order to transport a firearm while on-duty.

*Patron - Athey*

**HB1292 Possession of concealed weapons in vehicles.** 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*

**HB1300 Threatening state employee; penalty.** Creates a Class 1 misdemeanor for any person to threaten to take the life of or inflict bodily harm upon a state employee for the purpose of interfering with such employee's official duties.

*Patron - Frederick*

**HB1315 Informed consent: ultrasound required before performing abortion to determine gestation age.** Requires that, as a component of informed consent to an abortion and determination of gestation age, every pregnant female shall be given the opportunity to view an ultrasound image of her fetus prior to the abortion.

*Patron - Byron*

**HB1328 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. HB 335 is incorporated into this bill.

*Patron - Peace*

**HB1333 Crimes; 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*

**HB1371 Concealed handgun permittees; carrying firearms on public property.** Prohibits a state entity, including the board of visitors of a state institution of higher education, from prohibiting the possession of a handgun on state property by a person with a valid concealed handgun permit, unless expressly authorized by statute to adopt such a rule, regulation, or policy.

*Patron - Gilbert*

**HB1475 Involuntary mental health treatment; purchase of firearms; reporting to Central Criminal Records Exchange.** Clarifies that orders for both involuntary inpatient and outpatient mental health treatment must be forwarded by the clerk of court to the Central Criminal Records Exchange, and that persons ordered to either involuntary inpatient or outpatient treatment are prohibited from purchasing, possessing, or transporting a firearm. This bill codifies Executive Order 50 (2007). This bill has been incorporated into HB 815.

*Patron - Eisenberg*

**HB1544 Concealed handguns; restaurants.** Prohibits a person who carries a concealed handgun onto the premises of a restaurant or club from consuming an alcoholic beverage while on the premises.

*Patron - Gilbert*

**HB1556 Unborn child pain information.** 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*

**SB3 Elements of indecent exposure.** Provides that any person who (i) intentionally makes an obscene display or exposure of his person, or the private parts thereof, in (a) any public place, or (b) any place where others may see him, intending to be seen by others, or (ii) procures another to so expose himself, is guilty of a Class 1 misdemeanor. The section previously provided that such person was guilty of indecent exposure if the display was done in any public place or in any place where others are present, and did not include the requirement that he intended the display or exposure to be seen by others.

*Patron - Puller*

**SB37 Appropriations; funding for anti-child-exploitation law enforcement.** Provides both one-time and ongoing appropriations to fund anti-child-exploitation law-enforcement efforts including the creation of two additional regional Internet Crimes Against Children task forces, one in Southeastern Virginia and one in Richmond/Central Virginia.

*Patron - Deeds*

**SB88 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 - Lucas*

**SB109 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 a definition of "promoter" and requires that the promoter of a gun show provide vendors with access to licensed dealers who will conduct the criminal background check.

*Patron - Marsh*

**SB175 Sex offenders; proximity to children; penalties.** Prohibits sex offenders from entering school and child day center property and from loitering near or entering community centers, public parks, and recreation centers. The bill also makes the prohibitions apply to persons with out-of-state convictions.

*Patron - Blevins*

**SB231 Involuntary mental health treatment; purchase of firearms; reporting to Central Criminal Records Exchange.** Clarifies that orders for both involuntary inpatient and outpatient mental health treatment must be forwarded by the clerk of court to the Central Criminal Records Exchange, and that persons ordered to either involuntary inpatient or outpatient treatment are prohibited from purchasing, possessing, or transporting a firearm. This bill codifies Executive Order 50 (2007). This bill has been incorporated into SB 216.

*Patron - McDougle*

**SB263 Retrieving hunting dogs.** Requires the revocation of the hunting license for the current and the next hunting seasons and allows the forfeiture of the firearm or bow and arrow of any person who is convicted of carrying such weapons and hunting on another person's property while he is retrieving his hunting dogs, which will be a Class 2 misdemeanor. In addition refusal to identify oneself when requested by the landowner to do so is raised from a Class 4 to a Class 2 misdemeanor.

*Patron - Deeds*

**SB270 Elements of indecent exposure.** Provides that any person who (i) intentionally makes an obscene display or exposure of his person, or the private parts thereof, in (a) any public place, or (b) any place where others may see him, intending to be seen by others, or (ii) procures another to so expose himself, is guilty of a Class 1 misdemeanor. The section previously provided that such person was guilty of indecent exposure if the display was done in any public place or in any place where others are present, and did not include the requirement that he intended the display or exposure to be seen by others.

*Patron - Deeds*

**SB332 Concealed handgun permits; access to personal information of permittees.** Allows an applicant for a concealed handgun permit to request that personal information regarding the permittee be withheld from public disclosure in response to a Freedom of Information Act request. The bill contains an emergency clause. For 90 days after the effective date of the act, the bill would require that no personal information about a concealed handgun applicant or permittee be released in response to a Freedom of Information Act request, so as to allow current concealed handgun permittees the opportunity to request that their personal information be withheld.

*Patron - Cuccinelli*

**SB340 Fraud against hospitals and health care providers; penalties.** Provides that it shall be unlawful for any person, with the intent to cheat or defraud a hospital or health care provider, to give a false name, address, or social security number or other form of identification in order to avoid payment for medical services. Any person who violates this section shall be guilty of a Class 6 felony, if the value of service obtained is \$1,000 or more, or guilty of a Class 1 misdemeanor, if the value is less than \$1,000. Also this bill requires hospitals to post signs stating that anyone convicted of this crime will be prosecuted and allows hospitals to fingerprint anyone who

does not have health insurance, is not eligible for Medicaid, and cannot otherwise show an ability to pay.

*Patron - Cuccinelli*

**ESB351 Grand larceny; threshold amount.** Increases from \$200 to \$500 the threshold amount of money or the value of the goods or chattel that the defendant must take before the crime rises from petit larceny to grand larceny.

*Patron - Reynolds*

**ESB379 Concealed weapons; box cutters; penalty.** Adds box cutters to the list of weapons that are prohibited from being carried concealed and allows the court to exclude certain weapons from being prohibited if such item was carried for a legitimate occupational, recreational, or personal reason.

*Patron - Martin*

**ESB391 DUI Court.** Allows Chesterfield and Colonial Heights General District Courts to use a special docket to run a driving under the influence court based on the state drug court model. Participants will be those who violate ASAP program requirements, but participation will not result in a reduction of charges.

*Patron - Martin*

**ESB397 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*

**ESB504 Assault and battery of attorney for the Commonwealth; penalties.** Provides that it is a Class 6 felony with a mandatory minimum term of confinement of six months to commit an assault or assault and battery against an attorney for the Commonwealth with the intent of preventing the attorney for the Commonwealth from performing his official duties. The bill will become effective only if an appropriation of general funds effectuating the purposes of the bill is included in the appropriations act.

*Patron - Stuart*

**ESB507 Punishment for underage drinking and driving; penalty.** Provides that "zero tolerance" (0.02% blood alcohol concentration) underage drinking and driving is punishable as a Class 1 misdemeanor. Currently, the punishment is loss of license for six months and a fine of no more than \$500. This bill provides for forfeiture of such person's license to operate a motor vehicle for a period of not less than six months or more than a year from the date of conviction and either a mandatory minimum 50 hours of community service or a mandatory minimum fine of \$500.

*Patron - McDougle*

**ESB522 Assault and battery; ABC agent, penalty.** Adds special agents of the Department of Alcoholic Beverage Control, officers of the Virginia Marine Police and full-time sworn members of the enforcement division of the Department of Motor Vehicles to the definition of law-enforcement officer, which means that the punishment for committing an assault and battery on such a person who is engaged in the performance of his public duties is elevated from a Class 1 misdemeanor to a Class 6 felony with a six-month mandatory minimum term of confinement. The bill will become effective only if an appropriation of general funds effectuating the pur-

poses of the bill is included in the appropriations act. This bill incorporates SB 598.

*Patron - Locke*

**ESB544 Master Settlement Agreement; criminal enforcement activities; penalty.** Makes several changes to enhance criminal enforcement activities. The bill provides that any tobacco product manufacturer, stamping agent, or importer of cigarettes, or any officer, employee, or agent of any such entity, who knowingly makes any materially false statement in reports, documents, and tax returns required to be filed or kept under the Master Settlement Agreement or other substantive law shall be guilty of a Class 6 felony. The Attorney General is authorized to prosecute such cases. The bill also requires persons to file cigarette delivery sales information with the Attorney General in addition to the current requirement that such information be filed with the Virginia Alcoholic Beverage Control Board. The bill adds criminal penalties for failure to file the required information, under current law all penalties are civil. The Attorney General is authorized to assess the civil penalties and prosecute criminal violations. In addition, the bill includes within the definition of "racketeering activity" the filing of false reports under the Tobacco Product Manufacturers Act, of false reports of cigarette delivery sales, and of false tobacco tax reports. The effective date of the bill is contingent on the appropriation of funds in the 2008 or a subsequent general appropriation act.

*Patron - Hurt*

**ESB598 Assault and battery; ABC agent, penalty.** Adds special agents of the Department of Alcoholic Beverage Control to the definition of law-enforcement officer, which means that the punishment for committing an assault and battery on a special agent engaged in the performance of his public duties is elevated from a Class 1 misdemeanor to a Class 6 felony with a six-month mandatory minimum term of confinement. This bill has been incorporated into SB 522.

*Patron - Norment*

**ESB678 Drug Treatment Court Act.** Authorizes a drug treatment court for the County of Tazewell.

*Patron - Puckett*

**ESB730 Concealed handgun permits; access to permittee information.** Protects from public disclosure permittee names and descriptive information held by the Department of State Police for purposes of entry into the Virginia Criminal Information Network. However, the information would still be available to law-enforcement agencies, officers, and agents in the course of law-enforcement duties, and non-identifying statistical information would be available to the general public. In addition, the State Police would be required to furnish, at a reasonable cost, a list of permit holders and their mailing addresses to nonprofit firearms and hunting educational and issue advocacy groups, but only for the purpose of education and advocacy. This bill was incorporated into SB 529.

*Patron - Smith*

**ESB731 Purchase of firearms; reporting to Central Criminal Records Exchange.** Clarifies that orders for both involuntary inpatient and outpatient mental health treatment must be forwarded by the clerk of court to the Central Criminal Records Exchange, and that persons ordered to either involuntary inpatient or outpatient treatment are prohibited from purchasing, possessing, or transporting a firearm. This portion of the bill codifies Executive Order 50 (2007). The bill also clarifies that clerks of court shall forward to the Central Criminal Records Exchange other orders affecting an individual's right to possess a firearm, such as if a person is acquitted by reason of insanity, is found incompetent to stand trial, or has the right



to possess a firearm restored by a circuit court. This bill has been incorporated into SB 216.

*Patron - Smith*

**SB759 Concealed handgun permits; access to permittee information.** Protects from public disclosure permittee names and descriptive information held by the Department of State Police for purposes of entry into the Virginia Criminal Information Network. However, the information would still be available to law-enforcement agencies, officers, and agents in the course of law-enforcement duties, and non-identifying statistical information would be available to the general public. This bill was incorporated into SB 529.

*Patron - Ruff*

**SB762 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 - Smith*

**SB775 Drug Treatment Court Act.** Authorizes a drug treatment court for the County of Franklin.

*Patron - Hurt*

## Carried Over

**HB13 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 30 days. The bill also provides that (i) for a second such conviction occurring within five years the penalty shall include a mandatory minimum term of confinement of 60 days and (ii) for a third conviction of stalking occurring within five years the penalty shall include a mandatory minimum term of confinement of 90 days.

*Patron - Peace*

**HB312 Crimes; unintentional cause of miscarriage or stillbirth.** Makes it a Class 5 felony for a person who, while engaged in conduct so gross, wanton, and culpable so as to show a reckless disregard for the life or safety of others to injure another person who is pregnant and such injury results in a miscarriage or stillbirth.

*Patron - Landes*

**HB315 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*

**HB953 Abuse or neglect proceedings; videotaped statement.** Allows a videotaped statement of an alleged victim to be admissible into evidence in a criminal proceeding for child abuse or neglect if the child is 12 years of age or younger at the time the statement is offered and a number of other conditions are met, including having the alleged victim testify

prior to entry of the statement and having all persons present at the time the statement was taken available to testify or be cross-examined at the proceeding where the recording is offered. The proponent of the videotaped statement must give the adverse party 10 days notice prior to the proceeding of his intent to offer the statement as evidence.

*Patron - Iaquinto*

**HB982 Concealed handgun permits; access to permittee information.** Protects from public disclosure permittee names and descriptive information held by the Department of State Police for purposes of entry into the Virginia Criminal Information Network. However, the information would still be available to law-enforcement agencies, officers, and agents in the course of law-enforcement duties, and non-identifying statistical information would be available to the general public. The bill also prohibits a clerk of court from disseminating any personal identifiable information, such as address, phone, number, or social security number, but allows the clerk, in his discretion, to make available the names of persons issued concealed handgun permits by the court. This bill incorporates HB 370, HB 653, and HB 843.

*Patron - Nutter*

**HB1192 Child Toy Safety Act of 2008.** Provides that any person who continues to offer any child's product for retail sale when more than 14 days have elapsed following receipt of an announcement by the United States Consumer Products Safety Commission that the product has been recalled shall be assessed a civil penalty of \$1,000 for each day the product continues to be offered for sale. The bill also requires several state agencies to enforce federal recalls of unsafe toys and develop standards and regulations to keep unsafe toys out of child day-care facilities.

*Patron - Moran*

**HB1281 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*

**HB1338 Crimes; brandishing a firearm etc.** Increases from a Class 1 misdemeanor to a Class 6 felony the brandishing of any firearm or any air or gas operated weapon or any object similar in appearance.

*Patron - Barlow*

**SB364 Worthless check program.** Authorizes attorneys for the Commonwealth to establish programs that allow persons who write bad checks to avoid prosecution if they pay full restitution to the victim, attend an educational program, and pay all fines and costs.

*Patron - Watkins*

**SB384 Capital murder of certain firefighters and emergency rescue personnel; penalty.** Provides that the willful, deliberate, and premeditated killing of a fire marshal, firefighter, or member of an emergency rescue squad is punishable as capital murder, a Class 1 felony, when the killing is for the purpose of interfering with his official duties.

*Patron - Martin*

**SB529 Concealed handgun permits; access to permittee information.** Protects from public disclosure permittee names and descriptive information held by the Department of State Police for purposes of entry into the Virginia Criminal Information Network. However, the information would still be available to law-enforcement agencies, officers, and agents in

the course of law-enforcement duties, and non-identifying statistical information would be available to the general public. This bill is a recommendation of the Freedom of Information Advisory Council. This bill incorporates SB 730 and SB 759.

*Patron - Houck*

## Criminal Procedure

### Passed

**HB93 Supplementing compensation of public defenders.** Permits counties or cities that have public defender offices to supplement, payable from their own funds, the compensation of the public defender or his deputies or employees in excess of the compensation fixed by the executive director of the Virginia Indigent Defense Commission. This bill is identical to SB 634.

*Patron - Moran*

**HB181 Juror information confidential.** Provides that a court may in a criminal trial, upon the motion of either party or its own motion, and for good cause shown, issue an order regulating the disclosure of personal information of a juror to any person other than the counsel for either party. Good cause shown includes, but is not limited to, a likelihood of bribery, tampering, or physical injury to or harassment of a juror. The order may be modified as deemed appropriate by the court. "Personal information" is defined as any information collected by the court, clerk, or jury commissioner including, but not limited to, a juror's name, age, occupation, home and business addresses, telephone numbers, email addresses, and any other identifying information that would assist another in locating or contacting the juror. The bill also directs the Supreme Court to prescribe and publish rules that provide for the protection of a juror's personal information.

*Patron - Marshall, R.G.*

**HB410 Appointment of counsel; indigent defendants.** Maintains the current provision, due to expire on July 1, 2008, that if there is no attorney reasonably available who is on the list maintained by the Indigent Defense Commission, the court may appoint an appropriately trained and experienced attorney not on the list and must notify the Commission of the appointment. The bill also clarifies that when the public defender is unable to represent the defendant due to a conflict of interest or the court finds that the appointment of other counsel is necessary to attain the ends of justice, the appointment shall be from the list maintained by the Commission. This bill is identical to SB 553.

*Patron - Griffith*

**HB440 Presumption of no bail for illegal aliens charged with certain crimes.** Provides that a judicial officer shall presume, subject to rebuttal, that no condition or combination of conditions will reasonably assure the appearance of the person or the safety of the public if (i) the person is currently charged with an offense listed in subsection A of § 19.2-297.1 (acts of violence), subsection C of § 17.1-805 (acts of violence), any offense under Chapter 4 (§ 18.2-30 et seq.) of Title 18.2 (crimes against the person) except any offense under subsection A of § 18.2-57.2, any felony offense under Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 (drug offenses), or any offense under Articles 2 (§ 18.2-266 et seq.), 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299 et seq.), or 7 (§ 18.2-308 et seq.) of Chapter 7 of Title 18.2 (crimes involving health and safety), and (ii) the court determines that the person is illegally present in the United States. This presump-

tion shall not exist unless the United States Immigration and Customs Enforcement has guaranteed that, in all such cases in the Commonwealth, it will issue a detainer for the initiation of removal proceedings and agrees to reimburse for the cost of incarceration from the time of the issuance of the detainer. This bill incorporates HB 47, HB 757, HB 762, HB 779, HB 929, and HB 1435. This bill is identical to SB 623.

*Patron - Rust*

**HB557 Criminal procedure; provisions applicable to witnesses.** Removes § 8.01-407.1 (Identity of persons communicating anonymously over the Internet) from the sweep-in provisions which make certain Code sections applicable to both civil and criminal case witnesses. The provisions of § 8.01-407.1 apply only to civil cases.

*Patron - Valentine*

**HB586 Remand of bail appeal.** Allows the Supreme Court or Court of Appeals to remand an appeal of denial of bail to circuit court for such further action regarding bail as the appellate court directs. Currently the appellate court is limited to setting bail after overruling the denial. This is a recommendation of the Judicial Council. This bill is identical to SB 225.

*Patron - Marsden*

**HB682 Detention Center Incarceration Program.** Allows a probation and parole officer to place a non re-offending defendant who scores incarceration on the probation violation guidelines and voluntarily agrees to participate, with the Department of Corrections to be evaluated for participation in the Detention Center Incarceration Program, if approved by the court. This bill is identical to SB 611.

*Patron - Miller, P.J.*

**HB713 Preliminary protective orders; stalking; extension.** Allows the court to extend a preliminary protective order for a period of up to six months if the respondent fails to appear at the hearing. Language mirrors subsection B of § 16.1-253.1, relating to preliminary protective orders in family abuse cases.

*Patron - Janis*

**HB715 Resetting of bail, amending bail set upon arrest.** Provides that when the court having jurisdiction of a bail proceeding believes the amount of bond or security set by a judicial officer at initial arrest to be inadequate or excessive, it may after notice to the parties, change the amount of such bond or security, require new and additional sureties, or set other terms of bail as are appropriate to the case, including, but not limited to, drug and alcohol monitoring. Currently, the court is limited to increasing the initial bail and may not impose additional bail requirements such as alcohol and drug monitoring. This bill is identical to SB 506.

*Patron - Janis*

**HB717 Posting of bonds in support cases.** Clarifies that a court is not precluded from imposing a bond or recognizance designed to secure a child or spousal support obligation in cases where an additional bond or recognizance is imposed as a condition of the release of an obligor.

*Patron - Janis*

**HB820 Alien status of jail and correctional facility inmates.** Requires an officer in charge of a jail or correctional facility to inquire of a person in his custody as to whether the person was born in or is a citizen of the United States and to make an immigration alien query to the Law Enforcement Support Center of the United States Immigration and Customs Enforcement for any person who was born in or is a citizen of another country, or if the answers to these questions are

unknown. The jail officer shall communicate the results of this immigration alien query to the Local Inmate Data System of the State Compensation Board. The State Compensation Board shall communicate, on a monthly basis, the results of any query confirming that a person is illegally present in the United States to the Central Criminal Records Exchange. This bill incorporates HB 368, HB 1029, and House Bills 441, 444, 763, and 764. This bill is identical to SB 609.

*Patron - Albo*

**HB903 Magistrates.** Reforms the magistrate system by transferring appointment and supervisory responsibilities from the circuit court judges to the Executive Secretary of the Supreme Court, although the chief judges of the circuit courts in the region are to be consulted regarding appointments. Magistrates initially appointed on or after July 1, 2008, must have a bachelor's degree from an accredited college and persons appointed chief magistrates on or after July 1, 2008, are required to be members in good standing of the Virginia State Bar. No magistrate appointed on or after July 1, 2008, may practice law. No magistrate may engage in any other business without the approval of the Executive Secretary. Magistrates will have to serve an initial nine-month probationary period (currently, six months), complete a minimum training program and pass a certification exam. The bill broadens magistrates' geographical assignment from within a particular judicial district to regions established by the Executive Secretary. The bill makes technical amendments replacing "justice of the peace" with "magistrate" and removes references to magistrates serving only within a particular jurisdiction or district. This bill is identical to SB244.

*Patron - Putney*

**HB941 Search warrants; affidavits, etc.** Allows an affidavit in support of a search warrant to be delivered by facsimile after it is certified and provides that the certifying officer's designee or agent may deliver the affidavit. The bill adds a requirement that a copy of the affidavit be delivered to the clerk of the circuit court in the county or city where the warrant is issued if different than the county or city where the search is to be made. The inventory of seized property will go to the circuit court of the county or city where the search was conducted. The bill specifies that the officer or his designee or agent may deliver the warrant, inventory, and accompanying affidavit in person, by certified mail or by facsimile. This bill is identical to SB 229.

*Patron - Gilbert*

**HB952 Time period for notice of insanity plea.** Provides that notice of a criminal defendant's insanity plea must be given to the Commonwealth at least 60 days (currently at least 21 days) prior to trial, or at most 60 days following indictment when the period between indictment and trial is less than 120 days.

*Patron - Iaquinto*

**HB956 Criminal Injuries Compensation Fund; PERK reimbursements.** Allows the Fund to directly reimburse a health care provider for the costs of performing the physical evidence recovery kit (PERK) examinations used in cases of sexual assault. The defendant, upon conviction, is required to reimburse the Commonwealth. This bill is identical to SB 312.

*Patron - Miller, P.J.*

**HB965 Criminal Injuries Compensation Fund; stalking.** Amends the definition of victim under the Fund to allow people who have been stalked to be eligible to collect from the Fund.

*Patron - Shannon*

**HB1043 Polygraphs; victims of sex offenses.** Provides that no law-enforcement officer, attorney for the Commonwealth, or other government official shall ask or require a victim of certain sex offenses to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an offense. This bill incorporates HB 1488. This bill is identical to SB 164.

*Patron - Watts*

**HB1179 Criminal procedure; admission to bail.** Adds a presumption, subject to rebuttal, against admitting to bail any person who is arrested for felony assault and battery against a family or household member.

*Patron - Lingamfelter*

**HB1181 Appointment of special conservators of the peace.** Makes it mandatory, rather than permissive, that a circuit court 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. The bill allows the judge to deny the appointment for good cause and requires that the specific reasons for the denial be stated in writing in the order denying the appointment.

*Patron - Lingamfelter*

**HB1186 Incompetent defendants; misdemeanors; dismissal of charges.** Provides that if a defendant has been charged with a misdemeanor under Article 3 (§ 18.2-95 et seq.) of Chapter 5 of Title 18.2 (larceny and receiving stolen goods), Article 5 (§ 18.2-119 et seq.) of Chapter 5 of Title 18.2 (trespass to realty) except an offense under § 18.2-130 (peeping or spying into dwelling or enclosure), or Article 2 (§ 18.2-415 et seq.) of Chapter 9 of Title 18.2 (disorderly conduct), and is being treated in an effort to restore his capacity, then after 45 days, if his capacity has not been restored, the court shall decide whether he should be released, committed, or certified and the court may dismiss the charges. This bill incorporates HB 1378. This bill is identical to SB 380.

*Patron - Melvin*

**HB1205 Diversion Center Incarceration Program.** Allows a probation and parole officer to place a non re-offending defendant who scores incarceration on the probation violation guidelines and voluntarily agrees to participate, with the Department of Corrections to be evaluated for participation in the Diversion Center Incarceration Program, if approved by the court. This bill is identical to SB 451.

*Patron - Melvin*

**HB1302 Incident management.** Redefines the "scene of any accident" for the purposes of arrest without a warrant. The revised definition includes a reasonable location where a vehicle or person involved in an accident has been moved at the direction of a law-enforcement officer to facilitate the clearing of the highway or to ensure the safety of the motoring public. The bill also removes the limitation that the driver of a vehicle involved in an accident may move the vehicle only "so far as necessary" to prevent obstructing traffic.

*Patron - Nichols*

**HB1384 Grand juries.** Provides that persons selected as members of grand juries, special grand juries, and multi-jurisdictional grand juries shall be impartial and possess disinterest in outcome. Procedures to determine a potential juror's qualifications for service on a special grand jury are outlined.

The bill allows a person indicted after a special grand jury investigation to move to review, note or duplicate evidence.

*Patron - Janis*

**SB123 Destruction of criminal exhibits.** Provides that the trial court may not order the destruction or donation of exhibits used in evidence in felony cases without prior notice to the counsel for the parties and until expiration one year after all appeals or, if no appeal, one year after appellate remedies expire.

*Patron - Edwards*

**SB164 Polygraphs; victims of sex offenses.** Provides that no law-enforcement officer, attorney for the Commonwealth, or other government official shall ask or require a victim of certain sex offenses to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an offense. This bill is identical to HB 1043.

*Patron - Lucas*

**SB225 Remand of bail appeal.** Allows the Supreme Court or Court of Appeals to remand an appeal of denial of bail to circuit court for such further action regarding bail as the appellate court directs. Currently the appellate court is limited to setting bail after overruling the denial. This is a recommendation of the Judicial Council. This bill is identical to HB 586.

*Patron - McDougle*

**SB229 Search warrants; affidavits, etc.** Allows an affidavit in support of a search warrant to be delivered by facsimile after it is certified and provides that the certifying officer's designee or agent may deliver the affidavit. The bill adds a requirement that a copy of the affidavit be delivered to the clerk of the circuit court in the county or city where the warrant is issued if different than the county or city where the search is to be made. The inventory of seized property will go to the circuit court of the county or city where the search was conducted. The bill specifies that the officer or his designee or agent may deliver the warrant, inventory, and accompanying affidavit in person, by certified mail or by facsimile. This bill is identical to HB 941.

*Patron - McDougle*

**SB241 School employees; criminal acts.** Requires the court clerks to notify the Superintendent of Public Instruction when a person known to be licensed by the Board of Education is convicted of a felony drug crime or certain felony sex crimes involving a child victim. The bill also requires (i) local school boards to develop policies and procedures to address complaints of sexual abuse of a student by a teacher or other school board employee; (ii) the Board of Education to include requirements for the denial, suspension, cancellation, revocation, and reinstatement of licensure in its regulations; (iii) notification by the local school board to the Board of Education when a licensed employee of a school board is dismissed or resigns because of certain criminal convictions or a founded child abuse or neglect case; (iv) notification by the local department of social services to the Superintendent of Public Instruction when the subject of a founded complaint of child abuse or neglect is known to hold a license from the Board of Education; and (v) the Board of Education to revoke the license of any person who has been dismissed or has resigned because he has been convicted of a felony, sex offense, drug offense or because he is the subject of a founded case of child abuse or neglect. This bill is identical to HB 1439.

*Patron - Lucas*

**SB244 Magistrates.** Reforms the magistrate system by transferring appointment and supervisory responsibilities from

the circuit court judges to the Executive Secretary of the Supreme Court, although the chief judges of the circuit courts in the region are to be consulted regarding appointments. Magistrates initially appointed on or after July 1, 2008, must have a bachelor's degree from an accredited college and persons appointed chief magistrates on or after July 1, 2008, are required to be members in good standing of the Virginia State Bar. No magistrate appointed on or after July 1, 2008, may practice law. No magistrate may engage in any other business without the approval of the Executive Secretary. Magistrates will have to serve an initial nine-month probationary period (currently, six months), complete a minimum training program and pass a certification exam. The bill broadens magistrates' geographical assignment from within a particular judicial district to regions established by the Executive Secretary. The bill makes technical amendments replacing "justice of the peace" with "magistrate" and removes references to magistrates serving only within a particular jurisdiction or district. This bill is identical to HB 903.

*Patron - Howell*

**SB312 Criminal Injuries Compensation Fund; PERK reimbursements.** Allows the Fund to directly reimburse a health care provider for the costs of performing the physical evidence recovery kit (PERK) examinations used in cases of sexual assault. This bill is identical to HB 956.

*Patron - Puller*

**SB345 Conditional release; voluntary admission to a state hospital.** Clarifies that voluntary admission to a state hospital shall not solely constitute grounds for revocation of a person's conditional release.

*Patron - Blevins*

**SB380 Incompetent defendants; misdemeanors; dismissal of charges.** Provides that if a defendant has been charged with a misdemeanor under Article 3 (§ 18.2-95 et seq.) of Chapter 5 of Title 18.2 (larceny and receiving stolen goods), Article 5 (§ 18.2-119 et seq.) of Chapter 5 of Title 18.2 (trespass to realty) except an offense under § 18.2-130 (peeping or spying into dwelling or enclosure), or Article 2 (§ 18.2-415 et seq.) of Chapter 9 of Title 18.2 (disorderly conduct), and is being treated in an effort to restore his capacity, then after 45 days, if his capacity has not been restored, the court shall decide whether he should be released, committed, or certified and the court may dismiss the charges. This bill incorporates SB 626. This bill is identical to HB 1186.

*Patron - Martin*

**SB451 Diversion Center Incarceration Program.** Allows a defendant who has not committed a new criminal offense, who may be subject to having his probation revoked, and who scores incarceration on the probation violation guidelines and voluntarily agrees to participate, to be placed with the Department of Corrections to be evaluated for participation in the Diversion Center Incarceration Program if approved by the court. This bill is identical to HB 1205.

*Patron - Petersen*

**SB506 Resetting of bail, amending bail set upon arrest.** Provides that when the court having jurisdiction of a bail proceeding believes the amount of bond or security set by a judicial officer at initial arrest to be inadequate or excessive, it may, after notice to the parties, change the amount of such bond or security, require new and additional sureties, or set other terms of bail as are appropriate to the case, including, but not limited to, drug and alcohol monitoring. Currently, the court is limited to increasing the initial bail and may not

impose additional bail requirements such as alcohol and drug monitoring. This bill is identical to HB 715.

*Patron - McDougle*

**SB549 Multijurisdictional grand juries.** Adds crimes related to identity theft and credit card fraud to the matters that a multijurisdictional grand jury may investigate.

*Patron - Hurt*

**SB553 Appointment of counsel; indigent defendants.** Maintains the current provision, due to expire on July 1, 2008, that if there is no attorney reasonably available who is on the list maintained by the Indigent Defense Commission, the court may appoint an appropriately trained and experienced attorney not on the list and must notify the Commission of the appointment. The bill also clarifies that when the public defender is unable to represent the defendant due to a conflict of interest or the court finds that the appointment of other counsel is necessary to attain the ends of justice, the appointment shall be from the list maintained by the Commission. This bill is identical to HB 410.

*Patron - Hurt*

**SB609 Alien status of jail and correctional facility inmates.** Requires an officer in charge of a jail or correctional facility to inquire of a person in his custody as to whether the person was born in or is a citizen of the United States and to make an immigration alien query to the Law Enforcement Support Center of the United States Immigration and Customs Enforcement for any person who was born in or is a citizen of another country, or if the answers to these questions are unknown. The jail officer shall communicate the results of this immigration alien query to the Local Inmate Data System of the State Compensation Board. The State Compensation Board shall communicate, on a monthly basis, the results of any query confirming that a person is illegally present in the United States to the Central Criminal Records Exchange. This bill is identical to HB 820.

*Patron - Stolle*

**SB610 Compensation of court-appointed counsel; juvenile offenders.** Provides that court-appointed counsel who are appointed to defend a juvenile in district court for an offense that would be a felony if committed by an adult may request a waiver on the compensation cap up to certain specified amounts depending on the charges being defended when the effort expended, the time reasonably necessary for the particular representation, the novelty and difficulty of the issues, or other circumstances warrant such a waiver. The maximum amounts of the waivers allowed are fixed at the level of the compensation cap for defending adults of the same crimes in circuit court.

*Patron - Stolle*

**SB611 Detention Center Incarceration Program.** Allows a probation and parole officer to place a nonreoffending defendant who scores incarceration on the probation violation guidelines and voluntarily agrees to participate, with the Department of Corrections to be evaluated for participation in the Detention Center Incarceration Program, if approved by the court. This bill is identical to HB 682.

*Patron - Stolle*

**SB618 Petit larceny; substance abuse.** Provides that a person who is convicted for the second time of petit larceny must undergo substance abuse screening as part of the sentence if the sentence includes probation supervision by a community-based probation services agency.

*Patron - Stolle*

**SB623 Presumption of no bail for illegal aliens charged with certain crimes.** Provides that a judicial officer shall presume, subject to rebuttal, that no condition or combination of conditions will reasonably assure the appearance of the person or the safety of the public if (i) the person is currently charged with an offense listed in subsection A of § 19.2-297.1 (acts of violence), subsection C of § 17.1-805 (acts of violence), any offense under Chapter 4 (§ 18.2-30 et seq.) of Title 18.2 (crimes against the person) except any offense under subsection A of § 18.2-57.2, any felony offense under Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 (drug offenses), or any offense under Articles 2 (§ 18.2-266 et seq.), 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299 et seq.), or 7 (§ 18.2-308 et seq.) of Chapter 7 of Title 18.2 (crimes involving health and safety), and (ii) the court determines that the person is illegally present in the United States. This presumption shall not exist unless the United States Immigration and Customs Enforcement has guaranteed that, in all such cases in the Commonwealth, it will issue a detainer for the initiation of removal proceedings and agrees to reimburse for the cost of incarceration from the time of the issuance of the detainer. This bill incorporates SB 183, SB 733, and SB 152. This bill is identical to HB 440.

*Patron - Stolle*

**SB634 Supplementing compensation of public defenders.** Permits counties or cities that have public defender offices to supplement, payable from their own funds, the compensation of the public defender or his deputies or employees in excess of the compensation fixed by the executive director of the Virginia Indigent Defense Commission. This bill is identical to HB 93.

*Patron - Ticer*

**SB772 Bail.** Allows the court as a condition of bond to bar a person who holds an elected constitutional office and who is accused of a felony arising from the performance of his duties from returning to his constitutional office.

*Patron - Hurt*

**SB773 Prosecution of identity theft; statute of limitations.** Allows prosecutions for misdemeanor identity theft to be commenced within the same limits as computer crimes. Those limits are the earlier of (i) five years after the commission of the last illegal act or (ii) one year after the existence of the illegal act and the identity of the offender are discovered.

*Patron - Hurt*

## Failed

**HB47 Criminal procedure; admission to bail.** Adds a presumption, subject to rebuttal, against admitting to bail any alien charged with a criminal offense who is in the United States illegally as verified by the Law Enforcement Support Center of the Bureau of Immigration and Customs Enforcement of the United States Department of Homeland Security. This bill was incorporated into HB 440.

*Patron - Cole*

**HB155 Criminal procedure; admission to bail.** Adds a presumption, subject to rebuttal, against admitting to bail any alien charged with a criminal offense who is in the United States illegally as verified by the Law Enforcement Support Center of the Bureau of Immigration and Customs Enforcement of the United States Department of Homeland Security.

*Patron - Nichols*

**HB232 Power of magistrates to issue felony arrest warrants.** Provides that no magistrate may issue an arrest war-

rant upon the basis of a citizen complaint, for a felony offense, without prior authorization from the attorney for the Commonwealth or from a law-enforcement agency in his jurisdiction, unless the person who is to be issued the warrant has already been placed under arrest by a law-enforcement officer.

*Patron - Cosgrove*

**HB307 Crime victims and witnesses; immigration status.** Prohibits law enforcement from questioning or investigating the immigration status of a person who reports that he was a victim of or witness to a crime.

*Patron - Eisenberg*

**HB325 Dissemination of criminal records; Guardians ad litem.** Allows the dissemination of criminal records to GALs.

*Patron - Saxman*

**HB368 Alien status of jail and correctional facility inmates.** Requires a jail officer to inquire of a person in his custody as to whether the person is a citizen of the United States and to communicate the results of the inquiry, including a result specifying that this information is unknown, to the Local Inmate Data System of the State Compensation Board. The State Compensation Board shall submit the data on any such person to the Central Criminal Records Exchange. The State Police shall forward this information to the Law Enforcement Support Center of the United States Immigration and Customs Enforcement along with a request that the Law Enforcement Support Center respond as to the person's immigration status. Any response received by the State Police from the Law Enforcement Support Center concerning an individual's immigration status shall be transmitted to the State Compensation Board for inclusion in the Local Inmate Data System. The bill requires officer in charge of a correctional facility to verify that such information is in the Central Criminal Records Exchange and to request that the Law Enforcement Support Center respond as to the person's immigration status. This bill was incorporated into HB 820.

*Patron - Carrico*

**HB433 Forfeiture of motor vehicle for three or more offenses of driving without a valid operator's license.** Provides that any vehicle driven in the commission of a third or subsequent offense of driving without a valid operator's license shall be subject to forfeiture. This bill incorporates HB 380 and HB 446.

*Patron - Frederick*

**HB436 Misdemeanor arrest or summons at discretion of law-enforcement officer.** 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 when the person fails to stop the unlawful act.

*Patron - Frederick*

**HB444 Alien status of jail and correctional facility inmates.** Requires a jail officer to inquire of a person in his custody as to whether the person is a citizen of the United States and to communicate the results of the inquiry, including a result specifying that this information is unknown, to the Local Inmate Data System of the State Compensation Board. The State Compensation Board shall submit the data on any such person to the Central Criminal Records Exchange. The

State Police shall forward this information to the Law Enforcement Support Center of the United States Immigration and Customs Enforcement along with a request that the Law Enforcement Support Center respond as to the person's immigration status. Any response received by the State Police from the Law Enforcement Support Center concerning an individual's immigration status shall be transmitted to the State Compensation Board for inclusion in the Local Inmate Data System. The bill requires officer in charge of a correctional facility to verify that such information is in the Central Criminal Records Exchange and to request that the Law Enforcement Support Center respond as to the person's immigration status. This bill was incorporated into HB 820.

*Patron - Rust*

**HB461 Conditions of release without bond.** Provides that no person arrested for a felony who has previously been convicted of a felony, or who is presently on bond for an unrelated arrest in any jurisdiction, or who is on probation or parole, may be released to a pretrial services agency in lieu of posting a secure bond until the expiration of 72 hours following his initial appearance before a judicial officer and unless he is determined by a court to be indigent.

*Patron - Albo*

**HB480 Conditional release; voluntary admission to a state hospital.** Clarifies that voluntary admission to a state hospital shall not solely constitute grounds for revocation of a person's conditional release.

*Patron - Brink*

**HB515 Waiving interest during period of incarceration.** Authorizes the court to waive interest on fines and costs accruing during any period that the defendant was incarcerated prior to July 1, 2008.

*Patron - Dance*

**HB536 Compensation of court-appointed counsel; juvenile offenders.** Provides that court-appointed counsel who are appointed to defend a juvenile in district court for an offense that would be a felony if committed by an adult may request a waiver on the compensation cap up to certain specified amounts depending on the charges being defended when the effort expended, the time reasonably necessary for the particular representation, the novelty and difficulty of the issues, or other circumstances warrant such a waiver. The maximum amounts of the waivers allowed are fixed at the level of the compensation cap for defending adults of the same crimes in circuit court.

*Patron - Peace*

**HB624 Criminal procedure; interpreter appointed for non-English-speaking defendant.** Provides that the cost for such interpreter shall be borne by a defendant who is convicted at trial of the criminal offense.

*Patron - Miller, J.H.*

**HB658 Recording preliminary hearings.** Provides that the court shall order that a certified court reporter or mechanical or electronic device approved by the court be provided to record the incidents of a preliminary hearing upon request of the Commonwealth or an indigent defendant.

*Patron - Griffith*

**HB659 Defense motions to suppress evidence.** Requires that the grounds for defense objections or motions to suppress evidence based on violations of certain constitutional rights or unconstitutional statutes, be stated with particularity.

*Patron - Griffith*

**HB718 Authority of court to order payment of fine, costs, forfeitures, penalties, or alternatives.** Provides that a court may establish a program to provide an option to any person upon whom a fine and costs have been imposed to discharge all or part of the fine or costs by earning credits for the performance of community service work before or after imprisonment. Currently the court is required to establish such a program.

*Patron - Janis*

**HB757 Criminal procedure; admission to bail.** Adds a presumption, subject to rebuttal, against admitting to bail any alien who is charged with any felony and who is in the United States illegally, as verified by the Law Enforcement Support Center of the Bureau of Immigration and Customs Enforcement of the United States Department of Homeland Security. This bill was incorporated into HB 440.

*Patron - Poindexter*

**HB762 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 is charged with a crime and not lawfully present in the United States, and requires judicial officers prior to any bail hearing, to the extent feasible, to verify with the United States Bureau of Immigration and Customs Enforcement whether a person is lawfully present in the United States. This bill was incorporated into HB 440.

*Patron - Rust*

**HB779 Presumption of no bail for illegal aliens charged with certain crimes.** Provides that a judicial officer shall presume, subject to rebuttal, that no condition or combination of conditions will reasonably assure the appearance of the person or the safety of the public if (i) the person is currently charged with an offense listed in subsection A of § 19.2-297.1 (acts of violence), subsection C of § 17.1-805 (acts of violence), or any felony offense under Chapter 4 (§ 18.2-30 et seq.) of Title 18.2 (crimes against the person), any felony offense under Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 (drug offenses), or any offense under Articles 2 (§ 18.2-266 et seq.), 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299 et seq.), or 7 (§ 18.2-308 et seq.) of Chapter 7 of Title 18.2 (crimes involving health and safety), and (ii) the court determines that the person is illegally present in the United States. This presumption shall exist unless and until notification is received from the United States Immigration and Customs Enforcement that it does not intend to detain the person. This bill was incorporated into HB 440.

*Patron - Kilgore*

**HB880 Interest on fines and costs.** Provides that interest on fines and costs shall not accrue while a person is incarcerated. Currently, fines and costs do not accrue during incarceration but only with respect to the case resulting in the incarceration. The bill also allows a person to move for and a circuit court to grant a waiver on any interest accrued during his incarceration prior to July 1, 2008.

*Patron - Loupassi*

**HB929 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 or any violation of § 18.2-266(DUI) and is identified as being in the United States unlawfully and requires judicial officers prior to a bail hearing, to the extent feasible, to verify whether a person is a citizen or

is otherwise lawfully present in the United States. This bill was incorporated into HB 440.

*Patron - Gilbert*

**HB935 Admissibility of prior inconsistent statements in a criminal case.** Provides that in all criminal cases, evidence of a statement made by a witness is not made inadmissible by the hearsay rule if the statement is inconsistent with his testimony at the hearing or trial, the witness is subject to cross-examination concerning the statement, and the statement (i) was made under oath and describes or explains an event or condition of which the witness had personal knowledge and (ii) proved to have been written or signed by the witness, the witness acknowledged under oath the making of the statement, or the statement is proved to have been accurately recorded.

*Patron - Gilbert*

**HB940 Defense motions to suppress evidence.** Requires that the grounds for defense objections or motions to suppress evidence based on violations of certain constitutional rights or unconstitutional statutes, be stated with particularity.

*Patron - Gilbert*

**HB1029 Verification of citizen status.** Requires that a jailer shall reasonably attempt to verify the citizen status of certain persons who have been arrested and who are confined in jail. The jailer is required to report any person determined to be in the United States illegally to the Law Enforcement Support Center of the Bureau of Immigration and Customs Enforcement. The bill provides further 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. This bill was incorporated into HB 820.

*Patron - Frederick*

**HB1067 School employees; criminal acts.** Requires (i) notification to the Superintendent of Public Instruction and the division superintendent of the conviction of any individual holding a license issued by the Board of Education; (ii) local school boards to develop policies and procedures to address complaints of sexual abuse of a student by a teacher or other school board employee; (iii) the Board of Education to include requirements for the denial, suspension, cancellation, revocation, and reinstatement of licensure in its licensure regulations; (iv) notification to the Board of Education when a licensed employee of a school board is dismissed or resigns for certain convictions of enumerated crimes; and (v) notification to the Superintendent of Public Instruction when any individual holding a license is the subject of a founded complaint of child abuse or neglect. There is also a technical amendment. This bill has been incorporated into HB 1439.

*Patron - Amundson*

**HB1136 Sentencing proceeding by the jury after conviction.** Provides that criminal sentencing by a jury may be done by a different jury if the original jury cannot agree on punishment.

*Patron - Griffith*

**HB1237 Mentally ill defendants; treatment and hospitalization.** Establishes a new standard for hospitalizing mentally ill criminal defendants. Hospitalization may occur when the defendant has a mental illness and there exists a substantial likelihood that, as a result of that mental illness, the defendant will, in the near future, cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm. Under current law the standard is "imminently dangerous to himself or others." The provision applies

to pretrial, after conviction but before sentencing, and after sentencing. The bill specifies that the evaluation must be done face-to-face by an employee of the community services board or its designee who is skilled in the assessment and treatment of mental illness and has completed a certification program approved by the Department of Mental Health, Mental Retardation and Substance Abuse Services. This bill has been incorporated into HB 559.

*Patron - Jones, D.C.*

**HB1290 Restorative justice programs.** Provides that courts may order offenders to be assessed for their suitability to enter a restorative justice program and, if found suitable, the offender may enter such a program. Restorative justice programs are intended to facilitate meetings or dialogues between victims of crime and the offenders, as well as other individuals and community members if appropriate, with the goal of addressing the needs of the victim and the community through agreements with the offenders addressing issues such as reparation, restitution, and community service.

*Patron - Athey*

**HB1366 Probation; waiver of Fourth Amendment rights as condition of probation.** Provides that among the conditions the court may impose upon a probationer is that the person, vehicle or home of the defendant shall be subject to search without a warrant during the period of his probation when the search derives from a violation of other conditions imposed upon the defendant by the court or arises out of a suspicion that the defendant is engaged in conduct the same as that or substantially similar to that for which he was convicted, provided that such condition may be imposed only upon a defendant convicted of a felony violation under Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 (controlled substance violations) or a violent felony as defined in § 17.1-805.

*Patron - Cline*

**HB1369 Incarceration of defendant pending appeal of bond by attorney for the Commonwealth.** Provides that if the attorney for the Commonwealth notes an appeal of bail, bond, or terms of recognizance the court shall stay the grant of bail, bond, or terms of recognizance pending the appeal.

*Patron - Gilbert*

**HB1378 Disposition of incompetent defendants.** Provides that if, after a determination of a defendant's competency to stand trial is made, a court finds that a defendant is and is likely to remain incompetent for the foreseeable future, the court shall order that the defendant be (i) released, (ii) involuntarily committed, (iii) reviewed for commitment as a sexually violent predator, or (iv) certified as eligible for admission to a training center for persons with mental retardation. The bill also provides that duration of the treatment to restore the competency of a defendant charged with a misdemeanor, other than an offense against person or property involving the intentional threat of or the attempted or actual infliction of physical harm, shall be limited to 45 days. This bill has been incorporated into HB 1186.

*Patron - Morrissey*

**HB1435 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 is charged with a crime who is an alien and not lawfully present in the United States and requires judicial officers prior to any bail hearing, 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 whether a person is a citizen

or is otherwise lawfully present in the United States. This bill was incorporated into HB 440.

*Patron - Poindexter*

**HB1488 Use of polygraph on sex offense victims.** Provides that no complaining witness of any alleged offense involving criminal sexual activity shall be requested to submit to a polygraph examination as a condition of proceeding with an investigation of the offense. This bill has been incorporated into HB 1043.

*Patron - Sherwood*

**HB1569 Deferred disposition.** Allows a court to defer disposition in and discharge and dismiss any criminal case subject to limitations already set forth re deferral and dismissal for specific crimes.

*Patron - Morrissey*

**SB111 Indigent defendants; right to ex parte hearing for appointment of experts in capital cases.** Provides that an indigent defendant who has been charged with a capital offense may move for the appointment of experts to assist in the preparation of his defense. The court shall hold an ex parte hearing on such a motion and may order the appointment of an expert. The expert's work product is protected by attorney-client privilege; however, the defendant shall comply with the discovery rules set forth in the Rules of the Supreme Court. This bill has been incorporated into SB 369.

*Patron - McDougle*

**SB152 Criminal procedure; admission to bail.** Adds a presumption, subject to rebuttal, against admitting to bail any alien charged with a criminal offense who is in the United States illegally as verified by the Law Enforcement Support Center of the Bureau of Immigration and Customs Enforcement of the United States Department of Homeland Security. This bill has been incorporated into SB 623.

*Patron - Stuart*

**SB183 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 alien, who commits (i) a violent felony, (ii) DUI manslaughter whether in a motor vehicle or watercraft, (iii) DUI, (iv) refusal of a test after DUI arrest or after forfeiture of license, or (v) driving after forfeiture of license and committing certain crimes, while an alien present in the United States without authority, and requires judicial officers prior to a bail hearing, to determine whether the person is an alien who is present in the United States without authority, as verified by the Law Enforcement Support Center of the Bureau of Immigration and Customs Enforcement of the United States Department of Homeland Security. This bill has been incorporated into SB 623.

*Patron - Herring*

**SB409 Disqualification for appointment as special conservator of the peace.** Provides that no person with a conviction for a criminal offense involving (a) moral turpitude, (b) assault and battery, (c) damage to real or personal property, (d) controlled substances or imitation controlled substances as defined in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, (e) prohibited sexual behavior as described in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or (f) any felony, or for any Class 1 misdemeanor involving firearms, is eligible to become a special conservator of the peace. Currently, the listing includes any conviction of a criminal offense involving firearms, which would include Class 2, 3, and 4 misdemeanors as disqualifiers.

*Patron - Puckett*



**SB441 Crime victims; immigration status.** Provides that no law-enforcement officer or other agent of state or local government shall inquire into the immigration status of any person who reports that he is the victim of a crime or is the parent or guardian of a minor victim, or is a cooperating witness in a criminal investigation or is the parent or guardian of a minor witness. The bill does not prohibit a law-enforcement officer from inquiring into the immigration status of a victim or witness who has been arrested and charged with a criminal violation, or when such inquiry is required by federal law or is essential to the investigation or prosecution of the crime to which the person is a witness or of which the person is a victim. This bill incorporates SB 639.

*Patron - Howell*

**SB515 Impoundment of motor vehicle for driving without an operator's license.** Allows law enforcement to use a portable device to fingerprint a person who drives without having been issued a license and requires the Central Criminal Records Exchange to receive, classify, and file any fingerprints submitted for such a violation. The bill also provides that any adult who is arrested for driving without an operator's license after previously being convicted of the same offense shall suffer a 30-day impoundment of his motor vehicle.

*Patron - Cuccinelli*

**SB548 Presumption against bail.** Provides a presumption against bail for a person charged with failure to appear.

*Patron - Hurt*

**SB626 Disposition of incompetent defendants.** Provides that if, after a determination of a defendant's competency to stand trial is made, a court finds that a defendant is and is likely to remain incompetent for the foreseeable future, the court shall order that the defendant be (i) released, (ii) involuntarily committed, (iii) reviewed for commitment as a sexually violent predator, or (iv) certified as eligible for admission to a training center for persons with mental retardation. The bill also provides that duration of the treatment to restore the competency of a defendant charged with a misdemeanor, other than an offense against person or property involving the intentional threat of or the attempted or actual infliction of physical harm, shall be limited to 45 days. This bill has been incorporated into SB 380.

*Patron - Reynolds*

**SB628 Waiving interest during period of incarceration.** Authorizes the circuit court, for good cause shown and upon motion of the defendant, to waive interest on unpaid fines and costs imposed by a judgment of that court that accrued during any period that the defendant was incarcerated.

*Patron - Ticer*

**SB639 Crime victims and witnesses; immigration status.** Prohibits law enforcement from questioning or investigating the immigration status of a person who reports that he was a victim of or witness to a crime. This bill has been incorporated into SB 441.

*Patron - Ticer*

**SB677 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 - Puckett*

**SB733 Presumption against admission to bail for illegal aliens.** Adds a presumption, subject to rebuttal, against

admitting to bail any alien who has committed any criminal offense and is an alien who is present in the United States illegally and subject to detention by the Law Enforcement Support Center of the Bureau of Immigration and Customs Enforcement of the United States Department of Homeland Security. This bill has been incorporated into SB 623.

*Patron - Smith*

## Carried Over

**HB553 Deferred disposition.** Allows a court to defer disposition in and discharge and dismiss any criminal case.

*Patron - Griffith*

**HB587 Restitution; juvenile.** States that if the juvenile is under the age of 16, the court may not order restitution exceeding \$2,500 and that in any case of juvenile restitution, the court may order the parents of the juvenile to pay.

*Patron - Marsden*

**HB996 Presumption of no bail upon conviction of a violent felony.** Provides that when a judicial officer considers bail, he shall presume, subject to rebuttal, that no condition or combination of conditions will reasonably assure the appearance of the person or the safety of the public if the person has been convicted of, but not sentenced for, any crime for which bail is presumed unavailable at charge, a violent felony as defined in § 17.1-805, or an attempt to commit any such offense.

*Patron - Bell*

**HB1209 Deferred disposition.** Allows a court to defer disposition in, and discharge and dismiss, any criminal case. Currently, discharge and dismissal is available only for certain crimes and with specific conditions.

*Patron - Melvin*

**HB1336 Deferred disposition.** Allows a court to defer disposition in, and discharge and dismiss, any criminal case. Currently, discharge and dismissal is available only for certain crimes and with specific conditions.

*Patron - Barlow*

**HB1520 Failure to comply with sentencing order; penalty.** Creates a Class 1 misdemeanor for willfully and knowingly failing to surrender to jail at the time ordered by the court.

*Patron - Massie*

**SB275 Mentally ill defendants; treatment.** Adds a provision that a defendant in a criminal matter may be hospitalized if so seriously mentally ill as to be unable to care for himself. Under current law the standard is "imminently dangerous to himself or others." The provision applies to pretrial, after conviction but before sentencing and after sentencing. The bill specifies that the evaluation must be done in person by an employee of the community services board or its designee who is skilled in the assessment and treatment of mental illness and has completed a certification program approved by the Department of Mental Health, Mental Retardation and Substance Abuse Services.

*Patron - Cuccinelli*

**SB369 Indigent defendants; right to ex parte hearing for appointment of experts in capital cases.** Provides that an indigent defendant who has been charged with a capital offense may move for the appointment of experts to assist in the preparation of his defense. The court shall hold an ex parte hearing on such a motion and may order the appointment of an expert.

The expert's work product is protected by attorney-client privilege; however, the defendant shall comply with the discovery rules set forth in the Rules of the Supreme Court. This bill incorporates SB 111.

*Patron - Watkins*

**CSB440 Mentally ill defendants; treatment and hospitalization.** Establishes a new standard for hospitalizing mentally ill criminal defendants. Hospitalization may occur when the defendant has a mental illness and there exists a substantial likelihood that, as a result of that mental illness, the defendant will, in the near future, cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm. Under current law the standard is "imminently dangerous to himself or others." The provision applies to pretrial, after conviction but before sentencing, and after sentencing. The bill specifies that the evaluation must be done face-to-face by an employee of the community services board or its designee who is skilled in the assessment and treatment of mental illness and has completed a certification program approved by the Department of Mental Health, Mental Retardation and Substance Abuse Services.

*Patron - McEachin*

**CSB638 Notification of service of protective order.** Provides that persons who have obtained a protective order shall receive notice of the service of such order by the local police department, sheriff's office, or other law-enforcement agency that served the order on the person subject to the order. The notification may be made through the Virginia Statewide VINE (Virginia Information and Notification Everyday) System.

*Patron - Ticer*

**CSB771 Extradition.** Clarifies that a sheriff or police chief of a locality may hire a private entity to perform extraditions on behalf of the Commonwealth.

*Patron - Hurt*

## Domestic Relations

### Passed

**PSB188 Virginia Military Parents Equal Protection Act; creation.** Allows a court to enter a temporary order modifying custody or visitation based on a parent's deployment. Upon the motion of the deploying parent returning from deployment, the court shall hold an expedited hearing within 30 days. At the hearing, the nondeploying parent bears the burden of showing that reentry of the custody or visitation order in effect before the deployment is no longer in the child's best interests. The bill also requires that any temporary custody or visitation order entered pursuant to this Act shall provide that (i) the nondeploying parent shall reasonably accommodate the leave schedule of the deploying parent, (ii) the nondeploying parent shall facilitate telephonic and electronic mail contact between the child and the deploying parent, and (iii) the deploying parent shall provide timely information regarding his leave schedule to the deploying parent. This bill incorporates SB 170.

*Patron - Herring*

**PSB313 Child support; exemption; parents who are imprisoned for life.** Clarifies that only parents who are imprisoned for life with no chance of parole are exempted from paying the presumptive minimum child support obligation of \$65

per month. Currently, all parents who are imprisoned with no chance of parole are exempted.

*Patron - Edwards*

**PSB328 Divorce; service by indigents.** Provides that in a suit for annulment, divorce, or affirmance of a marriage, if a plaintiff is indigent and the defendant is not a resident of the Commonwealth or cannot be located, the order stating the object of the suit and grounds thereof shall, in lieu of publication, be mailed to the defendant at his last known address and posted on the courthouse door.

*Patron - Quayle*

**PSB330 Admissibility of mental health care records in custody and visitation cases.** Repeals the current law that 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. This bill incorporates SB 331.

*Patron - Quayle*

**PSB608 Crimes; effect of subsequent marriage to child over 14 years of age.** Repeals the code section that provides a defense to carnal knowledge of a child 14 years of age or older when there is a subsequent marriage of the victim and the perpetrator. HB 597 is identical.

*Patron - Stolle*

### Failed

**FHB729 Marriage license.** Requires that the marriage record prepared by the clerk in issuing a marriage license include the last four digits of the social security number of each party if such number has been issued to the party by the Social Security Administration.

*Patron - Scott, E.T.*

**FHB1325 Child support; exemption; parents who are imprisoned for life.** Clarifies that only parents who are imprisoned for life with no chance of parole are exempted from paying the presumptive minimum child support obligation of \$65 per month. Currently, all parents who are imprisoned with no chance of parole are exempted.

*Patron - Toscano*

**FBSB170 Custody and visitation; modification based on active military duty.** Provides that a court cannot modify a custody or visitation order when one parent is on active military duty; however, a court may enter a temporary order modifying the prior custody or visitation order if it is in the best interests of the child. Any such temporary order expires upon the termination of the parent's active military duty, and the prior order is reinstated. Any such temporary order may also include a delegation of the visitation rights of a parent on active military duty to another person with a legitimate interest. This bill has been incorporated into SB 188.

*Patron - Blevins*

**FBSB331 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. This bill has been incorporated into SB 330.

*Patron - Cuccinelli*

**SB629 Child support; incarcerated parents.** Provides that the child support payments of a parent who is sentenced to a term of incarceration of at least six months shall be tolled during the term of incarceration upon the motion or request of the parent. Child support payments that are tolled continue to accrue during the term of incarceration and, upon the parent's release, the amount of his support arrearages shall be calculated and a payment plan shall be established. The provisions of the bill will become effective only if an appropriation of general funds effectuating the purposes of the bill is included in a general appropriations act.

*Patron - Ticer*

## Carried Over

**HB700 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*

**HB1074 Expedited hearings; active duty military.** Provides that persons on active duty military may motion the court for an expedited hearing on custody and visitation matters.

*Patron - Suit*

**SB725 Grounds for divorce; minor children.** Provides that a married couple who have minor children may not obtain a divorce based on separation if the other party files a written objection with the court.

*Patron - Cuccinelli*

## Drainage, Soil Conservation, Sanitation and Public Facilities Districts

### Passed

**SB706 Hampton Roads Sanitation District.** Redefines the term "sewage disposal system." The bill also provides that all construction contracts, except in cases of emergency, that the District's Commission may let for construction, or materials in connection with such construction, shall be let after public advertising and in accordance with the provisions of the Virginia Public-Private Education Facilities and Infrastructure Act of 2002, as well as all subsequent amendments and additions to Virginia public procurement law. The bill also requires that the Virginia Department of Environment Quality approve any substantial change in the method used by the Commission for treating and disposing of sewage and industrial wastes so as to prevent the pollution of any waters within the District as effective and satisfactory for the purpose intended. Further, the District may enter into any contract that the Commission determines to be necessary or appropriate to place any obligation or investment of the District, as repre-

sented by bonds or the investment of their proceeds, in whole or in part, on the interest rate, cash flow or other basis desired by the Commission.

*Patron - Norment*

## Education

### Passed

**HB97 Advanced technical diploma.** Clarifies the diplomas available to students who complete both the requirements for an advanced studies diploma and a concentration in career and technical education.

*Patron - Purkey*

**HB137 Textbook purchasing contracts.** Permits local school boards to enter into contracts with publishers for the purchase of textbooks. The bill expands the definition of textbook to include print and electronic media. The bill reorganizes the textbook purchasing process and repeals several sections of outdated code. Also provides that if consumable materials are sold to students, the local school board must provide those materials at a reduced price, or free of charge, to students who are unable to afford them. This bill is identical to SB 356.

*Patron - Peace*

**HB241 Board of Education supervision of programs for school-age children in certain hospitals.** Requires the Board of Education to supervise provision of education and training to school-aged children who are patients at the children's hospital associated with the Virginia Commonwealth University Health System Authority. This bill contains an emergency clause. This bill is identical to SB 357.

*Patron - O'Bannon*

**HB242 Standards of Learning; physical fitness program.** Requires local school boards to provide a physical fitness program with a goal of 150 minutes per week for all students.

*Patron - O'Bannon*

**HB246 Department of Education; best practices database.** Requires the Department of Education to develop a database of local school divisions' best practices regarding nutrition and physical education, including results of wellness-related fitness assessments. The database shall be accessible to all local school divisions and the Department of Health, and no school division shall be required to submit information to the database. This bill is identical to SB 61.

*Patron - O'Bannon*

**HB259 Students transferring out of a local school division.** Requires a local school division to obtain written documentation of a student's transfer before making any status classification in an information management system.

*Patron - Fralin*

**HB354 Textbook purchasing contracts.** Permits local school boards to enter into contracts with publishers for the purchase of textbooks. The bill (i) expands the definition of textbook to include print and electronic media; (ii) reorganizes the textbook purchasing process and repeals several sections of outdated Code; (iii) provides that if consumable materials are sold to students, the local school board must provide those materials at a reduced price, or free of charge, to students who are unable to afford them; and (iv) allows any private school to purchase from a local school board's contract with the pub-

lisher, with the approval of both the local school board and the publisher.

*Patron - Cole*

**HB506 Virginia Teaching Scholarship Loan Program.** Expands the scholarship program to award scholarships to students in an approved teacher education program leading to an endorsement in career and technical education. This bill is identical to SB 169.

*Patron - Hamilton*

**HB767 Home instruction of children.** Eliminates (i) the requirement that correspondence courses must be approved by the Superintendent of Public Instruction in order to qualify as a suitable program for home instruction and (ii) the provision allowing parents to provide programs that are judged by the division superintendent to include the standards of learning objectives for language arts and mathematics. In addition, the bill allows for the provision of home instruction if the parent provides a program through distance learning or if the parent provides evidence that he is able to provide an adequate education for the child.

*Patron - Tata*

**HB769 Literary Fund; memoranda of lien.** Provides that upon request of a locality, any memoranda of lien deposited with the State Treasurer on behalf of the Literary Fund prior to July 1, 2007, shall be released.

*Patron - Tata*

**HB770 System of accounting in public schools.** Establishes technology as a major classification of school funds.

*Patron - Tata*

**HB771 Joint and regional schools.** Provides that any joint, regional, or regional charter school in operation prior to July 1, 2008, may request a waiver from any new regulation requirements promulgated after that date. Also, the bill provides that any joint or regional school, such as academic year Governor's Schools, may set the school calendar so that the first day students are required to attend school will comport with the calendar of any of the participating school divisions, including those granted a waiver to start before Labor Day. This bill contains an emergency clause.

*Patron - Tata*

**HB777 Commission on Civics Education.** Extends the sunset provision applicable to the Commission from July 1, 2008, to July 1, 2010. This bill is identical to SB 306.

*Patron - Tata*

**HB809 Provisional and local eligibility licenses; military personnel.** Permits the Board of Education to extend a three-year provisional license an additional year for each school year or portion thereof for which a teacher is activated or deployed for military service. The bill provides that local school divisions may offer a similar extension to teachers holding three-year local eligibility licenses. This bill contains an emergency clause.

*Patron - Ward*

**HB936 Local composite index; number of students.** Increases from 350 to 1,100 the maximum number of students allowed for a school division to qualify to have its state share of aid adjusted, based on a cost-sharing agreement with a neighboring school division. In addition, only those school divisions located in a locality with a composite index of .6000 or greater that has at least 65 percent of its local taxes coming from real estate taxes would qualify. The bill provides that no additional supplemental basic aid payments shall be made prior

to July 1, 2010, and the sum of the basic aid payment and any supplemental basic aid payment would not exceed the basic aid payment appropriated to the locality by the 2007 session of the General Assembly.

*Patron - Gilbert*

**HB1135 Expression of religious viewpoints in the public schools.** Provides that a student's voluntary expression of a religious viewpoint on an otherwise permissible subject must be not be discriminated against by local school divisions.

*Patron - Fralin*

**HB1183 Requirements for home instruction of children.** Provides that an appropriate evaluation that a parent may submit to the division superintendent in order to indicate an adequate level of educational growth and progress includes: (i) an evaluation letter from a person licensed to teach in any state, or a person with a master's degree or higher in the field of education, having knowledge of the child's academic progress, stating that the child is achieving an adequate level of educational growth and progress; or (ii) a report card or transcript from a community college or college, college distance learning program, or home education correspondence school.

*Patron - Lingamfelter*

**HB1242 Physical or sexual abuse of a child; school employees.** Prohibits the employment of an applicant for employment requiring direct contact with students if such applicant is the subject of a founded case of physical or sexual abuse of a child. Additionally, the bill requires the dismissal of a teacher who while employed by a local school board, becomes the subject of a founded case of physical or sexual abuse of a child and has exhausted all available appeals. This bill also requires the Department of Social Services to report any founded complaints of sexual abuse of a child to a school board, where the subject of the report is a full-time, part-time, permanent or temporary teacher in a school division located within the Commonwealth.

*Patron - Bell*

**HB1425 No Child Left Behind; withdrawal.** Requires the Board of Education to make a recommendation to the General Assembly on whether Virginia should withdraw from the federal No Child Left Behind (NCLB) Act, unless reauthorization of the Elementary and Secondary Education Act provides the necessary revisions in the NCLB Act that allow Virginia's existing educational accountability system, as set forth in the Standards of Quality, Standards of Learning, and Standards of Accreditation, to substantially meet the accountability requirements of the federal law. If the Board recommends withdrawing from participation in NCLB, the Board must develop a plan for withdrawal and must submit such plan to the Governor and the General Assembly for their consideration by June 30, 2009. This bill is identical to SB 490.

*Patron - Landes*

**HB1439 School employees; criminal acts.** Requires the court clerks to notify the Superintendent of Public Instruction when a person known to be licensed by the Board of Education is convicted of a felony drug crime or certain felony sex crimes involving a child victim. The bill also requires (i) local school boards to develop policies and procedures to address complaints of sexual abuse of a student by a teacher or other school board employee; (ii) the Board of Education to include requirements for the denial, suspension, cancellation, revocation, and reinstatement of licensure in its regulations; (iii) notification by the local school board to the Board of Education when a licensed employee of a school board is dismissed or resigns because of certain criminal convictions or a founded child abuse or neglect case; (iv) notification by the local

department of social services to the Superintendent of Public Instruction when the subject of a founded complaint of child abuse or neglect is known to hold a license from the Board of Education; and (v) the Board of Education to revoke the license of any person who has resigned because he has been convicted of a felony, sex offense, drug offense or because he is the subject of a founded case of child abuse or neglect. This bill incorporates HB 1067. This bill is identical to SB 241.

*Patron - Frederick*

**SB44 At-risk students; after school programs.** Allows local school boards to establish after school programs designed to prevent at-risk youth from engaging in illegal or gang-related activities for school aged children. Local funds appropriated for educational purposes may be used to support such programs.

*Patron - Miller, Y.B.*

**SB61 Department of Education; best practices database.** Requires the Department of Education to develop a database of local school divisions' best practices regarding nutrition and physical education, including results of wellness-related fitness assessments. The database shall be accessible to all local school divisions and the Department of Health, and no school division shall be required to submit information to the database. This bill is identical to HB 246.

*Patron - Howell*

**SB169 Virginia Teaching Scholarship Loan Program.** Expands the scholarship program to award scholarships to students in an approved teacher education program leading to an endorsement in career and technical education. This bill is identical to HB 506.

*Patron - Blevins*

**SB306 Commission on Civics Education.** Extends the sunset provision applicable to the Commission from July 1, 2008, to July 1, 2010. This bill is identical to HB 777.

*Patron - Reynolds*

**SB326 Career and technical education; industry certification.** Requires the Board of Education to develop a plan for increasing the number of students receiving industry certification and state licensure as part of their career and technical education.

*Patron - Wagner*

**SB356 Textbook purchasing contracts.** Permits local school boards to enter into contracts or issue purchase orders with publishers for the purchase of textbooks. The bill reorganizes the textbook purchasing process and repeals several sections of outdated code. Also provides that if consumable materials are sold to students, the local school board must provide those materials at a reduced price, or free of charge, to students who are unable to afford them. This bill is identical to HB 137.

*Patron - Watkins*

**SB357 Programs and teachers in regional detention homes, agencies, and institutions.** Requires the Board of Education to supervise the program of evaluation, education and training provided to school-age children by the teaching hospital associated with the Virginia Commonwealth University Health System Authority. This teaching hospital is added to the list of those education and training programs provided by agencies and institutions that the Board is required to prepare and supervise. This bill contains an emergency clause. This bill is identical to HB 241.

*Patron - Watkins*

**SB376 Local school divisions; annual budget.** Requires local school divisions to publish their annual budget on the local school division website. If there is no local school division website, the budget must be available in hard copy. This bill has a delayed effective date of January 1, 2009.

*Patron - Stuart*

**SB490 No Child Left Behind; withdrawal.** Requires the Board of Education to make a recommendation to the General Assembly on whether Virginia should withdraw from the federal No Child Left Behind (NCLB) Act, unless reauthorization of the Elementary and Secondary Education Act provides the necessary revisions in the NCLB Act that allow Virginia's existing educational accountability system, as set forth in the Standards of Quality, Standards of Learning, and Standards of Accreditation, to substantially meet the accountability requirements of the federal law. If the Board recommends withdrawing from participation in NCLB, the Board must develop a plan for withdrawal and must submit such plan to the Governor and the General Assembly for their consideration by June 30, 2009. This bill is identical to HB 1425.

*Patron - Hanger*

**SB559 Local composite index; number of students.** Increases from 350 to 1,100 the maximum number of students allowed for a school division to qualify to have its state share of aid adjusted, based on a cost-sharing agreement with a neighboring school division. In addition, only those school divisions located in a locality with a composite index of .6000 or greater that has at least 65 percent of its local taxes coming from real estate taxes, would qualify. The bill provides that no additional supplemental basic aid payments shall be made prior to July 1, 2010, and the sum of the basic aid payment and any supplemental basic aid payment would not exceed the basic aid payment appropriated to the locality by the 2007 Session of the General Assembly.

*Patron - Obenshain*

**SB640 Family life education; mental health.** Adds mental health education and awareness to the list of topics to be covered in family life education curricula.

*Patron - Ticer*

## Failed

**HB60 Require 65% of each education dollar be spent in the classroom.** 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 percent 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*

**HB92 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*

**HB107 Public schools; grade placement test.** Requires the Board of Education to develop or approve a standardized test to be used to determine the appropriate grade placement for a student transferring from a private school to a public school.

*Patron - Cole*

**HB120 Education; computation of composite index.** Requires the General Assembly to adjust the state share of providing an educational program meeting the Standards of Quality, for all localities that have adopted a land-use plan. The state share for such localities will be increased by an amount equivalent to the state share if a real property tax value indicator of local wealth were used that incorporates the land-use assessment value for those properties within a land-use plan.

*Patron - Lingamfelter*

**HB150 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*

**HB209 Standards of Quality; support personnel.** Requires each local school board to establish a collaborative agreement with a local law-enforcement agency to employ one full-time school resource officer for each school.

*Patron - Cole*

**HB255 School calendar.** Makes local school boards responsible for setting the school calendar and determining the opening of the school year, and eliminates the post-Labor day opening requirement and "good cause" scenarios for which the Board of Education might grant waivers of this requirement.

*Patron - Fralin*

**HB283 Family life education; parental notification.** Requires school divisions to distribute to the parents or guardians of a student participating in the family life education program a summary of the program implemented by the school division. In addition, the summary language is included.

*Patron - Toscano*

**HB291 Local school boards; duties.** Requires local school boards to develop written plans prescribing a procedure for: (i) designating school bus stop locations; and (ii) ensuring that no school bus stops shall be located within 50 feet of the home of an individual required to be registered as a sex offender pursuant to § 9.1-901.

*Patron - Englin*

**HB355 General Education Development testing program.** Lowers the age for the General Education Development (GED) testing program from 18 to 16 years of age with the written permission of a parent.

*Patron - Cole*

**HB375 Nonpublic school students; participation in interscholastic sports.** Directs a nonprofit corporation founded in Virginia in 1913 to organize and govern interscholastic activities among the public high schools to provide an exception to its rules allowing eligibility for participation in interscholastic sports by any nonpublic school student who is eligible for free tuition in a public school in Virginia.

*Patron - Carrico*

**HB417 Certain information required on birth certificates for entrance to public schools.** Requires principals or their designees to record in the pupil's permanent school record the place and country of birth collected from information obtained on the birth certificate or affidavit submitted in lieu of the birth certificate. This bill also requires each school board to collect and report from the birth certificates and affidavits, the number of pupils without identifiable information enrolled in the public schools of the school division, by place and country of birth. Local school boards and the Superintendent of Public Instruction must also collect similar information during the triennial school census and report the findings on their websites and make the information available in writing upon request.

*Patron - Marshall, R.G.*

**HB419 Computation of composite index.** Requires the General Assembly to reduce a county or city's composite index 0.0100 for every five hundred students with limited English proficiency attending public school in that county or city.

*Patron - Marshall, R.G.*

**HB449 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 - Rust*

**HB494 Project Lead the Way Launch Program.** Provides matching state funding to a local school division that launches the Project Lead the Way Program in a division high school. Awards from the fund must be matched on at least a dollar-for-dollar basis by the respective local school division, with private funds, or any combination thereof, for the purposes of initiating a Project Lead the Way Program in a division's high school. This bill is a recommendation from the Joint Subcommittee to Study Science, Math, and Technology Education in the Commonwealth at the Elementary, Secondary, and Undergraduate Levels (HJR 25, 2006).

*Patron - Cosgrove*

**HB566 Literary Fund; distributions.** Raises the maximum limit for any loan from the Literary Fund from \$7.5 million to \$14 million. This bill was incorporated into HB 923.

*Patron - Crockett-Stark*

**HB569 Professional registered nurse; local school boards to employ.** Requires each school board to employ at least one experienced professional registered nurse to supervise the nursing services provided throughout the school division.

*Patron - Crockett-Stark*

**HB570 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*

**HB613 Licensure of certain school personnel.** Provides that only classroom teachers must be licensed to teach in the public schools and removes the licensure requirements for division superintendents, principals, and assistant principals. This bill provides that, effective July 1, 2008, Board regulations and local school board policies may establish minimum requirements for such positions, but may not require the completion of a degree or coursework or specialized training currently required for licensure as a division superintendent, principal, and assistant principal. The bill also provides that

any person holding a license in accordance with the provisions of the Code of Virginia and the regulations of the Board of Education may teach in the public schools of the Commonwealth. Persons who would teach in the public schools must hold a baccalaureate degree from an accredited institution of higher education with a majority of the credit hours earned for the degree concentrated in a subject taught in the public schools. The Board's regulations must also require that a majority of credit hours earned, or coursework or in-service training hours completed for the renewal of a license must be concentrated in a subject taught in the public schools. Further, the Board of Education may not require more than nine credit hours in pedagogical or noninstructional related courses as a condition of licensure or licensure renewal. The licensure requirements of other professionals employed by local school boards who are licensed to practice their professions by other professional boards in the Commonwealth remain in effect.

*Patron - Poisson*

**HB614 Public charter school; definition.** Amends the definition of "public charter school" to include a publicly chartered individual department or a program in math, science, or other critical shortage discipline area, to exist within a public school.

*Patron - Poisson*

**HB654 Math, Science, and Career and Technical Education Grant Program and Fund.** Establishes the Math, Science, and Career and Technical Education Grant Program and Fund to award competitive grants to current teachers in Virginia to obtain master's degrees.

*Patron - Moran*

**HB671 Parental notification; student's receipt of mental health treatment.** Requires parental notification from administrative or instructional personnel and school counselors and psychologists who as a result of direct communication with a student have reason to believe that such student is suicidal or is at risk of harming others. In addition, requires parental notification of a student's receipt of mental health treatment for suicidal tendencies or other behavior indicating that such student may be an imminent danger to others. This bill is incorporated into HB 1005.

*Patron - Marshall, R.G.*

**HB722 Local school board policies; classroom placement of twins or higher order multiples.** Requires local school boards to develop and implement policies to allow a parent of twins or higher order multiples to request that the children be placed in the same classroom or separate classrooms if they are in the same grade level at the same elementary school.

*Patron - Scott, E.T.*

**HB863 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*

**HB896 Preadmission physical examinations.** Provides that prior to a student entering public preschool, kindergarten, or first grade for the first time, such student must furnish a comprehensive physical examination performed within the 12 months prior to the date such pupil first enters such public preschool, kindergarten, or elementary school.

*Patron - Lohr*

**HB984 Math specialist pilot program.** Requires the Department of Education to establish a math specialist grant program to provide grants to six geographically diverse school divisions across the Commonwealth for the purposes of hiring math specialists. The purpose of the project is to determine the long-term feasibility of requiring at least one permanent math specialist for every school division in the Commonwealth. The funding for the pilot program shall be from such funds as are provided for that purpose in the general appropriations act.

*Patron - Nutter*

**HB1048 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. 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*

**HB1053 Standards of Quality; Standard 2.** Increases the requirement for state-supported instructional positions for students identified as having limited English proficiency from 17 full-time equivalent positions for each 1,000 students to 30 full-time equivalent positions for each 1,000 students. This bill was incorporated into HB 437.

*Patron - Scott, J.M.*

**HB1094 Standards of Quality; instructional programs.** Requires local school boards to provide an opportunity for every high school student to integrate approved online lessons or instruction or an online experience into required courses.

*Patron - Sickles*

**HB1216 Planning time for school teachers.** Requires school boards to ensure that all school teachers are provided at least three hours a week of unencumbered, self-directed planning time.

*Patron - Tyler*

**HB1272 Financial literacy education.** Provides that local school boards must require the completion of 12 class hours of instruction in financial literacy as a condition for graduation from the public schools in the Commonwealth.

*Patron - Spruill*

**HB1403 Family life education.** Requires instruction on the use of Food and Drug Administration approved methods of contraception to be added to the family life education curriculum in public schools.

*Patron - McClellan*

**HB1440 Kidney disease screening for public school students.** Directs each school board to provide parent educational information or, within time periods specified in Board of Education regulations, to implement a program of regular screening for kidney disease for pupils at all grade levels, unless such students are pupils admitted for the first time to a public school and have been tested as part of the required comprehensive physical examination, or the parents of such students have indicated their preference that their children not

participate in such screening. Local school boards are to develop procedures for parents to indicate their desire to "opt out." The Board of Education is to promulgate regulations for the implementation of the screening program, which shall address, but shall not be limited to, requirements and training for school personnel and volunteers who may conduct such screenings; procedures for the notification of parents when evidence of kidney disease is detected; and such other provisions as the Board deems necessary. Local school divisions may seek volunteers from among health care professionals.

*Patron - Hull*

**HB1481 Contractors on school property.** Provides that a contractor or his employee may request a waiver from disqualification of providing services because of a felony conviction under certain conditions. The felony conviction must have occurred at least five years prior to the date of the waiver request, and the felony must not have involved: (i) the sexual molestation or physical or sexual abuse or rape of a child; (ii) any crime against the person under Chapter 4 of Title 18.2; or (iii) health and safety under Articles 1 or 1.1 of Chapter 7 of Title 18.2.

*Patron - Ware, O.*

**SB48 Planning time for school teachers.** Requires school boards to ensure that all school teachers are provided an average of 30 minutes a day of planning time.

*Patron - Whipple*

**SB124 Superintendent of Public Instruction; eliminating trans fats.** Requires the Superintendent of Public Instruction to develop guidelines, based on the FDA's standards for trans fats, with the goal of eliminating foods containing trans fatty acids from public schools. The gradual elimination shall begin with the elimination of trans fats 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*

**SB155 Family life education.** Requires instruction on the use of Food and Drug Administration approved methods of contraception to be added to the family life education curriculum in public schools.

*Patron - McEachin*

**SB267 Teacher compensation; goal.** States that it is a goal of the Commonwealth that its public school teachers be compensated at a rate that is competitive with the national average teacher salary.

*Patron - Deeds*

**SB435 Education; computation of composite index.** Modifies the current Standards of Quality 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 assessed and taxed at their use value. 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 - Vogel*

**SB438 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 - Vogel*

**SB537 Local school boards; grade-changing policies.** Requires local school boards to develop and implement policies specifying the criteria and procedures for changing any grade given to a student.

*Patron - Barker*

**SB542 Public schools; abortion services prohibited.** Prohibits school divisions and their employees from providing abortion services. The bill also prohibits any provider of abortion services from providing information or course materials related to human sexuality or sexually transmitted diseases. Abortion services means (i) performing, inducing, or assisting in the performance or inducing of an abortion that is not necessary to save the life of the mother; (ii) encouraging a patient to have an abortion or referring a patient for an abortion that is not necessary to save the life of the mother; or (iii) developing or dispensing drugs, chemicals, or devices intended to be used to induce an abortion that is not necessary to save the life of the mother.

*Patron - Obenshain*

**SB557 Preadmission physical examinations.** Provides that a pupil's comprehensive physical examination completed within the 24 months prior to the date such pupil first enters a public kindergarten or elementary school is acceptable so long as the physical examination was performed prior to the pupil's attending a public pre-kindergarten program.

*Patron - Obenshain*

**SB567 Standards of Quality; LEP teachers.** Increases from 17 to 30 the number of full-time equivalent instructional positions for each 1,000 students identified as having limited English proficiency.

*Patron - Saslaw*

**SB655 Contractors; employees having direct contact with students on school property; penalty.** Provides that the contractor must certify that all persons having direct contact with students on school property under a contract for the provision of services have not been convicted of a felony barrier crime.

*Patron - Newman*

**SB721 Competitive foods in public schools; report.** Requires the Board, in cooperation with the Department of Health, to promulgate and periodically update regulations setting nutritional guidelines for all competitive foods sold during the school day. Also requires (i) the Board to adopt the Governor's Nutrition and Physical Activity Scorecard's nutritional guidelines as the statewide standard for competitive foods; (ii) the Board to report to the General Assembly on the final regulations by December 1, 2010; and (iii) local school boards to report to the Department of Education on their plan to implement the final regulations by 30 days prior to the beginning of the 2011-2012 school year.

*Patron - Barker*

**SB732 Reports of Class 1 misdemeanors to school authorities.** Provides that local law-enforcement authorities shall report to the school division superintendent and to the principal or his designee all offenses, wherever committed, by students enrolled in the school if such offense would be a Class 1 misdemeanor if committed by an adult.

*Patron - Smith*



**SB745 Legal presence verification; public schools and higher education.** Requires all public schools to verify each child's legal presence, and, if appropriate, to develop a plan to assist the child in attaining legal presence, or to take other appropriate action as determined by the locality. Specifies that no child shall be denied admission to a public school for failure to provide evidence of legal presence. Also requires public institutions of higher education to require proof of legal presence prior to enrollment.

*Patron - Hanger*

## Carried Over

**HB273 Interscholastic activities; baseball bats.** Requires any nonprofit corporation founded in Virginia in 1913 that currently organizes and governs interscholastic activities among the public high schools to develop, implement, and enforce rules requiring the exclusive use of wood or wood composite baseball bats in interscholastic baseball or softball activities.

*Patron - Miller, P.J.*

**HB379 Public schools; permitted fees and charges.** Allows local school boards to withhold a student's report card or diploma because of nonpayment of a fee or charge related to loss or damage of a textbook.

*Patron - Marshall, D.W.*

**HB395 Interstate Compact on Educational Opportunity for Military Children.** Establishes a compact to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents. The compact becomes effective when 10 states enact the compact into law.

*Patron - Cole*

**HB437 Composite index formula for basic state aid to public schools.** Requires division superintendents to include the number of students enrolled in the public schools of the school division for whom English is a second language in estimating the amount of money that will be needed during the next fiscal year for the support of the public schools of the school division. Also, the Department of Education must include the percentage of such students in the public schools of each school division when calculating the composite index of local ability-to-pay. In addition, the Superintendent of Public Instruction must prepare or cause to be prepared the calculation of the composite index of local ability-to-pay to include the percentage of such students in every school division. This bill incorporates HB 1053.

*Patron - Frederick*

**HB749 Apportionment of state and local share; adjustments for English as a second language and special education programs.** Directs that the General Assembly, in apportioning the state and local share for the costs of providing an educational program meeting the Standards of Quality shall, as provided in the appropriation act, modify the formula that determines each locality's ability to pay for its share of providing an educational program meeting the prescribed Standards of Quality to incorporate statewide average teacher salaries and to provide adjustments for the number of special education students and students receiving English as a second language instruction.

*Patron - Caputo*

**HB759 Annual report of expenditures; local school boards.** Requires the annual report of expenditures provided by the school board to the appropriate governing body to also

be made available to the public in sufficient detail for citizens to readily identify how appropriated funds have been spent.

*Patron - Poindexter*

**HB808 Special education services; parental consent.** Provides that parental consent must be obtained by a local school division in order to reevaluate a child receiving special education and related services in order to determine the child's continued eligibility, unless the division can demonstrate that it has taken reasonable measures to obtain consent and the parent has failed to respond. Parental consent is also required to terminate services or find that the child is no longer eligible for special education and related services.

*Patron - Englin*

**HB878 Expenditures and reports on instructional spending.** Requires each local school board to allocate 65 percent of its operating budget to instructional spending. Local school boards must report annually to the Board of Education the percentage of their operating budgets allocated to instructional spending. Any school division that fails to meet the 65 percent requirement must present a plan to the Board of Education to increase instructional spending by 0.5 percent in the following fiscal year. School divisions failing to submit such a plan must be audited by the Auditor of Public Accounts, who is required to submit recommendations to the Board, including instruction concerning how failing school divisions can increase their instructional spending to 65 percent. In addition, the Board must annually report to the Senate Committee on Finance and the House Committee on Appropriations the amount of spending allocated by the local school divisions to instructional spending based on the reports submitted annually by the local school boards.

*Patron - Loupassi*

**HB1234 Standards of Learning; growth model for student academic achievement.** Requires the Board of Education to develop and implement a growth model to assess and measure individual academic performance and achievement from grade to grade. The Board must ensure that the growth model emphasizes instruction and the students' mastery of curriculum content, ensures proficiency in core Standards of Learning subjects, is consistent with the requirements of the No Child Left Behind Act of 2001, and provides flexibility in allowing school divisions to select evaluation and testing instruments to measure student academic performance and achievement, including for state assessment programs.

*Patron - Vanderhye*

**HB1263 Truancy and school dropout prevention.** Provides that local school boards must implement school dropout prevention programs and services that include an emphasis on truancy prevention. The bill amends relevant Code sections pertaining to compliance with the compulsory school attendance law to strengthen the authority of local school boards.

*Patron - Hall*

**HB1538 Public schools; abortion services prohibited.** Prohibits school divisions and their employees from providing abortion services. The bill also prohibits any provider of abortion services from providing information or course materials related to human sexuality or sexually transmitted diseases. Abortion services means (i) performing, inducing, or assisting in the performance or inducing of an abortion that is not necessary to save the life of the mother; (ii) encouraging a patient to have an abortion or referring a patient for an abortion that is not necessary to save the life of the mother; or (iii) developing or dispensing drugs, chemicals, or devices intended to be used

to induce an abortion that is not necessary to save the life of the mother.

*Patron - Pogge*

**SB408 Literary Fund; distributions.** Raises the maximum limit for any loan from the Literary Fund from \$7.5 million to \$14 million.

*Patron - Puckett*

## Educational Institutions

### Passed

**HB513 Virginia State University Board of Visitors.** Increases the Virginia State University Board of Visitors from 11 to 15 members, establishes the term of office of the four additional members, and makes technical and clarifying amendments. This bill is identical to SB 389.

*Patron - Dance*

**HB524 Eligibility for in-state tuition; certain military personnel.** Provides that in determining the domiciliary intent of retired military personnel residing in the Commonwealth at the time of their retirement, or the domiciliary intent of their dependent spouse or children who claim domicile through them, who voluntarily elect to establish Virginia as their permanent residence for domiciliary purposes, the requirement to prove domiciliary intent in Virginia for one year is waived. Also, 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, who are either stationed or assigned by their military service to a work location in Virginia and are residing in Virginia are entitled to in-state tuition.

*Patron - Suit*

**HB766 Fraudulent academic credentials; penalty.** Makes it a Class 1 misdemeanor to operate a degree/diploma mill and to issue or manufacture a fraudulent academic credential or for a person to use one.

*Patron - Tata*

**HB978 Property transfer; Virginia Tech.** Authorizes the board of visitors of Virginia Polytechnic Institute and State University, with the approval of the Governor, to convey 95 acres to the Virginia Tech Foundation, Inc. to allow the expansion of the Virginia Tech Corporate Research Center. This bill is identical to SB 119.

*Patron - Nutter*

**HB979 Tuition Assistance Grants; eligibility.** Provides that students attending the Edward Via Virginia College of Osteopathic Medicine shall be eligible for the Tuition Assistance Grant Program. However, no student who enrolled at the college as a full-time student prior to the fall of 2009 shall be eligible for the Tuition Assistance Grant Program.

*Patron - Nutter*

**HB989 Board of visitors; University of Virginia.** Provides that all appointments made on or after July 1, 2008, to the board of visitors must be for terms of four years that commence on July 1 of the first year of appointment. Such terms expire on June 30 of the year of scheduled expiration, including appointments made before July 1, 2008. This bill is identical to SB 569.

*Patron - Bell*

**HB1005 Institutions of higher education; notification of mental health treatment.** Requires the board of visitors or other governing board of any public institution of higher education to establish policies and procedures requiring the notification of a parent of a dependent student when such student receives mental health treatment at the institution's student health or counseling center and it has been determined that there exists a substantial likelihood that, as a result of mental illness the student will, in the near future, (i) cause serious physical harm to himself or others as evidenced by recent behavior or any other relevant information or (ii) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs. This bill incorporates HB 671 and HB 1251.

*Patron - Bell*

**HB1058 Institutions of higher education; release of educational records.** Requires the board of visitors or other governing board of any public institution of higher education to establish policies and procedures requiring the release of a student's educational record if the parent requesting the record claims the student as a dependent.

*Patron - Amundson*

**HB1124 Management agreement with Virginia Commonwealth University.** Provides a management agreement between the Commonwealth of Virginia and Virginia Commonwealth University pursuant to the Restructured Higher Education Financial and Administrative Operations Act. This bill is identical to SB 358.

*Patron - Jones, S.C.*

**HB1390 Public institutions of higher education; operational authority.** Provides operational authority for public institutions of higher education in the areas of information technology, procurement, and capital outlay pursuant to the Restructuring Act of 2005.

*Patron - Putney*

**HB1438 Educational institutions; governmental instrumentalities.** Names Richard Bland College of the College of William and Mary as a governmental instrumentality. This bill contains an emergency clause.

*Patron - Cox*

**HB1449 Public institutions of higher education; crisis and emergency management plans.** Requires the board of visitors or other governing body of each public institution of higher education to develop, adopt, and keep current a written crisis and emergency management plan. Such plan must be reviewed and revised every four years. The Department of Emergency Management must assist institutions, as needed, in their development of the plan. The bill also requires each board of visitors to establish a threat assessment team to develop a campus-wide threat assessment policy, and to establish a first warning notification and emergency broadcast system. This bill incorporates HB 489, HB 1268, and HB 1316. This bill is identical to SB 256, SB 538, and SB 539, combined.

*Patron - Crockett-Stark*

**SB98 Longwood University; board of visitors.** Increases the Longwood University board of visitors from 11 to 13 members and makes clarifying amendments.

*Patron - Ruff*

**SB119 Property transfer; Virginia Tech.** Authorizes the board of visitors of Virginia Polytechnic Institute and State University, with the approval of the Governor, to convey 95 acres to the Virginia Tech Foundation, Inc. to allow the expansion of the Virginia Tech Corporate Research Center.

sion of the Virginia Tech Corporate Research Center. This bill is identical to HB 978.

*Patron - Edwards*

**PSB219 Roanoke Higher Education Authority.** Removes Virginia Intermont College from the Board of Trustees that governs the Authority.

*Patron - Edwards*

**PSB256 Public institutions of higher education; crisis and emergency management plans.** Requires the board of visitors or other governing body of each public institution of higher education to develop, adopt, and keep current a written crisis and emergency management plan. Such plan must be reviewed and revised every four years. The Department of Emergency Management must assist institutions, as needed, in their development of the plan. This bill is identical to HB 1449.

*Patron - Deeds*

**PSB358 Management agreement with Virginia Commonwealth University.** Provides a management agreement between the Commonwealth of Virginia and Virginia Commonwealth University pursuant to the Restructured Higher Education Financial and Administrative Operations Act. This bill is identical to HB 1124.

*Patron - Watkins*

**PSB389 Virginia State University; Board of Visitors.** Increases the VSU Board of Visitors from 11 to 15 members, establishes the term of office of the four additional members, and makes technical and clarifying amendments. This bill is identical to HB 513.

*Patron - Martin*

**PSB442 Public institutions of higher education; operational authority.** Provides operational authority for public institutions of higher education in the areas of information technology, procurement, and capital outlay pursuant to the Restructuring Act of 2005.

*Patron - Houck*

**PSB510 Institutions of higher education; student lending policies; report.** Requires the State Council of Higher Education to develop policies and procedures for disclosing certain information to students on student lending practices. This information shall include (i) the criteria used to determine which lenders, if any, are recommended or endorsed by the school, and (ii) explicit notification that students are free to borrow from any lender of their choosing and are not limited to a list offered by the school. Also, the bill prohibits public institutions of higher education from entering into exclusive agreements with vendors regarding student loans, and prohibits employees from accepting gifts to induce endorsement of certain vendors.

*Patron - McEachin*

**PSB538 Higher education; first warning and emergency notification system required.** Mandates that by January 1, 2009, each public institution of higher education establish a comprehensive, prompt, and reliable first warning and emergency notification system for students, staff, and faculty. This bill is identical to HB 1449.

*Patron - Obenshain*

**PSB539 Higher Education; threat assessment teams at each public institution of higher education.** Requires the board of visitors or other governing body of every public institution of higher education in the Commonwealth to establish a threat assessment team. The bill also requires the team to adopt

a campus-wide committee charged with education and prevention of violence on campus. This bill is identical to HB 1449.

*Patron - Obenshain*

**PSB569 Board of visitors; University of Virginia.** Provides that all appointments made on or after July 1, 2008, to the board of visitors must be for terms of four years that commence on July 1 of the first year of appointment. Such terms expire on June 30 of the year of scheduled expiration, including appointments made before July 1, 2008. This bill is identical to HB 989.

*Patron - Saslaw*

**PSB613 Eastern Virginia Medical School; Board of Visitors terms.** Allows officers of the Board of Visitors to serve up to three additional one-year terms. Contains an emergency clause.

*Patron - Stolle*

**PSB636 Higher education; high school records.** Allows each public and private institution of higher education to request from its students complete student records, including any mental health records held by the originating school. These records shall be kept confidential as required by state and federal law, including the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.

*Patron - Cuccinelli*

**PSB746 Frontier Culture Museum of Virginia.** Allows the Museum to lease structures on state property, with consent of the Governor, and allows the Museum to accept donations gathered by the American Frontier Culture Foundation on its behalf.

*Patron - Hanger*

## Failed

**FHB14 Admission of illegal aliens to public institutions of higher education.** Provides that an alien who is unlawfully present in the United States shall not be eligible for admission to any public institution of higher education in the Commonwealth. This bill incorporates HB 123, HB 425, and HB 1010.

*Patron - Peace*

**FHB37 Educational institutions; selective service registration required.** Provides that anyone failing to register for the Selective Service shall not be eligible for admittance to any state public institution of higher education.

*Patron - Albo*

**FHB117 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, 2008. These funds shall be used to award scholarships to students who (i) are domiciled residents of Virginia, (ii) have 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 2008 General Appropriation Act.

*Patron - Landes*

**FHB118 Higher education; academic freedom.** Requires each public institution of higher education to annually report to the State Council of Higher Education for Vir-

ginia (SCHEV) the steps the institution is taking to ensure academic freedom and the free exchange of ideas. SCHEV must compile the information and report to the General Assembly by December 31 of the last year of each biennium.

*Patron - Landes*

**HB123 Institutions of higher education; enrollment of aliens.** Provides that any alien must present legal documentation of residence or educational status to be eligible for initial enrollment in any public institution of higher education in Virginia. This bill was incorporated into HB 14.

*Patron - Hargrove*

**HB165 Automatic admission to institutions of higher education.** Directs the governing boards of public institutions of higher education to provide for the automatic acceptance of those resident students applying for admission who: (i) have graduated from a public or private high school in Virginia with a grade point average in the top 10 percent of such student's graduating class; and (ii) have completed 320 hours of community service in a program approved by the Secretary of Education, in the year preceding the academic year for which the student is seeking admission.

*Patron - Poisson*

**HB167 In-state tuition; reclassification.** Provides that if a student obtains a reclassification of domiciliary status from an out-of-state student to an in-state student and such initial out-of-state classification is due to administrative error, the differential between out-of-state tuition and in-state tuition paid by the student must be returned by the institution of higher education.

*Patron - Albo*

**HB182 Consolidation of the Virginia Museum of Natural History and the Science Museum of Virginia.** Transfers the governance and operations from the Board of Trustees of the Virginia Museum of Natural History to the Science Museum of Virginia.

*Patron - Marshall, R.G.*

**HB204 Richard Bland College.** Integrates Richard Bland College from under the control of the board of visitors of the College of William and Mary into the Virginia Community College System and under the control of the State Board for Community Colleges.

*Patron - Marshall, R.G.*

**HB300 Higher education; sexual violence prevention.** Provides that from such funds as may be appropriated for such purpose, the State Council of Higher Education for Virginia (SCHEV) must establish a full-time equivalent position to promote sexual violence prevention at public institutions of higher education. In addition, SCHEV must assist in the development of statewide policies regarding sexual harassment, sexual violence, inappropriate sexual relations, and the requirement for sexual violence prevention programs that provide strategies beyond risk reduction.

*Patron - Oder*

**HB424 Possession of concealed handguns by faculty members at state institutions of higher education.** Allows full-time faculty members of state institutions of higher education who possess a valid Virginia concealed handgun permit to carry a concealed handgun on campus.

*Patron - Marshall, R.G.*

**HB425 Birth certificate required for admission to public institutions of higher education; report.** Provides that each public institution in Virginia must require first-time enter-

ing freshmen, upon admission, to submit a certified copy of their birth certificate, or an affidavit in the absence of the birth certificate, noting the place and country of birth. Students who fail to submit a certified birth certificate or an affidavit are ineligible for reduced in-state tuition and other state financial aid. Each institution must report this information, without disclosing personally identifiable information, on its website and to the State Council of Higher Education, and make written copies of the information available upon request. The Council must report the aggregate number of such students by place and country of birth on its website. This bill was incorporated into HB 14.

*Patron - Marshall, R.G.*

**HB427 William and Mary Board of Visitors; election by alumni.** Requires that nine of the 17 members of the Board of Visitors be elected by the alumni association.

*Patron - Marshall, R.G.*

**HB489 Public institutions of higher education; crisis and emergency management plans.** Requires the board of visitors or other governing body of each public institution of higher education to develop, adopt, and keep current a written crisis and emergency management plan. Such plan must be reviewed and revised every four years. The Department of Emergency Management must assist institutions, as needed, in their development of the plan. This bill was incorporated into HB 1449.

*Patron - Shuler*

**HB512 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, 2008. These funds must 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 appropriation act by the 2008 Regular Session of the General Assembly.

*Patron - Dance*

**HB577 Campus police; report of certain incidents to local law-enforcement agency.** Requires the chief of the campus police department of a public or private institution of higher education to report the death or an alleged rape of any person on campus property to the local law-enforcement agency of the locality in which the institution is located. The local law-enforcement agency would assume responsibility for leading the investigation, with cooperation from the institution of higher education.

*Patron - Alexander*

**HB672 Higher education; single-sex housing.** Provides that each four-year public institution of higher education must establish policies to provide single-sex housing to students that: (i) are entitled to on-campus housing; and (ii) request single-sex living arrangements.

*Patron - Marshall, R.G.*

**HB812 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*

**HB980 State Board for Community Colleges.** Requires the State Board for Community Colleges to establish guidelines for the placement of career coaches in public high schools in the Commonwealth and defines career coaches as a community college employee placed in a public high school or other educational or workforce situation for the purpose of helping high school students explore career aspirations, develop career plans, connect students to workforce and college preparatory programs, and guide students to other community college programs such as dual enrollment and career and technical education. Requires local school boards to consult and cooperate with the State Board for Community Colleges and the guidelines for career coach placement.

*Patron - Nutter*

**HB1010 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 was incorporated into HB 14.

*Patron - Hugo*

**HB1011 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, except for the Virginia Military Institute, Norfolk State University, and Virginia State University, must establish rules and regulations requiring that at least 75% of students admitted and enrolled at the institution be Virginia domiciles.

*Patron - Hugo*

**HB1060 Tuition waiver; senior citizens.** Authorizes those individuals who qualified for property tax relief pursuant to § 58.1-3210, for the year preceding the year in which enrollment is sought in any state institution of higher education in the Commonwealth, to register and enroll in courses as a full-time or part-time student for academic credit without paying tuition or fees except fees established for the purpose of paying for course materials.

*Patron - Amundson*

**HB1165 Virginia Teaching Scholarship Loan Program.** Expands the program to include those teacher candidates pursuing an endorsement in a math or science discipline. This bill is a recommendation from the Joint Subcommittee to Study Science, Math, and Technology Education in the Commonwealth at the Elementary, Secondary, and Undergraduate Levels (HJR 25 of 2006).

*Patron - Saxman*

**HB1251 Institutions of higher education; notification of mental health treatment.** Requires the board of visitors or other governing board of any public institution of higher education to establish policies and procedures requiring the notification of a parent of a dependent student when such student receives mental health treatment at the institution's student health or counseling center and the student is found to be a

danger to himself or others. This bill is incorporated into HB 1005.

*Patron - Fralin*

**HB1268 Public institutions of higher education; crisis and emergency management plans.** Requires the board of visitors or other governing body of each public institution of higher education to develop, adopt, and keep current a written crisis and emergency management plan. Such plan must be reviewed and revised every four years. The Department of Emergency Management must assist institutions, as needed, in their development of the plan. This bill was incorporated into HB 1449.

*Patron - Ebbin*

**HB1293 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 of state general fund appropriation for every one dollar donated by private individuals, foundations, or corporations beginning on July 1, 2008. These funds shall be used to award scholarships to students who (i) are domiciled residents of Virginia, and (ii) are enrolled in a Virginia community college.

*Patron - Athey*

**HB1316 Higher Education; threat assessment teams at each public institution of higher education.** Requires the board of visitors or other governing body of every public institution of higher education in the Commonwealth to establish a threat assessment team. The bill also requires the team to adopt a campus-wide threat assessment policy and to regularly seek cooperation from (i) residential life; (ii) academic affairs; (iii) law enforcement; (iv) the counseling center; and (v) student judicial affairs. This bill was incorporated into HB 1449.

*Patron - Nutter*

**HB1373 Eligibility for in-state tuition; Native Americans.** Provides that any person who is a member of a Native American tribe officially recognized by the Commonwealth is eligible for in-state tuition so long as such membership is verified. Additionally, out-of-state students granted in-state tuition because of the provision must be counted as in-state students for the purposes of determining college admissions, enrollment, and tuition and fee revenue policies.

*Patron - Morrissey*

**SB125 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 of state general fund appropriation for every one dollar donated by corporations beginning on July 1, 2008, with state appropriations not to exceed \$5 million in any fiscal year. 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 2008 General Appropriation Act.

*Patron - Edwards*

**SB126 Partial tuition waiver; children of university and college faculty.** Establishes the Dependent Children of University and College Faculty Tuition Grant Program, to provide a tuition grant equal to 50% of the charge for tuition for the children of current full-time faculty members who have been employed full-time by any one or more public Virginia

colleges or universities for an aggregate period of at least seven years. The tuition grants shall be used for undergraduate education at any public institution of higher education in Virginia.

*Patron - Edwards*

**ESB148 Two-Year College Transfer Grant.** Clarifies that (i) grants are made to institutions on behalf of students, not to students directly, (ii) students entering college during summer 2007 term are eligible, (iii) 3.0 grade point average is required only on completion of associate degree program, and (iv) the award amount is a maximum of \$1,000, plus an additional maximum of \$1,000 for engineering, mathematics, nursing, teaching, or science students. The bill also removes the requirement that institutions of higher education reduce state financial aid eligibility by the amount of the grant awarded by the program and allows for prorated grants for eligible part-time students.

*Patron - Stosch*

**ESB434 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.

*Patron - Vogel*

**ESB652 In-state tuition; eligibility of certain individuals.** Allows any person to be eligible for in-state tuition who (i) resided with his parent while attending high school in Virginia, (ii) graduated from a public or private high school or received a GED in Virginia, (iii) resided in Virginia for at least three years, (iv) registered as an entering student in an institution of higher education, (v) is not currently in removal proceedings and has petitioned to become a permanent resident, and (vi) has filed, or has a parent who has filed, Virginia tax returns for at least three years.

*Patron - Hanger*

**ESB781 Institutions of higher education; enrollment of aliens.** Provides that any alien must present legal documentation of residence or educational status to be eligible for initial enrollment in any public institution of higher education in Virginia.

*Patron - Vogel*

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## Carried Over

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**CHB327 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 a 3.0 grade point average 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*

**CHB641 Southern Virginia Higher Education Center.** Exempts the Southern Virginia Higher Education Center from the provisions and requirements of the Virginia Personnel Act (§ 2.2-2900 et seq.).

*Patron - Hogan*

**CHB752 Enrollment in an institution of higher education; mental health record release authorization.** Requires institutions of higher education to obtain a mental health record release authorization from students prior to enrollment.

*Patron - Peace*

**CHB987 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*

**CHB1109 Tuition waiver; certain veterans.** Provides for the waiver of tuition and fees, in excess of federal educational benefits available to the student for the semester in which the student is enrolled, for eligible veterans under certain conditions. The individual institution must determine the eligibility of the applicant for the waiver and must also ascertain that the recipient is in attendance and making satisfactory progress.

*Patron - Shannon*

**CSB705 College of William and Mary; management agreement.** Clarifies the management agreement between the Commonwealth and the College of William and Mary to provide that other than the College Building Official, no individual licensed professional architect or engineer hired or contracted with to perform these functions shall also perform other building code-related design, construction, facilities-related project management or facilities management functions for the College on the same capital project

*Patron - Norment*

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## Elections

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### Passed

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**PHB359 Reporting designated campaign contributions.** Requires political committees, out-of-state political committees, and federal political action committees to provide a candidate's campaign committee with information regarding the contributor of any designated contribution so that the candidate can identify the donor of the designated contribution on

his or her campaign finance report. Political party committees and organized political party groups of elected officials are the only entities currently required to report such information. The provisions of the bill will become effective January 1, 2009. This bill is identical to SB 452. This bill incorporates HBs 53, 54, 353, 1134, and 1389.

*Patron - Cole*

**HB637 Campaign Finance Disclosure Act of 2006; applicability to town elections.** Authorizes the governing body of any town with a population of less than 25,000, by ordinance, to provide that the provisions of the Act shall apply to elections in the town for town offices. Present law exempts from the provisions of the Act all elections for town office in towns with a population of less than 25,000. The bill also will make the town elections subject to other provisions governing political campaign advertisements (§ 24.2-955 et seq.) in those towns opting to be covered by the Act. The provisions on advertisements apply when the cost or value of the advertisement must be reported as a contribution or expenditure under the Campaign Finance Disclosure Act.

*Patron - May*

**HB684 Elections; form of ballots.** Replaces current law provisions specifying the details for the form of ballots with a directive that ballots comply with election law requirements and standards prescribed by the State Board of Elections.

*Patron - Brink*

**HB724 Elections; polling hours; and central absentee voter precincts.** Permits the local electoral board, with the agreement of the general registrar, to delay the opening of the central absentee voter precinct from 6:00 a.m. for up to six hours or until noon, so long as the general registrar's office is available for the receipt of returned absentee ballots during that time and the central precinct is in the same location as the general registrar's office.

*Patron - Scott, E.T.*

**HB789 Campaign finance disclosure; filings by political action committees.** Requires any political action committee that files its statement of organization on or after October 1 and before the November election day in any odd-numbered year (i) to file a campaign finance report for the committee's activities during that year with its statement of organization and (ii) to file reports within 24 hours of receiving any contribution of \$500 or more during the period between the date of filing its statement of organization and the election day. The bill provides for a civil penalty of \$500 for the failure to file any such report and \$1,000 for each additional failure.

*Patron - Ingram*

**HB798 Absentee ballot applications and procedures.** Provides that voters covered by the Uniformed and Overseas Citizens Absentee Voting Act who reside or are stationed outside the continental borders of the United States may receive their blank absentee ballots by electronic transmission. Present law allows these voters to request absentee ballots by electronic transmission. This bill covers the second step of sending the ballot to these overseas voters. The voted ballots will have to be returned by mail. This bill is identical to SB 508.

*Patron - Englin*

**HB800 Implementation of election law changes with respect to special elections.** Provides that a change in the election laws enacted at a regular session will not take effect for a special election when the writ for the special election has been issued before the effective date of the law.

*Patron - Englin*

**HB1062 Elections; persons entitled to vote absentee.** Adds women who cannot go to the polls on election day because of pregnancy to the list of persons eligible to vote absentee.

*Patron - Brink*

**HB1099 Voter registration lists; access to date of birth information.** Provides that the day and month of birth of a registered voter shall not be shown on the pollbook or any registration list or absentee voter records available to the public. Only the year of birth of the voter shall be shown.

*Patron - Sickles*

**HB1127 Campaign finance disclosure; required special reports for certain large contributions.** Provides a technical correction to two sections requiring special reports for certain large contributions by adding a cross-reference to the section that covers the manner and place for filing the reports. An existing cross-reference in these sections covers the required contents of the special reports.

*Patron - Jones, S.C.*

**HB1185 Elections; cancellation of voter registration on basis of noncitizenship.** Provides that the general registrar shall mail notice to voters who are reported not to be citizens by the Department of Motor Vehicles and that such voters will have 14 days to respond to the notice with a sworn statement that the voter is a citizen. Present law provides for automatic cancellation of the voter's registration by the general registrar on receipt of the report from the Department.

*Patron - Lingamfelter*

**HB1197 Elections; voter registration; and electronic administration systems.** Reduces the period of time that registration records must be closed before a general or primary election from 28 to 21 days beginning January 1, 2010. The bill also permits localities to use their own funds to purchase electronic pollbooks that have been approved by the State Board of Elections. Current law authorizes the use of electronic pollbooks only in pilot programs and when paid for by state appropriations.

*Patron - Sickles*

**HB1235 Elections; locking of equipment after election; and timing of special elections.** Provides that the period of time that voting equipment must be locked and secured after an election will be until the deadline has passed to request a recount (generally 10 days after the election results are certified); and reduces from 60 days to 55 days the period of time during which a special election cannot be called before a general or primary election. These changes give more flexibility for the scheduling of special elections. This bill is identical to SB 509.

*Patron - Bouchard*

**HB1262 Elections; absentee ballot applications.** Permits an absentee ballot to be sent to the address where the absentee voter is temporarily confined due to an illness or disability. Current law allows the ballot to be sent to the absentee voter at any address where he will be located while absent from his county or city of residence but not to a temporary location, such as a rehabilitation center, within his county or city of residence.

*Patron - Hall*

**HB1410 Campaign finance disclosure; campaign advertisement disclosure requirements; publication of paid political advertisements.** Reduces from \$500 to \$200 or more the amount of independent expenditures that a person may

make with respect to an election for any office other than a statewide office that will require him to comply with the reporting requirements for independent expenditures under the Campaign Finance Disclosure Act and with the disclosure requirements of the "stand-by-your-ad" law. The bill also provides that a candidate who is clearly identified in a "paid advertisement" is entitled to obtain the identity of the person who submitted the advertisement from the newspaper, magazine, or periodical that published the advertisement.

*Patron - Ingram*

**HB1446 Campaign finance disclosure reports; filing schedule for May elections.** Provides for the filing by May election candidates of an additional campaign finance report on April 15 of the election year, complete for activity through March 31 of that year. Current law requires a report to be filed on the eighth day before the May election date complete for activity through the eleventh day before the election and, for March primary candidates only, a report to be filed on the eighth day before the primary date complete for activity through the eleventh day before the primary. These requirements apply to May elections in all cities and in those towns with a population of 25,000 or more (Blacksburg and Leesburg). Emergency.

*Patron - Ingram*

**HB1455 Elections; provisional ballot procedures.** Corrects a reference in the Code concerning the handling of provisional ballots to clarify that the information provided by the persons casting provisional ballots will be entered in the precinct provisional ballots log rather than in the pollbook for the precinct. This bill is identical to SB 684.

*Patron - Nichols*

**HB1476 Elections; voting equipment; wireless communications at polling places.** Provides exceptions to the prohibition on wireless communications to or from voting devices at the polls on election day. First, the prohibition will not apply to voting equipment purchased by a locality before July 1, 2007. Second, electronic pollbooks may be used. This bill is identical to SB 52. This bill incorporates HB 467, HB 685, and HB 801.

*Patron - Rust*

**HB1477 Elections; town election polling places and processes.** Provides an exception to location limitations on town polling places for November town elections to require use of county precincts, modifies the process for including town offices on November ballots, and specifies how to ascertain and report the election results for towns located in more than one county. This bill is identical to SB 757.

*Patron - Wright*

**HB1494 Congressional, Senate, and House of Delegates Districts.** Makes technical adjustments between the First and Third Congressional Districts, First and Third Senatorial Districts, and Ninety-Third and Ninety-Sixth House of Delegates Districts to reflect boundary adjustments between York County and the City of Newport News made in 2007.

*Patron - Pogge*

**SB7 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" by cross reference to the definition in The Virginians With Disabilities Act. This bill is identical to HB 310.

*Patron - Deeds*

**SB35 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. The bill also requires logic and accuracy tests to be run on tabulators prior to their being used in a recount.

*Patron - Deeds*

**SB52 Elections; voting equipment; wireless communications at polling places.** Provides exceptions to the prohibition on wireless communications to or from voting devices at the polls on election day. First, the prohibition will not apply to voting equipment purchased by a locality before July 1, 2007. Second, electronic pollbooks may be used. This bill is identical to HB 1476.

*Patron - Whipple*

**SB53 Elections; paper and electronic pollbooks.** Permits localities to use their own funds to purchase electronic pollbooks that have been approved by the State Board of Elections. Current law authorizes the use of electronic pollbooks only in pilot programs and when paid for by state appropriations.

*Patron - Whipple*

**SB62 Voter registration procedures; applications and receipts.** Provides that the state form for the application to register to vote shall contain a receipt that will be given to the applicant by any person receiving the application. The receipt states the name of the office or person receiving the application, the date received, 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 or the State Board of Elections.

*Patron - Howell*

**SB292 Elections; pilot programs to audit optical scan tabulators.** Authorizes the State Board of Elections to provide for pilot programs to audit optical scan tabulators in localities that choose to participate with respect to an election in which the margin between the top two candidates for each office on the ballot exceeds 10 percent. The audit will take place only after results of the election have been certified and the time to initiate a recount has expired. The audit may be used to test the accuracy of the tabulators and to evaluate the costs of, and procedures for, audits.

*Patron - Herring*

**SB452 Reporting designated campaign contributions.** Requires political committees, out-of-state political committees, and federal political action committees to provide a candidate's campaign committee with information regarding the contributor of any designated contribution so that the candidate can identify the donor of the designated contribution on his or her campaign finance report. Political party committees and organized political party groups of elected officials are the only entities currently required to report such information. The provisions of the bill will become effective January 1, 2009. This bill is identical to HB 359.

*Patron - Petersen*

**SB508 Absentee ballot applications and procedures.** Provides that voters covered by the Uniformed and Overseas Citizens Absentee Voting Act who reside or are stationed outside the continental borders of the United States may receive their blank absentee ballots by electronic transmission. Present law allows these voters to request absentee ballots by elec-



tronic transmission. This bill covers the second step of sending the ballot to these overseas voters. The voted ballots will have to be returned by mail. This bill is identical to HB 798.

*Patron - Northam*

**SB509 Elections; locking of equipment after election; and timing of special elections.** Provides that the period of time that voting equipment must be locked and secured after an election will be until the deadline has passed to request a recount (generally 10 days after the election results are certified); and reduces from 60 days to 55 days the period of time during which a special election cannot be called before a general or primary election. These changes give more flexibility for the scheduling of special elections. This bill is identical to HB 1235.

*Patron - Northam*

**SB536 Elections; certification of voting equipment.** Provides for additional testing of voting equipment in the certification process by individuals with expertise in election management and computer system security. The bill also permits decertification of a product if the vendor fails to supply annual updates on the security and functionality of the product, and it gives the State Board of Elections explicit authority to decertify products based on problems in Virginia or those reported by federal or other state officials.

*Patron - Barker*

**SB684 Elections; provisional ballot procedures.** Corrects a reference in the Code concerning the handling of provisional ballots to clarify that the information provided by the persons casting provisional ballots will be entered in the precinct provisional ballots log rather than in the pollbook for the precinct. This bill is identical to HB 1455.

*Patron - Colgan*

**SB715 Freezing election precincts.** Prohibits counties and cities from abolishing, creating, or changing precincts between February 1, 2009, and May 15, 2011, except in certain enumerated circumstances. Freezing of precincts for this period of time will allow the United States Bureau of the Census to provide 2010 population data by precinct for redistricting use in 2011.

*Patron - Howell*

**SB757 Elections; town election polling places and processes.** Provides an exception to location limitations on town polling places for November town elections to require use of county precincts, modifies the process for including town offices on November ballots, and specifies how to ascertain and report the election results for towns located in more than one county. This bill is identical to HB 1477.

*Patron - Ruff*

## Failed

**HB42 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. This bill is identical to SB 277.

*Patron - Scott, J.M.*

**HB43 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, on mathematical accuracy, and on completeness.

*Patron - Scott, J.M.*

**HB46 Campaign finance disclosure reports; identification of contributors.** Provides that the disclosure reports must provide the same identifying information for all contributors, including those contributing \$100 or less. Current law permits the reports to state the number of persons contributing \$100 or less and the total amount contributed by those contributors without any identifying information.

*Patron - Cole*

**HB53 Reporting designated campaign contributions.** Requires political committees, out-of-state political committees, and federal political action committees to report contributions they receive that are designated for the election of a particular candidate. Political party committees and organized political party groups of elected officials are the only entities currently required to report such information. Such committees will be required to provide a candidate's campaign committee with information regarding the contributor of the designated contribution so that the candidate can identify that contribution on his or her campaign finance report. In turn, candidate campaign committees will be required to report designated contributions transmitted from such committees as being made by the person who designated the contribution. This bill has been incorporated into HB 359.

*Patron - Lingamfelter*

**HB54 Reporting designated campaign contributions to PACs.** Requires political action committees, including out-of-state political committees, to report contributions they receive that are designated by the contributor for the election of a particular candidate. Political party committees now are required to file such reports. This bill has been incorporated into HB 359.

*Patron - Lingamfelter*

**HB64 Elections; posting notice of voting qualifications at polling places.** Requires the governing body of each county and city to provide posted notices of the constitutional qualifications to vote and the penalties for voting in violation of the constitutional requirements in each polling place. The governing body shall provide for the notices to be posted in the two most commonly used languages in the locality.

*Patron - Marshall, R.G.*

**HB68 Elections; voter registration applications; proof of citizenship.** Requires voter registration applicants to provide one of the enumerated proofs of citizenship. The bill takes effect January 1, 2009.

*Patron - Marshall, R.G.*

**HB69 Requirements for print media advertisements sponsored by a political party committee.** Requires a political party committee to obtain the permission of its candidate before sponsoring a print media advertisement that clearly identifies the candidate that the party committee is opposing.

*Patron - Marshall, R.G.*

**HB70 Elections, nominations, and form of ballots.** Deletes the provision that no individual may appear on the ballot more than one time for any one office. The effect of the bill is to permit "fusion" candidates; i.e., an individual shown on

the ballot as the nominee of more than one political party. The change applies to both paper and machine ballots.

*Patron - Marshall, R.G.*

**HB99 Elections; form of ballots.** Provides that all candidates who are nominated by a political party or primary shall be identified by party on the ballot. Present law provides for party identification on the ballot only for candidates for federal, statewide, or General Assembly offices and not for candidates for local offices.

*Patron - Poisson*

**HB122 Campaign fundraising during legislative sessions.** Broadens the prohibition against campaign fundraising by members and statewide officials during regular sessions to cover attendance at or sponsorship of political fundraisers for candidates, political parties or committees, and partisan issue advocacy entities. The bill also defines solicitation to cover contribution solicitations made by electronic or digital means on the Internet. This bill has been incorporated into HB 322.

*Patron - Lingamfelter*

**HB199 Elections; lists of registered voters.** Permits the State Board of Elections to furnish address lists of registered voters, but not names, at a reasonable cost to local school division superintendents solely for use in conducting the triennial census of school population. This bill is identical to SB 190.

*Patron - Marshall, R.G.*

**HB309 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. This bill is identical to SBs 8 and 69.

*Patron - Eisenberg*

**HB322 Campaign finance; prohibited activities during regular sessions of the General Assembly.** Prohibits any General Assembly member, the Governor, Lieutenant Governor, or Attorney General, from attending any event held during a regular session that is sponsored by any political party committee, registered lobbyist, organization or group from which he received a campaign contribution during the previous calendar year. This bill incorporates HB 122.

*Patron - Saxman*

**HB328 November elections for mayors, councils, and elected school boards of cities and towns; related elections, filing deadlines, and requirements.** Provides that all elections for city and town mayors, councils, and elected school boards will be held at the November general election. The bill modifies current law, which gives cities and towns an option whether to elect governing bodies and school boards in May or November. These elections may be held in November in even-numbered or odd-numbered years.

*Patron - Saxman*

**HB339 Virginia Advisory Redistricting Commission.** Creates an advisory commission to draw plans to redistrict General Assembly and congressional districts in the year 2011 and every 10th year thereafter. The General Assembly has the 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 enactment of the decennial redistricting plans.

*Patron - Plum*

**HB353 Reporting certain designated campaign contributions.** Requires political action committees, out-of-state political committees and federal political action committees to report contributions they receive that are designated for the election of a particular candidate. Such committees will be required to provide a candidate's campaign committee with information regarding the contributor of the designated contribution so that the candidate can identify that contribution on his or her campaign finance report. In turn, candidate campaign committees will be required to report designated contributions transmitted from such committees as being made by the person who designated the contribution. The act will become effective on January 1, 2009. This bill has been incorporated into HB 359.

*Patron - Cole*

**HB467 Elections; voting equipment; wireless communications at polling places.** Provides an exception to the prohibition on wireless communications to or from voting devices at the polls on election day. The bill authorizes wireless communications after the polls are closed to transmit results from voting equipment by modem to the electoral board. This bill is identical to HB 1476. This bill has been incorporated into HB 1476.

*Patron - Watts*

**HB640 Elections; hours polls are open.** Provides that northern Virginia localities may by ordinance extend the 6:00 a.m. to 7:00 p.m. voting hours for an additional two hours until 9:00 p.m. The extended hours will be applicable to all elections in the locality.

*Patron - May*

**HB685 Elections; voting equipment; wireless communications at polling places.** Provides exceptions to the prohibition on wireless communications to or from voting devices at the polls on election day. First, wireless communications to transmit results from voting equipment by modem to the electoral board after the polls close is permitted. Second, electronic pollbooks may be used. This bill is identical to HB 801 and SB 52. This bill has been incorporated into HB 1476.

*Patron - Brink*

**HB799 Elections; information to be provided to voters.** Requires the State Board of Elections to mail a voter guide to all registered voters in advance of the November general election with information on pending constitutional amendments, statewide referenda, and candidates for statewide or General Assembly office. The bill also authorizes localities to provide voter guides for local elections.

*Patron - Englin*

**HB801 Elections; voting equipment; wireless communications at polling places.** Provides exceptions to the prohibition on wireless communications to or from voting devices at the polls on election day. First, wireless communications to transmit results from voting equipment by modem to the electoral board after the polls close is permitted. Second, electronic pollbooks may be used. This bill is identical to HB 685 and SB 52. This bill has been incorporated into HB 1476.

*Patron - Englin*

**HB836 Bipartisan Redistricting Commission created.** Establishes a five-member temporary Commission to prepare redistricting plans in 2011 and each tenth year thereafter for the House of Delegates, state Senate, and congressional districts. Appointments to the Commission shall be made one each by the four majority and minority party leaders of the House and Senate from a pool of 24 retired judges appointed

by the Chief Justice of the Supreme Court. Those four appointees shall appoint the fifth member and chairman for the Commission from the pool, or if they cannot agree, the Chief Justice, by lot, shall select the chairman from the pool. The Commission will prepare plans and submit them to the General Assembly. The General Assembly may accept, reject, or amend the plans submitted by the Commission or any member. The Commission shall make recommendations with respect to amendments to the Commission plan and to other plans and may submit additional plans. The bill spells out the standards and process to be followed by the Commission in preparing plans, including opportunities for public comment on the plans. This bill is identical to SB 625.

*Patron - Moran*

**HB860 Special emergency power of the Secretary of the State Board of Elections to maintain uniform application of election laws to special elections.** Provides that the Secretary may suspend the implementation of an amendment to the election laws for no more than 60 days in the locality or localities in which a special election is being held on a day other than a general election day if implementation of the amendment would result in a change in the election rules already being applied to the special election.

*Patron - Ebbin*

**HB907 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.

*Patron - Jones, D.C.*

**HB1069 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*

**HB1070 Redistricting process.** Creates a seven-member Citizen Advisory Redistricting Board 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 two Board members are appointed by the Governor after considering recommendations of the state party committee chairs of parties with candidates receiving at least 25 percent of the vote in the last gubernatorial election. This bill adopts apportionment standards of federal and state law (currently, population equality, compactness, and contiguity). This bill is patterned in part after the Vermont redistricting process and 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 enactment of plans by the General Assembly under Article II, Section 6, of the Constitution.

*Patron - Brink*

**HB1134 Reporting designated campaign contributions to PACs.** Requires political action committees, including out-of-state political committees, to report contributions they receive that are designated by the contributor for the election of a particular candidate. Political party committees now are

required to file such reports. This bill has been incorporated into HB 359.

*Patron - Fralin*

**HB1162 Campaign finance disclosure requirements; special reports of certain large contributions by candidates for elected office.** Requires immediate disclosure of all contributions of \$250 or more received at any time by any candidate for elected office.

*Patron - Saxman*

**HB1276 Elections; persons entitled to vote absentee.** Adds persons age 65 and older to the list of persons eligible to vote absentee.

*Patron - Spruill*

**HB1278 Elections; 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, 2009. This bill is identical to HB 621.

*Patron - Spruill*

**HB1389 Reporting designated campaign contributions.** Requires political committees, out-of-state political committees, and federal political action committees to report contributions they receive that are designated for the election of a particular candidate. Political party committees and organized political party groups of elected officials are the only entities currently required to report such information. Such committees will be required to provide a candidate's campaign committee with information regarding the contributor of the designated contribution so that the candidate can identify that contribution on his or her campaign finance report. In turn, candidate campaign committees will be required to report designated contributions transmitted from such committees as being made by the person who designated the contribution. The provisions of the bill will become effective January 1, 2009. This bill is identical to HB 359 and SB 452. This bill has been incorporated into HB 359.

*Patron - Brink*

**HB1536 Election for abolition of constitutional officers.** Provides that such election may be held at the time of the Presidential election in addition to at the time of election for members of the governing body.

*Patron - Marshall, D.W.*

**SB8 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. This bill is identical to SB 69 and HB 309. This bill has been incorporated into SB 69.

*Patron - Deeds*

**SB38 Bipartisan Redistricting Commission created.** Establishes a seven-member temporary commission to prepare redistricting plans in 2011 and each tenth year thereafter for the House of Delegates, state Senate, and congressional districts. Appointments to the commission shall be made one each by the four majority and minority party leaders of the House and Senate and by the state chairmen of the two major political parties. Those six appointees shall appoint the seventh member and chairman for the commission. If they cannot agree, they shall submit the names of the two persons receiving the most

votes to the Supreme Court for the Court to select the chairman. The commission will prepare plans and submit them as bills to the General Assembly. The General Assembly shall then proceed to act on the bills in the usual manner. The bill provides for Commission comments on plans as they change in the legislative process. It also spells out the standards and process to be followed by the Commission in preparing plans, including limitations on the use of political data and opportunities for public comment on the plans. This bill incorporates SBs 105, 243, and 625.

*Patron - Deeds*

**ESB69 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. This bill is identical to SB 8 and HB 309. This bill incorporates SBs 8 and 646.

*Patron - Howell*

**ESB82 Elections; form of ballot.** Provides that any candidate for a constitutional office who is nominated by a political party shall be identified on the ballot by the name of his party. Current law provides for party identification on the ballot of candidates only for federal, statewide, and General Assembly offices. The law defines a constitutional office as the county or city office of the clerk of the circuit court, attorney for the Commonwealth, sheriff, commissioner of the revenue, or treasurer.

*Patron - Cuccinelli*

**ESB105 Redistricting process.** Provides a new method for the preparation of state legislative and congressional redistricting plans; spells out standards for developing plans including population equality, compactness, maintenance of cores of existing districts, and respect for locality boundaries; 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. This bill has been incorporated into SB 38.

*Patron - Cuccinelli*

**ESB190 Elections; lists of registered voters.** Permits the State Board of Elections to furnish address lists of registered voters, but not names, at a reasonable cost to local school division superintendents solely for use in conducting the triennial census of school population. This bill is identical to HB 199.

*Patron - Herring*

**ESB243 Virginia Redistricting Commission created.** Establishes a seven-member commission to prepare redistricting plans in 2011 and each tenth year thereafter for the House of Delegates, state Senate, and congressional districts. Six appointments to the commission shall be made, one each, by the President pro tempore of the Senate, Speaker of the House of Delegates, minority leaders of the Senate and House, and chairmen of the two major political parties. Those six appointees shall appoint the seventh member and chairman for the commission. The commission will prepare plans and submit them to the General Assembly. The General Assembly may accept or reject the first two plans submitted by the commission and may amend the third plan submitted by the commission. The bill spells out the standards and process to be followed by the commission in preparing plans, including

opportunities for public comment on the plans. This bill has been incorporated into SB 38.

*Patron - Howell*

**ESB277 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. This bill is identical to HB 42.

*Patron - Miller, J.C.*

**ESB523 Elections; paper and machine ballots; write-in votes.** Provides that write-in votes will be counted only if the last name of the write-in candidate is spelled correctly as determined by the chief officer of election at the polling place. Ballots with misspelled names shall be void.

*Patron - Wagner*

**ESB534 Campaign finance disclosure; where and how to file candidate reports.** Requires candidates, beginning January 1, 2009, for the General Assembly and for local or constitutional offices in counties and cities with a population greater than 100,000 to file campaign finance disclosure reports electronically with the State Board of Elections. Present law gives General Assembly and local candidates the option to file electronically with the State Board. The bill applies statewide to the General Assembly candidates and to the Counties of Fairfax, Prince William, Henrico, Chesterfield, Arlington, and Loudoun and the Cities of Virginia Beach, Norfolk, Chesapeake, Richmond, Newport News, Hampton, Alexandria, and Portsmouth with respect to local candidates.

*Patron - Herring*

**ESB554 Elections; voter identification requirements; absentee voting eligibility and procedures.** Revises the list of items that a voter may show to prove identification at the polls. The bill adds to the list several items now allowed to prove the identity of first-time voters for federal elections: a copy of a current utility bill, bank statement, government check, or paycheck that shows the name and address of the voter. The bill deletes the provision that allows a voter to sign a sworn statement that he is the named registered voter he claims to be in lieu of showing identification.

*Patron - Obenshain*

**ESB625 Bipartisan Redistricting Commission created.** Establishes a five-member temporary Commission to prepare redistricting plans in 2011 and each tenth year thereafter for the House of Delegates, state Senate, and congressional districts. Appointments to the Commission shall be made one each by the four majority and minority party leaders of the House and Senate from a pool of 24 retired judges appointed by the Chief Justice of the Supreme Court. Those four appointees shall appoint the fifth member and chairman for the Commission from the pool, or if they cannot agree, the Chief Justice, by lot, shall select the chairman from the pool. The Commission will prepare plans and submit them to the General Assembly. The General Assembly may accept, reject, or amend the plans submitted by the Commission or any member. The Commission shall make recommendations with respect to amendments to the Commission plan and to other plans and may submit additional plans. The bill spells out the standards and process to be followed by the Commission in preparing plans, including opportunities for public comment on the plans. This bill is

identical to HB 836. This bill has been incorporated into SB 38.

*Patron - Stolle*

**SB646 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. This bill has been incorporated into SB 69.

*Patron - Ticer*

**SB790 Nominating political party candidates for office.** Repeals the provision that (i) allows an incumbent General Assembly member to select the method of nomination to be used in nominating the candidate of his political party for his office and (ii) provides for other offices that the party shall nominate its candidate by a primary if the incumbent officeholder was nominated by primary and does not agree to waive a primary. The repealed provisions are exceptions to the general provision that the political party has the right to determine the method it will use to nominate its candidates.

*Patron - Cuccinelli*

## Carried Over

**HB20 Primary elections; voter registration by political party.** Adds party affiliation to the information that an applicant is asked to provide when registering to vote. The applicant may indicate that he is an independent. Voters registered prior to January 1, 2009, will be designated as independent unless they provide a political party designation in writing to the general registrar. Voters may change their party affiliation or independent status by written notice at any time except the 28 days before an election when the registration records are closed. The state party chairman of each political party must notify the State Board by January 31 of each year of the party rules governing who may participate in the party primary.

*Patron - Lingamfelter*

**HB65 Elections; photo identification required to vote.** Specifies that a voter must present a photo identification document issued by Virginia or the United States to vote and eliminates other alternatives now provided under Virginia law. This bill is patterned after the Indiana statute that is the subject of pending cases before the United States Supreme Court challenging the constitutionality of the requirement.

*Patron - Marshall, R.G.*

**HB88 Primary elections; voter registration by political party.** Adds party affiliation to the information that an applicant is asked to provide when registering to vote beginning January 1, 2009. The applicant may indicate that he is an independent. Voters registered prior to January 1, 2009, will be designated as independent unless they provide a political party designation to the general registrar. Voters may change their party affiliation or independent status by written notice at any time except the 28 days before an election when the registration records are closed. The state party chairman must notify the State Board by January 31 of each year whether the party will close its primaries and permit only registered party members to participate or whether it will open its primaries to party members and independent voters.

*Patron - Marshall, R.G.*

**HB244 Campaign finance reports; custody and retention requirements.** Requires local electoral boards and election officials to retain campaign finance reports filed by

candidate campaign committees so long as the candidate remains in any elected office.

*Patron - O'Bannon*

**HB310 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." This bill is identical to SB 7.

*Patron - Eisenberg*

**HB362 Campaign Finance Disclosure Act; materials to be provided by State Board of Elections and Attorney General.** Requires the Attorney General to provide a written explanation of the provisions of the Act that prohibit the personal use of campaign funds and to delineate the differences between prohibited personal uses of campaign funds and permitted uses of the funds. The Attorney General's explanation shall be distributed by the State Board to all candidates, committees, and persons subject to the Act's provisions.

*Patron - Purkey*

**HB619 Elections; prohibited activities at the polls.** Adds campaign advertisements as defined in the "stand by your ad" law to the list of campaign materials that cannot be exhibited within the polling place or prohibited area around the polling place. The bill also creates an exception to the prohibition for a voter's wearing apparel and buttons or stickers on a voter's apparel that contain a candidate's name or a political slogan.

*Patron - Brink*

**HB621 Elections; 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, 2009. This bill is identical to HB 1278.

*Patron - Brink*

**HB638 Elections; acquisition of voting equipment by localities; securing voting equipment after the election.** Deletes the provision enacted in 2007 that prohibits the acquisition of direct recording electronic (DRE) machines by any locality on and after July 1, 2007. The bill also modifies provisions for securing voting equipment after an election by providing that certain devices do not need to be locked and sealed for 15 days after the election if they are secured by the removal of a memory card, cartridge or other data storage medium and the card, cartridge or other medium is sealed and delivered to the circuit court clerk.

*Patron - May*

**HB687 Campaign telephone calls; disclosure requirements.** Requires that the statement that discloses the name of the sponsor of the phone calls shall be made at the beginning of the phone call.

*Patron - Valentine*

**HB802 Elections; persons entitled to have name printed on ballot; online listing of candidates.** Requires the State Board of Elections to publish on the Internet the names of candidates for federal, statewide, or General Assembly office within 24 hours of the time when the candidate is certified as qualified for the ballot.

*Patron - Englin*

**☐HB1577 Elections; emergencies; extension of polling hours.** Provides for extension of polling hours in emergency situations. This bill is identical to SB 796.

*Patron - Cole*

**☐SB70 Elections; sample ballots.** Provides that the State Board of Elections shall assign a different color to each political party that it must use for sample ballots distributed by it during a calendar year.

*Patron - Howell*

**☐SB685 Elections; acquisition of voting equipment by localities; securing voting equipment after the election.** Deletes the provision enacted in 2007 that prohibits the acquisition of direct recording electronic (DRE) machines by any locality on and after July 1, 2007. The bill also modifies provisions for securing voting equipment after an election by providing that certain devices do not need to be locked and sealed for 15 days after the election if they are secured by the removal of a memory card, cartridge or other data storage medium and the card, cartridge or other medium is sealed and delivered to the circuit court clerk.

*Patron - Colgan*

**☐SB796 Elections; emergencies; extension of polling hours.** Provides for a court-ordered extension of polling hours in emergency situations and situations that interfere with the ability of voters to travel to the polls. The bill provides that no extension shall exceed three hours.

*Patron - Barker*

## Eminent Domain

### Failed

**☐HB519 Eminent domain; right of reversion.** Clarifies that the right of reversion applies to the acquisition of an interest in the real property and is not limited to a fee simple interest in the property.

*Patron - Suit*

**☐SB77 Eminent domain; offer of repurchase to former owner.** Makes the "offer to the former owner to repurchase" under eminent domain apply to any interest acquired by the condemnor. Currently, it applies only to fee simple interests.

*Patron - Cuccinelli*

## Fiduciaries Generally

### Failed

**☐HB950 Uniform Power of Attorney Act (UPOAA).** Establishes in the Code of Virginia the Uniform Act that was adopted by the National Conference of Commissioners on Uniform State Laws in 2006. The Act consists of default rules that can be modified if the principal desires. Powers of attorney will be durable unless drafted to expire upon a specified date or event. The UPOAA addresses creation and use, good faith reliance, limitations of agent's powers, refusal to recognize, judicial review, notification of resignation, and other matters. The Act contains an optional statutory form.

*Patron - Iaquinto*

## Fire Protection

### Passed

**☐HB320 Statewide Fire Prevention Code; fees for inspection; exceptions.** Provides that the State Fire Marshal may not charge any fee for permits issued for the inspection of any school. This bill incorporates HB 564.

*Patron - Cox*

**☐SB390 Fire and emergency medical departments and companies; director of fire and emergency medical services.** Clarifies that a Director of Fire and Emergency Medical Services may serve the same function as a chief of a fire department.

*Patron - Martin*

### Failed

**☐HB564 Statewide Fire Prevention Code; fees for inspection; exceptions.** Provides that the State Fire Marshal may not charge any fee for permits issued for inspection of any school, public or private. The bill contains a sunset provision of July 1, 2010. This bill was incorporated into HB 320.

*Patron - Crockett-Stark*

**☐HB1353 Fire Prevention Code; fireworks.** Prohibits a locality from restricting the manufacture, transportation, storage, sale or use of any permissible firework. Defines permissible firework as any ground-based or hand-held sparkler, fountain, snake, cap for pistols, spinner or smoke item.

*Patron - Gear*

## Fisheries and Habitat of the Tidal Waters

### Passed

**☐HB1125 Virginia Port Authority; Craney Island Marine Terminal expansion.** Authorizes the Virginia Marine Resources Commission to grant easements and rights-of-way across and in the beds of Hampton Roads Harbor (Lower James River), including a portion of the Baylor Survey, to the Virginia Port Authority, for the eastward expansion of Craney Island.

*Patron - Jones, S.C.*

**☐HB1208 Conveyance of subaqueous lands.** Authorizes the Governor to sell and convey approximately 0.103 acre of previously filled subaqueous lands along the Elizabeth River in the City of Norfolk to Fort Norfolk LLC, in accordance with § 28.2-1200.1, which provides that the Commonwealth may convey previously filled subaqueous lands to private parties in an amount equivalent to 25 percent of the assessed value of the specified parcel, exclusive of buildings or other improvements.

*Patron - Melvin*

**☐HB1308 Coastal primary sand dunes.** Authorizes additional localities in Tidewater Virginia to adopt coastal primary sand dune ordinances. The bill also includes three additional dune plants in the definition of what constitutes a coastal primary sand dune.

*Patron - Morgan*

**PHB1317 Conveyance of subaqueous lands.** Provides that a landowner may obtain a declaration from the Marine Resources Commission as to whether certain property is considered state-owned bottomlands and authorizes the Governor to sell and convey any interest that the Commonwealth retains in approximately 4.316 acres of previously filled subaqueous lands along the Lafayette River in the City of Norfolk to Thornton Hall of Norfolk LLC and 0.051 acre to Thornton Hall Inc. in accordance with § 28.2-1200.1, which provides that the Commonwealth may convey previously filled subaqueous lands to private parties in an amount equivalent to 25 percent of the assessed value of the specified parcel, exclusive of buildings or other improvements.

*Patron - Alexander*

## Failed

**FHB303 Moratorium on the harvest of menhaden for commercial purposes.** Decreases the annual cap on the harvest of menhaden for commercial purposes by 20 percent each year for five years until a moratorium is reached beginning in 2013. The moratorium will apply to the entire commercial fishery for Atlantic menhaden. Current laws set a harvest cap of 109,020 metric tons and only for the purse seine fishery for Atlantic menhaden that manufactures menhaden into fertilizer, fish meal, and oil.

*Patron - Nichols*

**ESB377 Crab pots; unauthorized taking of crabs.** Makes it a Class 3 misdemeanor to take crabs from a crab pot unless authorized by the licensed and identified owner. The punishment for a Class 3 misdemeanor is a fine of not more than \$500.

*Patron - Stuart*

## Carried Over

**CSB528 Marine Resources Commission; permits in emergency situations.** Allows the Commissioner to waive the normal permitting requirements during emergency situations if he finds that such obligations are inadequate to protect, maintain, or repair existing public water, wastewater, and other utility systems.

*Patron - Houck*

## Game, Inland Fisheries and Boating

## Passed

**PHB114 Hunting; trap identification.** Permits hunters to attach an identification number issued by the Department of Game and Inland Fisheries to traps. Currently, hunters may not set traps without attaching their name and address to the trap.

*Patron - Ware, R.L.*

**PHB115 Hunting; submerged traps.** Authorizes the Board of the Department of Game and Inland Fisheries to adopt regulations that allow certain persons to visit completely submerged, conibear-style, body-gripping traps less frequently than every 24 hours.

*Patron - Ware, R.L.*

**PHB319 Special fishing permit.** Allows the Director of the Department of Game and Inland Fisheries to permit any

organized groups of patients residing in or receiving outpatient treatment from a veterans or military hospital in Virginia, an adjoining state, or the District of Columbia to fish without having to obtain licenses. They would be allowed to fish in any public waters including those stocked with trout. Currently, the Director can allow a group of persons residing in veterans hospitals to fish in state waters without a license but such a privilege does not extend to fishing in waters stocked with trout.

*Patron - Cox*

**PHB886 Bear hound training season.** Allows the training of dogs to hunt bears from one-half hour before sunrise until four and one-half hours after sunset. Currently, the training of dogs to hunt bears is limited to one-half hour before sunrise to one-half hour after sunset.

*Patron - Lohr*

**PHB1016 Killing of deer over bait; local authority.** Allows the Director of the Department of Game and Inland Fisheries to allow the killing of deer over bait in counties with a special late antlerless season when specifically requested by the governing body of the locality.

*Patron - Hugo*

**PHB1175 Apprentice hunting license.** Authorizes the Department of Game and Inland Fisheries to issue an apprentice hunting license. This license would be issued in lieu of the current state resident or nonresident basic hunting license. It is a one-time license that expires two years from the date of purchase and does not require the licensee to complete a hunter education course. The fee for obtaining the license would be \$10 for residents and \$20 for nonresidents. The purpose of the bill is to extend limited hunting privileges to persons interested in learning about hunting sports. This bill is identical to SB 617.

*Patron - Lingamfelter*

**PHB1482 Damage from bears; non-lethal control measures.** Authorizes the Director of the Department of Game and Inland Fisheries to employ non-lethal control measures to control bears that are damaging property. Currently the Director may relocate the bear, but is not explicitly authorized to use other non-lethal control measures such as fencing. Any such measures are permissible only if used within a reasonable period of time.

*Patron - Saxman*

**PSB552 Fishing license; exemptions for persons assisting disabled persons.** Exempts nondisabled persons from having to obtain a fishing license when assisting a disabled person to fish as long as the disabled person possesses a valid fishing license. There is already an exemption for those assisting disabled hunters, and this exemption will now extend to disabled fishermen.

*Patron - Hurt*

**PSB617 Apprentice hunting license.** Authorizes the Department of Game and Inland Fisheries to issue an apprentice hunting license. This license would be issued in lieu of the current state resident or nonresident basic hunting license. It is a one-time license that expires two years from the date of purchase and does not require the licensee to complete a hunter education course. The fee for obtaining the license would be \$10 for residents and \$20 for nonresidents. The purpose of the bill is to extend limited hunting privileges to persons interested in learning about hunting sports. This bill is identical to HB 1175.

*Patron - Stolle*

**SB765 Water safety enforcement.** Requires the Department of Game and Inland Fisheries to provide an enhanced enforcement effort on Smith Mountain Lake during the summer months.

*Patron - Newman*

## Failed

**HB872 Wearing blaze orange while hunting.** Requires a hunter or any person who accompanies a hunter to wear blaze orange clothing during any firearms deer season, including the muzzleloader season. The bill also increases the amount of blaze orange clothing that has to be displayed from 100 square inches to 250 square inches.

*Patron - Johnson*

**HB1088 Department of Game and Inland Fisheries; disclosure of official records; exceptions.** Provides that records of the Department shall be subject to the disclosure provisions of the Freedom of Information Act, except that the social security number of individual applicants for or holders of any hunting, fishing, boating, or trapping license issued by an agent of the Department shall be withheld from public disclosure. The bill provides, however, that such information may be released (i) in accordance with a proper judicial order or (ii) to any law-enforcement agency, officer, or authorized agent thereof acting in the performance of official law-enforcement duties.

*Patron - Sickles*

**HB1250 Personal flotation devices required for children; civil penalty.** Requires children 12 years of age or younger to wear a Type I, II, III, or Type V U.S. Coast Guard-approved personal flotation device on recreational vessels under 21 feet in length. The Director of Game and Inland Fisheries may assess any recreational vessel operator found in violation of this provision a civil penalty of up to \$250. However, this penalty may be waived if the person completes a boating safety education course. All penalties collected are to be paid to the Motorboat and Water Safety Fund of the Game Protection Fund. The bill does not apply to a recreational vessel that is moored or anchored, or to children below deck or in an enclosed cabin. The bill defines "recreational vessel" as a vessel manufactured or operated for leisure or recreational purposes, or a vessel leased, rented or chartered for noncommercial use. "Recreational vessel" includes motorboats, sailboats, canoes, kayaks, rowboats, and any other vessel capable of being used for transportation on water, when the vessel is being used for other than commercial purposes. This bill contains a delayed enactment clause until January 1, 2009.

*Patron - Poisson*

**HB1352 Board of Game and Inland Fisheries.** Reconstitutes the membership of the Board of Game and Inland Fisheries. Each of the current members would be replaced as their terms of office expired. The new appointments would be made by the Speaker of the House, Senate Committee on Rules and the Governor. As a qualification for appointment, each Board member must have held a resident hunting or fishing license for three years.

*Patron - Ware, R.L.*

**HB1361 Duties of Director of Department of Game and Inland Fisheries.** Requires the Director to report quarterly to the Secretary of Natural Resources on the expenses he has control over and to inform the Secretary as to the Department's progress in meeting its goals and objectives.

*Patron - Cline*

**HB1456 Hunting with bow and arrow or crossbow.** Allows persons who hunt with a bow and arrow or crossbow to hunt on private lands on Sundays.

*Patron - Nichols*

**SB365 Hunting turkeys.** Authorizes localities to prohibit the hunting of turkeys with a rifle. The penalty for violation of the local ordinance is a Class 4 misdemeanor.

*Patron - Watkins*

**SB524 Hunting on Sunday.** Allows a person to hunt or kill any wild bird or wild animal on Sundays.

*Patron - Wagner*

**SB708 Urban archery season.** Authorizes the Board of Game and Inland Fisheries to allow Sunday hunting with a bow and arrow or crossbow during urban archery season. The bill allows urban localities to authorize Sunday hunting during the urban archery season so long as the local ordinance is consistent with the Board's regulations.

*Patron - Stolle*

## General Assembly

### Passed

**HB840 Powers and duties of the Division of Capitol Police.** Allows the Capitol Police to enter into contracts or agreements with other agencies or localities in the same manner as local governments as may be necessary to carry out the Division's law-enforcement duties.

*Patron - Sherwood*

**HB1391 Virginia Bicentennial of the American War of 1812 Commission.** Establishes the Virginia Bicentennial of the American War of 1812 Commission to prepare for and commemorate the 200th anniversary of the war. Composed of 12 members, the Commission is authorized to plan commemorative events and activities, encourage research to promote historical literacy and understanding of the war, and support organizations throughout the state as they plan commemorative events. A special nonreverting fund is established to support the Commission's activities. The Commission expires July 1, 2015. This bill is identical to SB 383.

*Patron - Cox*

**HB1441 Duties of the Division of Legislative Services.** Adds to the duties of the Division of Legislative Services the responsibility for providing an annual report to the General Assembly regarding the status of all reports, actions, or data collection required by legislation enacted by the General Assembly, except the appropriation act, or otherwise requested by the General Assembly of agencies and collegial bodies.

*Patron - Orrock*

**HB1529 Brown v. Board of Education Scholarship Awards Committee.** Clarifies that the Brown v. Board of Education Scholarship Awards Committee may reduce the scholarship award to any student to ensure that, when the award is added to other financial assistance received by the student, the award does not produce a total of financial assistance in excess of the annual costs of tuition, excluding fees and expenses, and textbooks. Currently, state law requires that the award shall not exceed these annual costs. This bill requires all approved educational agencies enrolling scholarship recipients and receiving



award disbursements on the behalf of such students to notify the Committee and the State Council of Higher Education prior to the start of each term, regarding the total of other financial assistance received by such students. Also, technical amendments have been made to conform provisions pertaining to the dual enrollment of students to the established procedures, protocol, and requirements for dual enrollment of college level students as currently in effect in the Commonwealth. This bill is a recommendation of the Brown v. Board of Education Scholarship Awards Committee.

*Patron - Abbitt*

**SB383 Virginia Bicentennial of the American War of 1812 Commission.** Establishes the Virginia Bicentennial of the American War of 1812 Commission to prepare for and commemorate the 200th anniversary of the war. The Commission is authorized to plan commemorative events and activities, encourage research to promote historical literacy and understanding of the war, and support organizations throughout the state as they plan commemorative events. A special nonreverting fund is established to support the Commission's activities. The Commission expires July 1, 2015. This bill is identical to HB 1391.

*Patron - Martin*

**SB464 Virginia Commission on Energy and Environment.** Establishes the Virginia Commission on Energy and Environment as a legislative study commission to review and recommend steps to implement the Virginia Energy Plan. The Commission is charged, among other things, to (i) undertake studies and gather information and data, (ii) make recommendations as may be necessary to accomplish its purposes as set forth in the legislation, (iii) make special studies of and reports on measures to secure Virginia's energy future, (iv) establish advisory committees composed of persons with special expertise not represented by individuals serving on the Commission, (v) seek, accept, and expend gifts, grants or donations to enable the Commission to carry out its objectives, (vi) review and make recommendations on legislation affecting energy policy to the General Assembly, and (vii) report annually on its activities during the preceding year to the Governor and the General Assembly. This bill also incorporates SB 627, which proposed to establish a similar executive branch study commission.

*Patron - Whipple*

**SB749 Public-Private Partnership Advisory Commission.** Corrects the staff support for the Commission to require that technical assistance will be provided by the Department of General Services. In addition, this bill requires that, prior to entering into negotiation of an interim or comprehensive agreement, a responsible public entity receiving detailed proposals from private entities for a qualifying project must also submit a copy of such agreement to the chairmen of the House Committees on Appropriations and Finance, the chairman of the Senate Committee on Finance, and the Director of the Department of General Services. Further, the responsible public entity must provide a copy of the proposed interim or comprehensive agreement, together with a report describing the extent to which the Commission's recommendations were addressed in the agreement, to the chairmen of the House Committees on Appropriations and Finance, the chairman of the Senate Committee on Finance, and the Director of the Department of General Services at least 30 days prior to the execution of the agreement.

Senate Bill 749 also contains technical amendments to delete duplicative language.

*Patron - Stosch*

## Failed

**HB126 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*

**HB201 Appropriation act and budget bills; searchable electronic copies.** Requires the Auditor of Public Accounts to maintain on its website an electronic copy of the current appropriations act and any amendments thereto, and an electronic copy of any budget bill submitted for a new biennium, and all amendments thereto. The electronic copies shall be completely and easily searchable by the citizens of the Commonwealth using a commercial search engine. This bill is incorporated into HB 1360.

*Patron - Marshall, R.G.*

**HB796 Commission on Climate Change.** Establishes a Commission on Climate Change in the legislative branch of government with 11 members to develop a Climate Change Action Plan that: (i) characterizes the quantity and source of greenhouse gas emissions in the Commonwealth; (ii) identifies the potential impacts and effects of increasing atmospheric greenhouse gas concentrations on the state; (iii) identifies actions necessary to prepare for and mitigate the likely consequences of climate change; (iv) quantifies a greenhouse gas reduction target; (v) identifies and evaluates both state and regional climate action plans that address climate change and greenhouse gas emissions; and (vi) identifies economically viable programs, policies, and actions that are needed to meet state targets for reducing greenhouse gas emissions. In its development of the Climate Change Action Plan, the Commission shall consider demand-side energy conservation by utilities and consumers; expanding renewable energy portfolios; rate decoupling; time-of-use pricing; mandatory energy efficiency measures; and transportation demand management. Wherever possible, the Commission shall examine opportunities to couple greenhouse gas reductions with economic development and other market based approaches to statewide greenhouse gas reductions. This bill incorporates HB 676.

*Patron - Englin*

**HB920 General Assembly Conflicts of Interests Act; prohibited conduct concerning certain transactions and lobbyist relationships.** Prohibits any legislator from voting on a bill or in any manner participating in a legislative transaction if the legislator's partner, agent, or other associate, or an entity with which the legislator is affiliated, receives compensation as a lobbyist with respect to that bill or transaction. Violations of the prohibition are subject the jurisdiction of the appropriate House or Senate Ethics Advisory Panel and to discipline under the Act.

*Patron - Joannou*

**HB963 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. The bill authorizes JLARC to contract for services to perform the review through a competitive procurement process that complies with the Virginia Public Procurement Act. The Commission is required to report to the General Assembly by the first day of the 2009 Regular Session, and thereafter, every four years.

*Patron - Shannon*

**HB1095 Virginia Commission on Bioscience and Biotechnology.** Establishes the Virginia Commission on Bioscience and Biotechnology within the legislative branch of state government for the purpose of studying and advancing the development and enhancement of the biosciences and biotechnology in the Commonwealth, and reviewing and implementing appropriate and efficacious recommendations of recent state and national research investigations in these disciplines, including the Governor's Commission on Biotechnology. The Commission is also charged, among other things, to review, continue, and expand the work of the Governor's Commission on Biotechnology, and to develop a strategic plan that will foster bioscience and biotechnology research in the Commonwealth and establish Virginia as a national and global leader in the field.

*Patron - Sickles*

**HB1163 Information for state taxpayers.** Requires the Auditor of Public accounts to add to the database he is required to make available to citizens regarding the Commonwealth's expenditures and other information for the most recent ten fiscal years, an interactive program so that state taxpayers may input any amount of their state income and sales taxes and be provided information on how such amount has been apportioned in the current fiscal year and would have been apportioned in each of the previous ten fiscal years on the highest five categories of expenditures for the applicable year. This bill is incorporated into HB 1360.

*Patron - Saxman*

**SB525 Uranium mining.** Establishes the Virginia Uranium Mining Commission, as a legislative branch advisory commission to assess the risks and benefits of developing uranium resources in Virginia.

*Patron - Wagner*

**SB787 Virginia Commission on Bioscience and Biotechnology.** Establishes the Virginia Commission on Bioscience and Biotechnology within the legislative branch of state government for the purpose of studying and advancing the development and enhancement of the biosciences and biotechnology in the Commonwealth, and reviewing and implementing appropriate and efficacious recommendations of recent state and national research investigations in these disciplines, including the Governor's Commission on Biotechnology. The Commission is also charged, among other things, to review, continue, and expand the work of the Governor's Commission on Biotechnology, and to develop a strategic plan that will foster bioscience and biotechnology research in the Commonwealth and establish Virginia as a national and global leader in the field.

*Patron - Herring*

## Carried Over

**HB1238 Commonwealth Realignment Commission.** Creates the Commonwealth Realignment Commission in the legislative branch of state government. The purpose of the Commission is to (i) review the operations of state agencies and state-funded programs with a view toward the reduction of nonessential programs and expenditures; (ii) examine and promote methods of providing a portion or all of select government-provided or government-produced programs and services through the private sector by a competitive contracting program; and (iii) advise the Governor and the General Assembly of the Commission's findings and recommendations. 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. The bill also eliminates the Commonwealth Competition Council and contains technical amendments. This bill was continued to the 2009 Regular Session of the General Assembly.

*Patron - Saxman*

**SB555 Auditor of Public Accounts; auditing services.** Provides that auditing services for city and county officials and executive branch agencies handling state funds may be performed by licensed independent certified public accountants in lieu of such services being performed by the Auditor of Public Accounts. Such officials and agencies would be authorized to contract with licensed independent certified public accountants for such auditing services. If the Auditor of Public Accounts performs such auditing services, he would be authorized to charge a fee that does not exceed the reasonable cost for similar services provided by a licensed independent certified public accountant. Any savings to the Commonwealth from any decrease in general fund appropriations to the Auditor of Public Accounts would be appropriated to executive branch agencies handling state funds to pay for auditing services.

*Patron - Obenshain*

## General Provisions of Virginia Code

### Passed

**SB94 Official emblems and designations; covered bridge capital of the Commonwealth.** Designates Patrick County as the Covered Bridge Capital of the Commonwealth.

*Patron - Reynolds*

**SB699 Computation of time; when statute of limitations ends on Saturday, Sunday, or legal holiday.** Clarifies that when the last day for bringing an action falls on a Saturday, Sunday, legal holiday, or day or part of a day on which the clerk's office is closed as authorized by an act of the General Assembly, then the action may be filed on the next day that is not a Saturday, Sunday, legal holiday, or day or part of a day on which the clerk's office is closed as authorized by an act of the General Assembly.

*Patron - Petersen*

### Failed

**HB565 State song.** Designates "Carry Me Back to Old Virginia," by James A. Bland, as amended and adopted by the 2008 Session of the General Assembly, as the state song of the Commonwealth.

*Patron - Crockett-Stark*

**HB988 State song.** Designates "Virginia: Where Heaven Touches Earth," lyrics and music by Leslie Brooks and Ray Roberts to be the state song of the Commonwealth. The bill sets out the lyrics.

*Patron - Nutter*

**HB1418 State song.** Designates "Cradle of Liberty," by Thomas L. DeBusk, as the official state song.

*Patron - Bowling*

## Carried Over

**HB55 English as the official language of the Commonwealth.** States that, except as provided by federal law, English is the official language of the Commonwealth, and no state agency or local government shall provide or otherwise assist in providing any documents, information, literature, or other written materials in any language other than English. The bill provides exceptions to this general rule for any documents, information, literature, or other written materials in a language other than English used in connection with foreign language instruction, administration of justice in the courts of the Commonwealth, law-enforcement purposes, or the provision of health care services. This bill was continued to the 2009 Regular Session of the General Assembly.

*Patron - Lingamfelter*

**SB736 State song.** Designates "Cradle of Liberty," by Thomas L. DeBusk, as the official state song.

*Patron - Smith*

## Health

### Passed

**HB66 Cord Blood Bank Initiative.** Removes the language stating that the Cord Blood Bank will be for the treatment of Virginians, in order to make more federal funding opportunities available.

*Patron - Marshall, R.G.*

**HB191 EMS; temporary suspension of permits and certificates pending hearing.** Authorizes the Health Commissioner to temporarily suspend any certificate or permit without notice, pending a hearing or informal fact-finding conference, where a substantial danger to public health or safety exists. The bill requires the Commissioner to seek an expedited hearing in such cases.

*Patron - Orrock*

**HB192 Applications for variances or exceptions.** Replaces term "volunteer rescue squad" with the term "agency, entity, or provider licensed or certified by the Office of Emergency Medical Services."

*Patron - Orrock*

**HB193 Prohibition on construction of private wells.** Adds to the restriction on building a private well on property adjacent to agricultural property a requirement that the agricultural property be three acres or larger.

*Patron - Orrock*

**HB216 Organ donor consent; law-enforcement officers.** Eliminates the provision that, after identification of the next of kin of a decedent, the person, institution or agent of such person or institution having custody of the dead body shall attempt to obtain consent for removal of the pituitary or other organs, glands, eyes or tissues for use in transplants or therapy.

*Patron - Alexander*

**HB248 Emergency medical services; definitions.** Defines "emergency medical services physician," "emergency medical services provider," "operational medical director," and "physician course director."

*Patron - O'Bannon*

**HB278 Identification of body by next of kin.** Provides that, upon the death of any person from trauma, injury, violence, poisoning, accident, suicide or homicide, or suddenly when in apparent good health, or when unattended by a physician, or in jail, prison, other correctional institution or in police custody, or who is a patient or resident of a state mental health or mental retardation facility, or suddenly as an apparent result of fire, or in any suspicious, unusual or unnatural manner, or the sudden death of any infant less than eighteen months of age whose death is suspected to be attributable to Sudden Infant Death Syndrome (SIDS), good faith efforts shall be made by such person or institution having custody of the dead body to identify and to notify the next of kin of the decedent. This bill also requires that notification shall include informing the person presumed to be the next of kin that he has a right to have identification of the decedent confirmed without due delay and without being held financially responsible for any procedures performed for the purpose of the identification. This bill also eliminates a provision requiring the person, institution or agent of such person or institution having custody of the dead body to attempt to obtain consent for removal of the pituitary or other organs, glands, eyes or tissues for use in transplants or therapy.

*Patron - Watts*

**HB396 State Medical Facilities Plan; task force.** Requires the Board of Health to appoint and convene a task force of no less than 15 persons, including representatives from the Department of Health and the Division of Certificate of Public Need, and representatives of regional health planning agencies, the health care provider community, academic medical community, experts in advanced medical technology, and health insurers to meet at least once every two years. This bill also requires the task force to complete a review of the State Medical Facilities Plan at least every four years to update or validate the plan.

*Patron - Hamilton*

**HB398 Certificate of public need; relocation of nursing home beds.** Exempts from the definition of "project" any relocation of up to 10 beds or 10% of beds, whichever is less, (i) from one existing facility to another existing facility at the same site in any two-year period or (ii) in any three year period, from one existing nursing home facility to any other existing nursing home facility owned by the same person that is located either within the same planning district, or within another planning district out of which, during that three-year period, at least 10 times that number of beds have been transferred and at least half of those beds have not been replaced.

*Patron - Hamilton*

**HB479 Emergency Medical Services Plan; Stroke Triage Plan.** Requires the Board of Health to develop and maintain as a component of the Emergency Medical Services Plan a statewide prehospital and interhospital Stroke Triage Plan designed to promote rapid access for stroke patients to appropriate, organized stroke care. The Plan shall include formal regional stroke triage plans, which shall be reviewed triennially. This bill is identical to SB 344.

*Patron - Hamilton*

**HB502 Certificate of public need; fostering competition.** Provides that, when determining whether a public need for a project involving proposed health services or facilities has been demonstrated, the State Health Commissioner shall consider the extent to which the proposed service or facility will increase citizen accessibility, demonstrate documented com-

munity support and introduce institutional competition into a health planning region.

*Patron - Hamilton*

**HB603 Hospitals; disclosure of contractual arrangements with health insurance carriers.** Requires the State Health Commissioner to negotiate and contract with a non-profit organization for an annual survey of carriers offering private group health insurance policies and that are subject to HEDIS reporting, to determine the reimbursement that is paid for a minimum of 25 most frequently reported health care services, and to make the survey reports public through a website operated by the contracting organization. This bill also requires carriers to report the average reimbursement paid for a specific service from all providers and provider types. This bill is identical to SB 396.

*Patron - O'Bannon*

**HB604 Hospice facilities; licensure; emergency clause.** Allows certain hospice facilities to continue operating pending the promulgation of final licensure regulations by the Board of Health.

*Patron - O'Bannon*

**HB674 Four-year plan for aging services; report.** Requires the Department for the Aging to develop and maintain a four-year plan for aging services. The bill requires the Department to consult with various state and local agencies and details a list of factors to be included in the plan for consideration in determining when additional funds may be needed for various programs and services.

*Patron - Alexander*

**HB806 Reporting of infectious diseases; residential facilities.** Adds persons in charge of residential or day programs, services, or facilities licensed by any agency of the Commonwealth to the list of nonphysicians who must report disease outbreaks. This bill is identical to SB 463.

*Patron - Englin*

**HB819 Continuing care retirement communities; medical assistance.** Allows nursing facilities in continuing care retirement communities in Planning District 8 to participate in the Medical Assistance Program so long as (i) the nursing facility is no longer operating under an open admissions period, (ii) any patients who qualify and receive medical assistance have been residents of the community for at least three years, (iii) not more than 10 percent of the facility receives benefits at any given time, and (iv) residents who qualify for and receive medical assistance have exhausted any refundable entrance fee paid on the resident's behalf as a result of expenditures for that resident's care. This bill also allows these facilities to be exempt from certificate of public need requirements as long as no resident receives federal or state public assistance funds during an open admissions period.

*Patron - Albo*

**HB1003 Nursing workforce information; publication on website.** Requires that data related to the Commonwealth's nursing workforce, which is currently collected by the Board of Nursing, shall be published, in aggregate form and in a format that is accessible to the public, on the Department of Health Professions website.

*Patron - Bell*

**HB1040 Health records privacy; providing information after execution of search warrant, subpoena or court order.** Clarifies that regardless of the manner by which health records relating to an individual are compelled to be disclosed pursuant to a subpoena, search warrant, or court order, nothing

prohibits any staff or employee of a health care entity from providing information about such individual to a law-enforcement officer in connection with such subpoena, search warrant, or court order.

*Patron - Griffith*

**HB1089 Toxic substances; reporting.** Removes the requirement that the Board of Health report to the General Assembly and the Governor on toxic substances biennially.

*Patron - Sickles*

**HB1100 Informed consent for testing for human immunodeficiency virus.** Provides that, prior to performing any test to determine infection with HIV, a medical care provider shall inform the patient that the test is planned, provide information about the test, and advise the patient that he has the right to decline the test. If a patient declines the test, the medical care provider shall note that fact in the patient's medical file. This bill incorporates HB 243.

*Patron - Sickles*

**HB1166 Professional engineering of onsite treatment works.** Authorizes the Board of Health, the Commissioner of Health, and the Department of Health to accept treatment works designs from individuals licensed as professional engineers. This bill provides that such designs shall (i) be compliant with standard engineering practice and performance requirements established by the Board and those horizontal setback requirements necessary to protect the public health and the environment, and (ii) reflect that degree of skill and care ordinarily exercised by licensed members of the engineering profession practicing at the time of performance. The bill also establishes the procedure for submission and review of designs.

*Patron - Saxman*

**HB1213 HIV/Hepatitis testing; consent for minors.** Makes the process for HIV and hepatitis testing when someone other than a school board member is exposed to the minor's bodily fluids consistent with the process for that of exposure of school board members. Requires consent from the minor's parents, and, if consent is refused, the bill requires such a person to petition the juvenile and domestic relations district court where the minor resides or resided, rather than the general district court, for an order requiring such testing. Recommendation of the Committee on District Courts. This bill is identical to SB 227.

*Patron - Melvin*

**HB1265 Department of Health; payment for medical care services.** Allows the Department of Health to charge an amount equal to the allowable charge of a private insurer for the services provided by the Department to an insured individual. If an insurance company denies a claim for medical care services provided by the Department, the patient portion of the bill shall not be greater than if the person did not have private health insurance. This bill is identical to SB 579.

*Patron - Plum*

**HB1299 Revised Uniform Anatomical Gift Act.** Specifies a procedure for resolving situations when, with regard to the measures necessary to ensure the medical suitability of an organ, there is a conflict between an advanced health care directive or similar declaration and the express or implied terms of an anatomical gift. The bill also repeals a section that was inadvertently not repealed when the prior act was repealed in 2007 and makes some clarifying changes. The 2007 General Assembly repealed the Uniform Anatomical Gift Act and enacted the Revised Uniform Anatomical Gift Act.

*Patron - Frederick*

**PHB1420 Department of Health declared state radiation agency.** Establishes the Virginia Department of Health as the state radiation control agency. This bill is identical to SB 514.

*Patron - Howell, A.T.*

**PHB1471 Filing of death certificates.** Clarifies who shall file death certificates.

*Patron - Gilbert*

**PHB1498 Certificate of Public Need.** Permits the Commissioner to issue a Request For Applications, and to accept applications for 120 new nursing home or nursing facility beds in Planning District 3. This bill also requires the Commissioner to consider, in issuing any certificate of public need for 120 beds, an applicant that proposes to establish a new nursing facility located within three miles of the boundary of the county seat or within the county seat of the county adjacent to the city or county in which is sited any facility in Planning District 3 determined by the Division of Certificate of Public Need to be licensed for 120 beds but that operated no Medicaid-certified beds in 2006.

*Patron - Kilgore*

**PSB227 HIV/Hepatitis testing; consent for minors.** Clarifies the procedure for obtaining consent for testing for HIV or hepatitis B or C viruses of a minor when the person exposed is a health care provider, law enforcement officer, or school board employee. This bill provides that where a blood sample is required from a minor for testing, and the minor refuses to provide the sample, consent for obtaining the sample shall be obtained from the parent, guardian, or person standing in loco parentis of the minor. This bill further provides that where the parent, guardian, or person standing in loco parentis of the minor withholds consent or is not reasonably available to consent, the person potentially exposed to HIV or hepatitis B or C viruses or the employer of such person may petition the juvenile and domestic relations district court in the county or city where the minor resides or resided or, in the case of a non-resident, the county or city where the health care provider, law enforcement agency, or school board has its principal office for an order requiring the minor to provide a sample, submit to testing, and disclose the results. This bill is identical to HB 1213.

*Patron - McDougle*

**PSB344 Emergency Medical Services Plan; Stroke Triage Plan.** Requires the Board of Health to develop and maintain as a component of the Emergency Medical Services Plan a statewide prehospital and interhospital Stroke Triage Plan designed to promote rapid access for stroke patients to appropriate, organized stroke care. The Plan shall include formal regional stroke triage plans, which shall be reviewed triennially. This bill is identical to HB 479.

*Patron - Blevins*

**PSB396 Health care costs; estimates and average costs.** Requires the Department of Health to negotiate and contract with a nonprofit organization for an annual survey of carriers, to determine the average costs for 25 common outpatient procedures and the average reimbursement paid for a specific service from all providers and provider types, and to make such information available to the public through a website operated by the nonprofit organization. This bill also requires the Health Commissioner to work together with the nonprofit organization to incorporate existing service quality data and guidance to the price information and to work to display price and quality information for episodes of care in a manner which

is consistent with generally accepted national guidelines. This bill is identical to HB 603.

*Patron - Edwards*

**PSB463 Reporting of infectious diseases; residential facilities.** Adds persons in charge of residential or day programs, services, or facilities licensed by any agency of the Commonwealth to the list of nonphysicians who must report disease outbreaks. This bill is identical to HB 806.

*Patron - Whipple*

**PSB514 Department of Health declared state radiation agency.** Establishes the Virginia Department of Health as the state radiation control agency. This bill is identical to HB 1420.

*Patron - Miller, J.C.*

**PSB579 Department of Health; payment for medical care services.** Allows the Department of Health to charge an amount equal to the allowable charge of a private insurer for the services provided by the Department to an insured individual. If an insurance company denies a claim for medical care services provided by the Department, the patient portion of the bill shall not be greater than if the person did not have private health insurance. This bill is identical to HB 1265.

*Patron - Saslaw*

## Failed

**FHB22 Methicillin-resistant staphylococcus aureus; required to be reported.** Adds methicillin-resistant staphylococcus aureus (MRSA) to the list of diseases required to be reported to the Department of Health.

*Patron - O'Bannon*

**FHB89 Immunizations; human papillomavirus.** Removes requirement that girls receive the human papillomavirus vaccine.

*Patron - Marshall, R.G.*

**FHB98 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.

*Patron - Purkey*

**FHB130 Death certificates; local health departments.** Requires that death certificates be made available, upon request, at any local health department in the Commonwealth, regardless of the place of death.

*Patron - Lewis*

**FHB188 Human papillomavirus vaccine; effective date.** Extends the effective date of the requirement for sixth grade girls to receive the human papillomavirus vaccine from October 1, 2008, to July 1, 2010.

*Patron - Marshall, R.G.*

**FHB243 Informed consent for testing for human immunodeficiency virus.** Removes the requirement for separate oral or written informed consent for testing for human immunodeficiency virus and adds the requirement that a medical care provider inform a patient that the test is planned, pro-

vide information about the test, and advise the patient that he has the right to decline the test. This bill has been incorporated into HB 1100.

*Patron - O'Bannon*

**HB381 Exempting certain facilities from the requirement of a certificate of public need.** Exempts certain existing facilities engaged in the early identification, diagnosis, and treatment of heart disease using noninvasive screening and outpatient coronary arteriography located in the City of Richmond from the requirement of obtaining a certificate of public need for the addition of a computer tomography (CT) scanner for cardiac imaging and diagnosis.

*Patron - O'Bannon*

**HB404 Private well construction; exemptions.** Exempts any tract of land consisting of less than five acres from the prohibition on constructing a private well within 50 feet of the property line with an adjacent property used for agricultural operation.

*Patron - Oder*

**HB413 Medical assistance services; income disregard.** Increases the amount disregarded from countable resources to an amount not in excess of \$5,000 for the individual and for his spouse when such resources have been set aside to meet burial expenses of the individual or his spouse.

*Patron - Griffith*

**HB500 Virginia Smoke Free Air Act; smoking in public places; 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) private clubs, except when being used for functions attended by persons other than members and invited guests; (iii) hotel or motel rooms designated as smoking rooms that are offered for rent to the public; (iv) specialty tobacco stores; (v) tobacco manufacturers; and (vi) private and semiprivate rooms in nursing homes and long-term care facilities. The bill requires the posting of "No Smoking" signs inside and at the entrances of areas where smoking is prohibited. 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 - Hamilton*

**HB530 Freestanding birth centers; licensing.** Requires freestanding birth centers to be licensed and regulated by the Department of Health.

*Patron - Pogge*

**HB572 Virginia Smoke Free Air Act; smoking in public places; 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) private clubs, except when being used for functions attended by persons other than members and invited guests; (iii) hotel or

motel rooms designated as smoking rooms that are offered for rent to the public; (iv) specialty tobacco stores; (v) tobacco manufacturers; and (vi) private and semiprivate rooms in nursing homes and long-term care facilities. The bill requires the posting of "No Smoking" signs inside and at the entrances of areas where smoking is prohibited. 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.*

**HB593 VirginiaShare Health Insurance Program.** Establishes the VirginiaShare Health Insurance Program, to provide health insurance premium assistance to allow eligible low-income working individuals to purchase health insurance coverage through a certified VaShare Health Insurance Policy. Also establishes the VirginiaShare Health Insurance Program Board to regulate the Program, to be administered by the Department of Medical Assistance Services. The program will pay one-third of the total monthly premium for eligible individuals, up to \$75, with the remaining amount to be paid by the individual's small employer and the individual. Eligible individuals must (i) be residents of Virginia; (ii) have an income that is at or below 200 percent of the federal poverty level; (iii) have not been insured or had the offer of insurance within six months prior to enrollment in the Program; (iv) be ineligible for medical assistance benefits pursuant to Title XIX of the Social Security Act, as amended, or benefits pursuant to Title XXI of the Social Security Act, as amended; (v) be employed by a qualified small employer; and (vi) work at least 30 hours per week for the qualified small employer.

*Patron - Hamilton*

**HB821 Virginia Smoke Free Air Act; smoking in public places; 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) private clubs, except when being used for functions attended by persons other than members and invited guests; (iii) hotel or motel rooms designated as smoking rooms that are offered for rent to the public; (iv) specialty tobacco stores; (v) tobacco manufacturers; and (vi) private and semiprivate rooms in nursing homes and long-term care facilities. The bill requires the posting of "No Smoking" signs inside and at the entrances of areas where smoking is prohibited. 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*

**HB857 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 adult (i) who was the subject of an adult protective services investigation or (ii) whose death was due to abuse or neglect or acts that sug-

gest 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. This bill was incorporated into HB 251.

*Patron - Ebbin*

**HB894 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 - Lohr*

**HB1046 Nursing homes; staffing levels.** Requires the Board of Health to establish staffing standards for nursing homes.

*Patron - Watts*

**HB1190 Infant Mortality Prevention Act.** Requires certain measures designed to lower the infant mortality rate in the Commonwealth, including: (i) expanding FAMIS eligibility for pregnant women with an income level up to 200 percent of the federal poverty level and providing coverage for one year postpartum; (ii) prohibiting the state from charging copayments for prenatal services for state employees; (iii) designating a senior employee of the Department of Health as coordinator for the state's home visitation programs designed to limit infant mortality; (iv) giving the Department of Social Services responsibility for coordinating efforts among faith-based organizations working to reduce infant mortality; and (v) requiring the Commissioner of Health to launch a public education campaign aimed at preventing Sudden Infant Death Syndrome.

*Patron - Moran*

**HB1227 Medical assistance services; coverage of treatment for breast and cervical cancer.** Eliminates requirement that women be screened in under the Centers for Disease Control and Prevention Breast and Cervical Cancer Early Detection Program to qualify for coverage.

*Patron - Vanderhye*

**HB1543 Health records; surgical complications reporting.** Requires physicians to report, in writing or by electronic means, each patient who comes under his professional care and requires medical treatment or suffers death that the physician has a reasonable basis to believe is the result of an elective outpatient surgical procedure. Complications resulting from elective outpatient surgical procedures. This bill provides that the report shall not contain any identifying information.

*Patron - Janis*

**SB204 Freestanding birth centers; licensing.** Requires freestanding birth centers to be licensed and regulated by the Department of Health.

*Patron - Quayle*

**SB298 Virginia Smoke Free Air Act; smoking in public places; 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) private clubs, except when being used for functions attended by persons other than members and invited guests; (iii) hotel or motel rooms designated as smoking rooms that are offered for rent to the public; (iv) specialty tobacco stores; (v) tobacco manufacturers; and (vi) private and semiprivate rooms in nursing homes and long-term care facilities. The bill requires the posting of "No Smoking" signs inside and at the entrances of areas where smoking is prohibited. 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 - Whipple*

**SB406 Prescription drug benefits; penalty for conviction of certain drug-related crimes.** Provides that any individual convicted of manufacturing, selling, giving, or distributing a controlled substance or imitation controlled substance, or possessing a controlled substance with the intent to manufacture, sell, give, or distribute a controlled substance or imitation controlled substance shall be ineligible for prescription drug assistance under Medicaid.

*Patron - Puckett*

**SB437 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 - Vogel*

**SB501 Virginia Indoor Clean Air Act; penalty.** Moves the regulation of smoking in restaurants from Title 15.2 to a new chapter in Title 32.1. This bill prohibits smoking in all indoor restaurants and bar and lounge areas in the Commonwealth. Requires the posting of "No Smoking" signs and provides for a \$25 civil penalty for a violation of these provisions.

*Patron - Locke*

**SB503 Emergency Medical Services.** Establishes the Department of Emergency Medical Services to replace the current Office of Emergency Medical Services and places the new Department under the Secretary of Public Safety.

*Patron - Northam*

**SB578 VirginiaShare Health Insurance Program.** Establishes the VirginiaShare Health Insurance Program, to provide health insurance premium assistance to allow eligible low-income working individuals to purchase health insurance coverage through a certified VaShare Health Insurance Policy. Also establishes the VirginiaShare Health Insurance Program Board to regulate the Program, to be administered by the Department of Medical Assistance Services. The program will pay one-third of the total monthly premium for eligible individuals, up to \$75, with at least one-half of the remaining amount paid by the individual's small employer. However, if the \$75 maximum monthly contribution from the program is less than one-third of the total monthly premium, then the individual's small employer shall pay at least one-third of the total monthly premium. Eligible individuals must (i) be residents of Virginia; (ii) have an income that is at or below 200 percent of the federal poverty level; (iii) have not been insured or had the offer of insurance within six months prior to enrollment in the

Program; (iv) be ineligible for full-benefit medical assistance benefits pursuant to Title XIX of the Social Security Act, as amended, or benefits pursuant to Title XXI of the Social Security Act, as amended; (v) be employed by a qualified small employer; and (vi) work at least 30 hours per week for the qualified small employer. The provisions of the bill are contingent upon an appropriation of general funds effectuating the purposes of the bill.

*Patron - Saslaw*

**SB702 Influenza vaccinations; information.** Requires the Department of Health to publish, on its website, information on influenza disease and the benefits of influenza vaccination for children under the age of 60 months. Also requires the Department to work with other state agencies, as well as private child care organizations, to make this information available to parents on an annual basis.

*Patron - Lucas*

**SB722 Immunizations; human papillomavirus.** Removes requirement that girls receive the human papillomavirus vaccine.

*Patron - Cuccinelli*

## Carried Over

**HB247 Hospital emergency departments; ability to access electronic health records.** Requires all hospitals that (i) engage in diversion at any time and (ii) use electronic health records to have the information technology capability to access electronic health records of other hospitals engaging in diversion in their emergency departments.

*Patron - O'Bannon*

**HB510 State medical assistance plan; DMAS to contract with DMHMRSAS for mental health services.** Requires the Department of Medical Assistance Services to contract with the Department of Mental Health, Mental Retardation and Substance Abuse Services to provide mental health services to eligible individuals in underserved areas of the Commonwealth.

*Patron - Hamilton*

**HB1532 COPN; nursing home beds.** Authorizes the Commissioner of Health to accept applications and to issue certificates of public need for nursing home beds in Planning District 13, which would result in an increase of 30 percent in the number of licensed nursing home beds for each nursing home that has reported to Virginia Health Information an average annual occupancy rate of 99 percent or higher for fiscal year 2006 and fiscal year 2007, provided that the application is filed on or before December 1, 2008, and approved additional nursing home beds are not put into service prior to July 1, 2009.

*Patron - Hogan*

**SB354 Medical examiner's investigation; examination of body.** Specifies that a medical examiner investigating a suspicious death shall examine the dead body in-person, either at the scene of death or another location, before making his report to the Chief Medical Examiner.

*Patron - Deeds*

**SB672 Certificate of public need; certain request for applications.** Requires the Commissioner of Health to issue a Request For Applications for 90 new nursing facility beds in Planning District 9 no later than October 1, 2008.

*Patron - Houck*

## Highways, Bridges and Ferries

### Passed

**HB84 Virginia-North Carolina Interstate Toll Road Compact.** Repeals the Virginia-North Carolina Interstate Toll Road Compact. The bill will take effect July 1, 2009.

*Patron - Landes*

**HB277 Traffic control measures.** Allows installation and application of traffic control measures on secondary system components in residence districts even if those components also provide access to business districts.

*Patron - Watts*

**HB453 School bus stop indicators.** Provides that local school boards may install signs or other devices to indicate school bus stops. Installation of these signs or devices is subject to VDOT approval if installed on any state-maintained highway. Maintenance, repair, and replacement of these school bus stop signs is to be the responsibility of the local school board. VDOT, in conformance with its current policies for emergency snow removal operations, must use its best efforts to ensure that signed school bus stop areas will not be obstructed by snow removal operations.

*Patron - Rust*

**HB454 HOT Lanes.** Revises procedures for enforcement of High-Occupancy Toll (HOT) lanes violations. This bill is the same as SB 570.

*Patron - Rust*

**HB1013 Newman Road.** Designates the entire length of Newman Road in Fairfax County a Virginia byway.

*Patron - Hugo*

**HB1014 HOV lanes; clean special fuel vehicles.** Extends until July 1, 2009, the "sunset" provision allowing vehicles bearing clean special fuel license plates to use HOV lanes regardless of the number of their passengers. This bill incorporates HB 342.

*Patron - Hugo*

**HB1032 Traffic control measures.** Provides that nothing in Title 33.1 is to be construed to prevent the acceptance by the Department of Transportation of private financing for the application and installation of traffic control measures.

*Patron - Frederick*

**HB1406 Rural rustic road program.** Increases from 1,000 to 1,500 vehicles per day the maximum average daily traffic volume for roads to be eligible to participate in the rural rustic road program.

*Patron - May*

**HB1464 Trooper Robert A. Hill Memorial Bridge.** Designates the Virginia Route 687 bridge over U.S. Route 58 in Southampton County the "Trooper Robert A. Hill Memorial Bridge."

*Patron - Tyler*

**HB1507 Trooper Charles Mark Cosslett Memorial Highway.** Designates a portion of Virginia Route 7100 (Fairfax County Parkway) the "Trooper Charles Mark Cosslett Memorial Highway."

*Patron - Sickles*



**HB1516 Public-Private Transportation Act; tolls on Interstate highways.** Prohibits a private entity from imposing tolls or user fees under the Public-Private Transportation Act on any rural portion of I-81 without the prior approval of the General Assembly. This bill incorporates HB 1515 (Gilbert). This bill is identical to SB 754.

*Patron - Gilbert*

**HB1555 Lance Corporal Daniel Todd Morris Bridge.** Designates the Virginia Route 620 bridge over Interstate Route 81 at Steeles Tavern the "Lance Corporal Daniel Todd Morris Bridge."

*Patron - Cline*

**HB1572 Comprehensive highway access management standards; implementation.** Requires that the Commonwealth Transportation Commissioner promulgate comprehensive highway access management standards in phases. Those standards relating to principal arterial roads shall become effective on July 1, 2008, and those relating to minor arterial roads shall become effective on October 1, 2009. The Commissioner will be subject to the Administrative Process Act for those regulations effective on October 1, 2009. This bill is identical to SB 370.

*Patron - Hull*

**SB99 "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, 2008, 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 improve, construct, or reconstruct 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 improve, construct, or reconstruct 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.

*Patron - Ruff*

**SB150 Wilderness Road: Virginia's Heritage Migration Route.** Designates U.S. Route 11 from Winchester to Bristol, connecting with the Daniel Boone Wilderness Trail in Scott County and continuing west on U.S. Routes 58 and 23, ending at Cumberland Gap National Heritage Park in Lee County where it intersects with the Kentucky Wilderness Road Heritage Highway; and the Fincastle Turnpike and the Carolina Road spurs that branch off in Botetourt County as the "Wilderness Road: Virginia's Heritage Migration Route." This designation shall not affect any other designation heretofore or hereafter applied to this route or any portions thereof.

*Patron - Edwards*

**SB153 VDOT maintenance; community service program.** Requires the Commissioner of the Virginia Department of Transportation to establish a program whereby nonviolent misdemeanants who have a suspended sentence or who are on probation will mow rights-of-way or perform other landscaping tasks that VDOT is responsible for. The bill also provides civil immunity for the officials who participate.

*Patron - Stuart*

**SB189 Highway construction by state or local employees.** Increases the maximum cost of a project that may be undertaken using state or local employees to \$600,000; and provides that the Board may enter into a written agreement with a locality for the building and maintenance of roads by local employees so long as the locality has obtained a cost estimate of not more than \$1 million.

*Patron - Herring*

**SB370 Comprehensive highway access management standards; implementation.** Requires that the Commonwealth Transportation Commissioner promulgate comprehensive highway access management standards in phases. Those standards relating to principal arterial roads shall become effective on July 1, 2008, and those relating to minor arterial roads shall become effective on October 1, 2009. The Commissioner will be subject to the Administrative Process Act for those regulations effective on October 1, 2009. This bill is identical to HB 1572.

*Patron - Watkins*

**SB570 HOT Lanes.** Revises procedures for enforcement of High-Occupancy Toll (HOT) lanes violations. This bill is identical to HB 454.

*Patron - Saslaw*

**SB654 Jerry Falwell Parkway.** Designates U.S. 460 between the Monacan Bridge in the City of Lynchburg and Wards Road in Campbell County the "Jerry Falwell Parkway."

*Patron - Newman*

**SB754 Public-Private Transportation Act; tolls on Interstate highways.** Prohibits a private entity from imposing tolls or user fees under the Public-Private Transportation Act on any existing rural segment of Interstate Route 81 without the prior approval of the General Assembly. This bill is identical to HB 1516.

*Patron - Obenshain*

## Failed

**HB73 Naming highways, etc.** Allows the Commonwealth Transportation Board to name a highway, bridge, or interchange for a living person, group, or business entity if the cost of construction of the bridge, highway, or interchange is paid by the person, group, or business entity.

*Patron - Marshall, R.G.*

**HB111 "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, 2008, 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 improve, construct, or reconstruct 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 improve, construct, or reconstruct 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. This bill incorporates HB 571 and HB 1286

*Patron - Scott, E.T.*

**HB135 HOT lanes.** Prohibits the designation of HOT lanes on any portion of I-95 between the Potomac River and the City of Fredericksburg.

*Patron - Nichols*

**HB147 Statewide Transportation Plan.** Requires VDOT to collect and report certain statistical information. This bill incorporates HB 977.

*Patron - Fralin*

**HB158 Highways; littering unsightly matter.** Provides when the matter illegally dumped or disposed of was ejected from a motor vehicle or transported to the disposal site in a motor vehicle, the court, in addition to the criminal penalty provided, may suspend the defendant's license to operate a motor vehicle for a period not to exceed 30 days.

*Patron - Nichols*

**HB185 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.*

**HB268 HOV lanes.** Imposes the same penalties for HOV lane violations in the Hampton Roads Planning District as are presently imposed for HOV violations in Northern Virginia.

*Patron - Miller, P.J.*

**HB342 HOV lanes; use by vehicles bearing clean special fuel vehicle license plates.** Extends the July 1, 2008, "sunset" on use of HOV lanes by vehicles bearing clean special fuel vehicle license plates, regardless of the number of their passengers, until July 1, 2012. This bill was incorporated into HB 1014.

*Patron - Plum*

**HB347 Powers of CTC.** Allows the Commonwealth Transportation Commissioner (CTC) to enter into contracts

with Reston for grounds keeping, mowing, and litter removal on highways within Reston.

*Patron - Plum*

**HB348 Supplying information to and soliciting comments from Reston by VDOT.** Requires that whenever any provision of Title 33.1 requires the Virginia Department of Transportation (VDOT) to supply information to or solicit comments from the governing body of any county, city, or town, VDOT must, under similar circumstances, supply such information to or solicit comments from Reston.

*Patron - Plum*

**HB373 Highway "welcome" signs and exit signs.** Allows local governing bodies to put up "welcome" signs within highway rights-of-way or within sight of highway rights-of-way to welcome travelers. These signs may include statements or phrases such as "birthplace of \_\_\_\_\_," "site of the \_\_\_\_\_," or "home of the \_\_\_\_\_." Such signs may also display the Internet web address of the locality's official website. The bill also provides for display of the Internet address of a locality's official website on exit signs on controlled access highways.

*Patron - Carrico*

**HB389 Allocation of maintenance funds among highway systems.** Requires the Commonwealth Transportation Board to utilize the estimated budget required to meet performance standards for asset management under § 33.1-13.02 in determining the total amount of funds that are reasonable and necessary for maintenance of roads; the allocation of the total amount of funds made available for maintenance shall be based on achieving a minimal level of disparity in meeting asset management performance standards established under § 33.1-13.02; such provision to be fully implemented by fiscal year 2015.

*Patron - Bulova*

**HB471 Primary system highway construction funds allocation.** Allocates primary system highway construction funds among the nine highway construction districts on the basis of the ratio of vehicle miles traveled on primary highways divided by the lane miles of primary highways in each highway construction district, weighted 90 percent, and a need factor, weighted 10 percent.

*Patron - Watts*

**HB507 Hampton Roads Transportation Authority.** Revises the number of members needed for a quorum at meetings of the Authority and the number of affirmative votes required to impose taxes, fees, or tolls. The bill also eliminates references to phase two projects and adds improvements to the Hampton Roads Bridge Tunnel to the list of Authority projects. Additionally, it eliminates, for Hampton Roads, the 5 percent sales and use tax on vehicle repairs, the initial vehicle registration fee, the congestion relief fee, and the increased commercial real estate tax. Finally, the bill increases, for Hampton Roads, the tax on motor fuels from 2 percent to 5 percent, the car rental fee from 2 percent to 5 percent, and the annual vehicle license fee from \$10 to \$50.

*Patron - Hamilton*

**HB568 Local ordinances prohibiting use of certain highways by tractor-trailer combinations.** Allows the governing body of any county, city, or town by ordinance to prohibit the use of any highway within its boundaries by tractor-trailer combinations when, in the sole judgment of the local governing body, tractor-trailer combinations are unable safely to negotiate such highway.

*Patron - Crockett-Stark*

**HB571 Revenue-sharing funds for certain counties.** Eliminates the four-tier allocation system and also eliminates the authority for counties to use proffers for up to one-half of the local government's contribution to revenue-sharing fund projects. This bill was incorporated into HB 111.

*Patron - Crockett-Stark*

**HB629 VDOT regulations; fiber optic facilities.** Requires the Department of Transportation, by regulation, to allow communications providers deploying fiber optic facilities to overlash fiber optic facilities onto existing aerial copper facilities. Vertical clearances for all such overhead installations within nonlimited-access rights-of-way must be in compliance with standards specified in the National Electric Safety Code.

*Patron - May*

**HB630 VDOT regulations; placement of customer service drop cables.** Requires VDOT, by regulation, to allow providers of communications services to place and maintain lateral customer service drop facilities necessary to provide communications services to individual customer locations and further allow providers of communications services to place customer service drop cables of a physical size that does not exceed three inches in diameter parallel within highway rights-of-way for a distance of no more than 1,000 feet.

*Patron - May*

**HB692 Highway "welcome" signs and exit signs.** Allows local governing bodies to put up "welcome" signs within highway rights-of-way or within sight of highway rights-of-way to welcome travelers. These signs may include statements or phrases such as "birthplace of \_\_\_\_\_," "site of the \_\_\_\_\_," or "home of the \_\_\_\_\_." Such signs may also display the Internet web address of the locality's official website. The bill also provides for display of the Internet address of a locality's official website on exit signs on controlled access highways.

*Patron - Armstrong*

**HB797 Traffic signs in Fairfax County.** Transfers from VDOT to Fairfax County any and all powers, duties, responsibility, and control over traffic signage and marking within the boundaries of the County of Fairfax. VDOT is further required to fully reimburse the County of Fairfax for its actual and necessary expenses in carrying out the provisions of this act.

*Patron - Englin*

**HB803 VDOT to account for workforce housing.** Grants VDOT full authority to account for workforce housing when negotiating the sale price of property being sold after it has acquired it in the course of any project. This accounting is to be made available to the Joint Commission on Transportation Accountability.

*Patron - Englin*

**HB826 Hampton Roads Transportation Authority.** Includes expansion of the Hampton Roads Bridge-Tunnel in the list of "first tier" projects of the Hampton Roads Transportation Authority.

*Patron - Gear*

**HB828 Hampton Roads Transportation Authority.** Removes York County and the Cities of Hampton and Poquoson from the territory embraced by the Authority.

*Patron - Gear*

**HB829 Hampton Roads Transportation Authority.** Abolishes the Authority and the taxes, fees, and charges dedicated to financing its operation and programs.

*Patron - Gear*

**HB855 Regional pedestrian and bicycle advisory committees.** Requires VDOT to establish regional pedestrian and bicycle advisory committees.

*Patron - Ebbin*

**HB856 Rail Enhancement Fund.** Allows the Director of the Department of Rail and Public Transportation, with the approval of the Rail Advisory Board, to waive the requirement that projects funded by the Fund include a minimum of 30 percent cash or in-kind matching contribution from a private source, which may include a railroad, a regional authority, a local government source, or a combination of such sources. The bill also allows the use of funds from "federal governmental sources" in connection with projects funded from the Fund.

*Patron - Ebbin*

**HB961 Street maintenance payments.** Provides for increased payments where traffic volumes exceed the state-wide average by more than 20 percent.

*Patron - Shannon*

**HB977 VDOT statistical information.** Requires VDOT to collect and report certain statistical information. This bill was incorporated into HB 147.

*Patron - Shannon*

**HB1108 Primary system highway construction funds allocation.** Allocates primary system highway construction funds among the nine highway construction districts on the basis of the ratio of vehicle miles traveled on primary highways divided by the lane miles of primary highways in each highway construction district, weighted 90 percent, and a need factor, weighted 10 percent.

*Patron - Rust*

**HB1130 VDOT logo signs.** Requires the Commonwealth Transportation Board to allow businesses that cater to recreational vehicle users and participate in the Integrated Directional Sign Program to identify themselves through use of distinctive symbols or images.

*Patron - Jones, S.C.*

**HB1286 Local revenue-sharing highway projects.** Eliminates the three-tier aspect of the revenue-sharing program, allows localities to contribute up to 90 percent of their share in the form of proffers, and provides that 90 percent of project funding will be from VDOT and 10 percent from the locality. This bill was incorporated into HB 111.

*Patron - Athey*

**HB1304 Hampton Roads Transportation Authority.** Provides specific procedures to be followed by the Authority in making legislative requests and recommendations to the General Assembly. The bill also provides that no tax or fee to be charged or imposed and dedicated to financing its operation and programs pursuant to Chapter 896 of the Acts of Assembly of 2007 (House Bill No. 3202) shall be imposed or collected prior to July 1, 2009.

*Patron - Oder*

**HB1385 Allocation of primary and secondary highway construction funds.** Revises the formulas used to allocate

primary and secondary highway construction funds so that such funds are allocated on the basis of population.

*Patron - Miller, J.H.*

**HB1444 Hampton Roads Transportation Authority.** Abolishes the Authority and the taxes, fees, and charges dedicated to financing its operation and programs.

*Patron - Oder*

**SB11 Rail Enhancement Fund.** Allows the Director of the Department of Rail and Public Transportation, with the approval of the Rail Advisory Board, to waive the requirement that projects funded by the Fund include a minimum of 30 percent cash or in-kind matching contribution from a private source, which may include a railroad, a regional authority, a local government source, or a combination of such sources. The bill also allows the use of funds from "federal governmental sources" in connection with projects funded from the Fund.

*Patron - Miller Y.B.*

**SB71 Powers of CTC.** Allows the Commonwealth Transportation Commissioner (CTC) to enter into contracts with Reston for grounds keeping, mowing, and litter removal on highways within Reston.

*Patron - Howell*

**SB121 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*

**SB186 VDOT statistical information.** Requires VDOT to collect and report certain statistical information.

*Patron - Herring*

**SB371 Statewide Rail Plan.** Requires that the Commonwealth Transportation Board develop a Statewide Rail Plan, which shall set forth an inventory of rail needs based upon established goals, objectives, and priorities including promotion of increased passenger rail service and increased freight rail capacity.

*Patron - Watkins*

**SB660 Hampton Roads Transportation Authority.** Gives the Hampton Roads Transportation Authority the power to enter into design-build contracts for construction of projects.

*Patron - Miller, Y.B.*

**SB720 HOT lane construction contracts.** Requires that any contract for the construction of any additional lanes on Interstate Route 95 or Interstate Route 395 in or between Arlington County and Spotsylvania County must specify that average vehicle speeds of at least 45 miles per hour must be maintained along Interstate Route 95 or Interstate Route 395 between the Capital Beltway and the southern terminus of the HOT lanes on Interstate Route 95. The contract must also specify monetary penalties to be paid by the contractor or operator of the HOT lanes if and when these average vehicle speeds are not met. The bill also corrects a technical error.

*Patron - Barker*

state secondary highway system solely on the basis of population. Presently, allocations are made on the basis of population (80%) and area (20%).

*Patron - Nichols*

**HB374 "CHILD WITH AUTISM" signs.** Requires VDOT, when requested by the child's parent or legal guardian, to post within an area in which a child with autism who is less than 18 years old resides signs bearing the legend "CHILD WITH AUTISM."

*Patron - Carrico*

**HB405 Tolls.** Prohibits imposition and collection of tolls for use of (i) Interstate Route 64 between the Virginia Route 143 (Jefferson Avenue) interchange in the City of Newport News and the Hampton Roads Bridge-Tunnel and (ii) Interstate Route 664 between Interstate Route 64 and the Monitor-Merrimac Memorial Bridge-Tunnel.

*Patron - Oder*

**HB544 Composition of RMA Board.** Revises the composition of the Board of Directors of the Richmond Metropolitan Authority (RMA).

*Patron - Nixon*

**HB618 Eminent domain; highway construction.** Clarifies that the power of eminent domain exercised by the Commonwealth Transportation Commissioner for highway construction includes construction of sidewalks and lighting therefor.

*Patron - Amundson*

**HB1105 Outdoor advertising.** Gives local governments increased ability to limit or remove nonconforming billboard signs.

*Patron - Bouchard*

**HB1288 Bridge and safety funding prioritization by CTB.** Requires the Commonwealth Transportation Board (CTB) to make the replacement and/or repair of bridges in the Commonwealth that are of the same or substantially similar design to the Interstate Route 35W bridge over the Mississippi River in Minneapolis, Minnesota, that collapsed on August 1, 2007, the highest priority for all available bridge and safety funding.

*Patron - Athey*

**HB1301 Powers of CTB; bridge replacement and repair.** Allows the Commonwealth Transportation Board (CTB) to award contracts for the design-build procurement of bridge replacement and bridge repair projects.

*Patron - Nichols*

**HB1454 VDOT entrance sight-distance requirements.** Provides that in any county having a population of less than 40,000, the Virginia Department of Transportation must waive entrance sight-distance requirements for entrances to buildings used by emergency fire and rescue organizations when such entrances connect to highways where there is no posted speed limit.

*Patron - Nutter*

**HB1511 Changeable electronic variable message signs.** Imposes a moratorium on the erection or conversion of advertisements and advertising structures into changeable electronic variable message signs.

*Patron - May*

**SB122 Rail Transportation Development Authority.** Establishes the Rail Transportation Development Authority.

## Carried Over

**HB94 Secondary highway system construction allocations.** Allocates construction funds among the counties in the

The Authority is to be responsible for identifying needed construction, reconstruction, improvements, or repairs to railroads and their facilities and equipment. The Authority is given the power to finance or assist in financing any such rail transportation project. The bill requires the Virginia Department of Rail and Public Transportation, in conjunction with the Authority, to develop a rail transportation plan for the Commonwealth. The bill further abolishes the Rail Advisory Board and repeals Chapter 1041 of the 2003 Acts of Assembly, which provided for the creation of a Rail Transportation Development Authority, but never became effective, because it included a reenactment clause, and the act was not reenacted.

*Patron - Edwards*

**SB233 Statewide Transportation Plan.** Requires that the Statewide Transportation Plan include quantifiable measures and achievable goals for carbon dioxide gas emissions.

*Patron - Whipple*

**SB407 Local ordinances prohibiting use of certain highways by tractor-trailer combinations.** Allows the governing body of any county, city, or town by ordinance to prohibit the use of any highway within its boundaries by tractor-trailer combinations when, in the sole judgment of the local governing body, tractor-trailer combinations are unable safely to negotiate such highway.

*Patron - Puckett*

**SB676 Hampton Roads Transportation Authority.** Abolishes the Authority and the taxes, fees, and charges dedicated to financing its operation and programs.

*Patron - Miller, J.C.*

**SB763 Changeable electronic variable message signs.** Imposes a moratorium on the erection or conversion of advertisements and advertising structures into changeable electronic variable message signs.

*Patron - Ticer*

## Homestead and Other Exemptions

### Passed

**HB1042 Homestead deeds; previous filings.** Adds to the homestead deed form the following questions: (i) how many homestead deeds has the householder filed previously, (ii) what was the amount of the exemption, and (iii) what jurisdiction were they in.

*Patron - Griffith*

### Failed

**HB1256 Protection of IRAs from civil judgment; \$750,000.** Provides that an individual's interest in an IRA, up to \$750,000, is exempt from creditor process including civil judgments.

*Patron - Marsden*

### Carried Over

**HB1559 IRAs; exemption from civil judgments.** Exempts individual retirement accounts from all creditor process including civil judgments.

*Patron - Lingamfelter*

## Housing

### Passed

**HB44 Manufactured Housing Board; grounds for denial, suspension, or revocation of a license.** Provides for the Manufactured Housing Board to deny, suspend, or revoke the license of a manufactured home broker, dealer, manufacturer, or salesperson that has a substantial identity of interest with a licensee of the Board whose license has been revoked or not renewed by the Board in a previous action. The bill defines "substantial identity of interest" as (i) a controlling financial interest by the individual or corporate principals of the manufactured home broker, dealer, or manufacturer whose license has been revoked or not renewed or (ii) substantially identical principals or officers as the manufactured home broker, dealer, or manufacturer whose license has been revoked or not renewed by the Board.

*Patron - Scott, J.M.*

**HB1073 Department of Housing and Community Development; administration of the Private Activity Bonds program.** Provides that the administration of the Private Activity Bonds program shall be shared jointly by the Small Business Financing Authority, the Virginia Housing Development Authority, and the Department of Housing and Community Development. The bill also increases the allocations for housing and industrial development. The bill provides that any unused bond authority remaining in any category after the effective period of the allocation set forth in guidelines established by the Director of the Department of Housing and Community Development shall be allocated to the Virginia Housing Development Authority (VHDA) and any unused authority allocated to VHDA shall continue to be allocated to VHDA under certain circumstances.

*Patron - Suit*

**SB301 Common Interest Community Board.** Establishes a Common Interest Communities Board, creates a Common Interest Management Information Fund and allows for a certification process for Common Interest Association managers. The bill adds several new definitions to the Property Owners' Association, Condominium, Real Estate Cooperative, and Time-Share Acts, including "common interest community manager." The bill also sets limits for the fees to be charged for preparation of the required disclosure packets and prohibits any other fees not expressly authorized in the POAA. The bill (i) provides that all declarations shall comply with the terms of the POAA, and the associations created in accordance with the POAA shall have only those powers that are expressly granted in the POAA; (ii) increases the cap on the liability of the association or its manager from \$500 to \$5,000 for actual damages sustained by the seller in the event of the association's failure to comply with the POAA; and (iii) provides that if settlement does not occur within 90 days of the delivery of the disclosure packet, the fee shall be assessed against the lot owner for which the disclosure packet was prepared and shall become as an assessment against the member's lot. The bill contains technical amendments, which reorganize the POAA into three articles: general provisions, disclosure requirements, and operation and management of associations. This bill is identical to HB 516.

*Patron - Whipple*

**SB362 Carbon monoxide detectors.** Prohibits removal or tampering by a tenant of a carbon monoxide detector

installed by a landlord. This bill is a recommendation of the Virginia Housing Commission.

*Patron - Watkins*

## Failed

**HB36 Fair Housing Law; unlawful discrimination; sexual orientation.** Adds discrimination based on sexual orientation as an unlawful discriminatory housing practice.

*Patron - Scott, J.M.*

**HB71 Building permit; impact fees.** Allows localities to adopt provisions for the assessment of impact fees prior to issuance of a building permit. The impact fees may be assessed in relation to the adequacy of education, transportation, parks, or public safety needs. Such fees shall be a pro rata share of the costs of reasonable and necessary capital improvements attributable to the proposed development. Prior to any impact fee assessment, the locality must identify the particular public facility needs in its comprehensive plan and must have in place a capital improvement program that provides a reasonable basis for determining the extent or level of inadequacy of such facilities in the area of the proposed development. If the locality does not apply impact fees paid by a developer to the capital project that served as the basis for such assessment within six years of collection, then the developer may seek a writ of mandamus to compel the locality to do so.

*Patron - Marshall, R.G.*

**HB174 Uniform Statewide Building Code; rental inspections.** Provides that the City of Roanoke may require the issuance of certificates of compliance with current building regulations for existing residential buildings located in conservation and rehabilitation districts or in blighted areas upon the termination of rental tenancies or when such rental property is sold, or at specific time intervals, for a specific property. The bill limits these inspections to not more than once each calendar year.

*Patron - Ware, O.*

**HB289 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*

**HB302 Uniform Statewide Building Code; use of diesel fuel or motor oil as release agent prohibited; penalty.** Prohibits the use of diesel fuel or motor oil as a release agent for concrete forms during the construction of any building or structure. Under the bill a violation is a Class 1 misdemeanor

*Patron - Nichols*

**HB332 Spot blight abatement.** Provides for an alternative procedure for abating a blighted property when the owner of record fails to respond within the 30-day period with a written spot blight abatement plan that is acceptable to the chief executive.

*Patron - McClellan*

**HB391 Uniform Statewide Building Code: rental inspection districts.** Creates an exemption to the prohibition of localitywide rental inspection districts for any city or town with a land area of 10 square miles or less, provided the local governing body has made a finding that the homogeneous distribution of rental units makes establishment of separate inspection districts impractical.

*Patron - Bulova*

**HB418 Uniform Statewide Building Code; Board of Housing and Community Development; energy efficiency rating to be included in the final inspection.** Directs the Board of Housing and Community Development to require the energy efficiency rating to be included on the Certificate of Occupancy issued for every residential dwelling pursuant to the Uniform Statewide Building Code.

*Patron - Marshall, R.G.*

**HB498 Uniform Statewide Building Code; Board of Housing and Community Development; standards for the installation of in-building antenna systems.** Requires the Board of Housing and Community Development to establish standards for the installation of in-building antenna systems capable of providing 800 MHz communication coverage.

*Patron - Cosgrove*

**HB541 Uniform Statewide Building Code; statute of limitation for prosecution of violations.** Increases from two to three years the time period within which any prosecution for violation of the Building Code shall be commenced. The bill contains a technical amendment.

*Patron - Orrock*

**HB598 Uniform Statewide Building Code; building permits; notice to owner.** Requires a county, city, or town, prior to the issuance of a building permit for any single-family residential dwelling unit, to notify the owner of the subject property that a building permit application has been filed in such owner's name. The bill also requires a contractor when applying for a building permit to file a written statement, supported by an affidavit, that he is the owner or has been given authority by the owner to make application in the owner's name.

*Patron - McClellan*

**HB617 Virginia Housing Trust Fund.** Creates a dedicated source of funding through a percentage of the recordation tax to be used for the purpose of developing or preserving affordable or assessable housing in localities. Also, changes the name of the Fund from Virginia Housing Partnership Revolving Fund and establishes provisions for providing matching funds to localities. This bill was incorporated into HB 1082.

*Patron - Amundson*

**HB791 Fort Lee Housing Enterprise Zone.** Establishes the Fort Lee Housing Enterprise Zone to encompass a 10-mile radius surrounding the Fort Lee military base located in Prince George County for the purpose of encouraging the construction, redevelopment, or rehabilitation of single- and multi-family housing in the zone. The bill also establishes the Housing Enterprise Zone Tax Credit available to persons who build or substantially redevelop or rehabilitate (i) a single-family home with a value of \$250,000 or less or (ii) a multifamily housing project consisting of apartments with at least two bedrooms and renting for \$750 or less per month, on property located within the Fort Lee Housing Enterprise Zone. In addition, the bill authorizes local governing bodies whose territory is contained within the Fort Lee Housing Enterprise Zone to establish a housing enterprise zone for the purpose of providing incentives and regulatory flexibility to encourage the construction, redevelopment, or rehabilitation of single- and multi-family housing in the zone.

*Patron - Ingram*

**HB895 Uniform Statewide Building Code; amusement devices; definitions.** Provides that the definition of "amusement device" shall not include any temporarily installed

canopy, tent, or similar structure or inflatable device while in use for a private meeting or party limited in attendance to members of the organization sponsoring the event and invited guests.

*Patron - Lohr*

**HB959 Uniform Statewide Building Code; grading limitations.** Provides that the Uniform Statewide Building Code shall not supersede counties', municipalities' and other political subdivisions' grading regulations prescribing maximum slopes in the construction or substantial renovation of single-family detached dwelling units located on lots not exceeding one-half acre.

*Patron - Shannon*

**HB1008 Housing; spot blight abatement; derelict structures.** Authorizes a locality, by ordinance, to impose on the record owner of a derelict structure, an annual fee not to exceed three percent of the most recently assessed value of the derelict structure and the land upon which the structure is situated, provided (i) the locality has established a housing fund in accordance with subdivision B 6 of § 15.2-2305 and (ii) the annual fee is deposited in the housing fund. The bill provides for notice to the owner of such property and an opportunity to abate or remove the derelict structure within a certain time frame. The bill also allows a locality to abate or remove the derelict structure should the owner fail to act; the cost of which shall be a lien on the property. The bill defines derelict structure.

*Patron - McClellan*

**HB1085 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 (§ 36-55.24 et seq.) of Title 36; (iii) proceeds from a bequest, life insurance policy, annuity, or other like source; or (iv) funds received from child or spousal support payments. The bill contains technical amendments.

*Patron - Englin*

**HB1113 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 less 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 inter-

est-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*

**HB1119 Derelict structures.** Authorizes a locality, by ordinance, to impose on the record owner of a derelict structure, a fee not to exceed the lesser of \$2,500 or 15 percent of the most recently assessed value of the derelict structure and the land upon which the structure is situated if such owner or owners fail to (i) respond in writing within 30 days from the date notice declaring such structure derelict is sent with an abatement or removal plan to be completed within a reasonable time or (ii) abate or remove the derelict structure within the time prescribed in a plan for abatement or removal which has been approved by the locality. Also, a locality may provide that any owner or owners of such derelict structure who fail to (i) respond to a notice in writing with an abatement or removal plan or (ii) abate or remove the derelict structure as prescribed in an approved plan, shall be guilty of a misdemeanor punishable by a fine of not more than \$2,500. The bill also allows a locality to abate or remove the derelict structure should the owner fail to act; the cost of which shall be a lien on the property. The bill defines derelict structure.

*Patron - Miller, P.J.*

**HB1137 Green roof incentive programs.** Requires the Board of Housing and Community Development to develop guidelines for incentive programs for use by localities to encourage the use of green roofs in the construction and remodeling of residential and commercial buildings. The bill defines a green roof as a roof of a building that is partially or completely covered with soil and vegetation. The bill also authorizes localities to establish green roof incentive programs.

*Patron - Fralin*

**SB167 Uniform Statewide Building Code; use of noncombustible materials in the construction of certain structures.** Requires the Board of Housing and Community Development to promulgate regulations establishing standards for requiring the use of noncombustible materials in the construction of assisted living facilities, residential dwelling units designed or developed and marketed to senior citizens, nursing homes, and nursing facilities.

*Patron - Blevins*

**SB456 Uniform Statewide Building Code; grading limitations.** Provides that the Uniform Statewide Building Code shall not supersede counties', municipalities' and other political subdivisions' grading regulations prescribing maximum slopes in the construction or substantial renovation of single-family detached dwelling units located on lots not exceeding one-half acre.

*Patron - Petersen*

**SB761 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 for certain needy and working families and individuals and to report its findings and recommendations to the Governor and the Housing Commission.

*Patron - Colgan*

## Carried Over

**☐HB1082 Virginia Housing Partnership 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 a percentage of the annual revenue collections from taxes and fees imposed pursuant to the Virginia Recordation Tax Act (§ 58.1-800 et seq.) that are in excess of the official estimates in the general appropriation act to be transferred to the Fund. The bill also provides that a portion of the fund shall be used to provide matching funds to localities that have both established a local housing fund and appropriated local moneys to the fund. Under the bill, the Department of Housing and Community Development is required to establish criteria for the allocation of the matching funds to eligible localities and to annually report on the allocation of matching funds. In addition, the bill authorizes grants to be made from the Fund to support innovative housing projects and low and moderate income housing projects that are located in areas experiencing extreme shortages of such housing. This bill incorporates HB 617.

*Patron - Suit*

**☐SB363 Installation of automatic sprinkler systems; tax credit for initial installation.** Requires that all buildings that (i) are more than 75 feet high or more than six stories high, (ii) are being used to house individuals or to provide guest rooms for occupancy, and (iii) are not equipped with an automatic sprinkler system would be equipped with an automatic sprinkler system by December 31, 2017. The Board of Housing and Community Development would be required to promulgate regulations establishing standards for the automatic sprinkler system. The bill also would make available to the owners of such building an income tax credit equal to 45% of the total amount paid by the owner for the initial installation of the sprinkler system. The tax credit could be carried forward for 10 years. This is a recommendation of the Virginia Housing Commission.

*Patron - Watkins*

**☐SB458 Rental inspection districts.** Removes language that expressly rejects any construction of the rental inspection districts statute as an authorization for a locality-wide rental inspection district.

*Patron - Petersen*

**☐SB661 Virginia Housing Partnership 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 a percentage of the annual revenue collections from taxes and fees imposed pursuant to the Virginia Recordation Tax Act (§ 58.1-800 et seq.) 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*

## Institutions for the Mentally Ill; Mental Health Generally

### Passed

**☐HB401 Emergency custody; who may accept custody.** Allows the law-enforcement agency transporting a person to a facility or location pursuant to an emergency custody order to transfer custody of the person to the facility or location if the facility or location (i) is licensed to provide the level of security necessary to protect the person and others from harm, (ii) is actually capable of providing this level of security, and (iii) has entered into an agreement with the law-enforcement agency setting forth the terms and conditions under which it will accept a transfer of custody. The facility or location may not require the law-enforcement agency to pay any fees or costs for the transfer of custody. This bill is identical to HB 81.

*Patron - Hamilton*

**☐HB499 Involuntary commitment; outpatient treatment; etc.** Changes the criteria for emergency custody orders, temporary detention orders, and involuntary commitment proceedings, including how that criteria is applied to prisoners and juveniles, so that a person may be taken into emergency custody, placed under temporary detention, or involuntarily committed where it is found that the person has a mental illness and there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future (i) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (ii) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs. The bill also provides that a person who meets the criteria for involuntary commitment may be ordered to mandatory outpatient treatment if less restrictive alternatives to involuntary inpatient treatment are appropriate and are available, and the person has the capacity to comply with such outpatient treatment and has agreed to abide by the treatment plan. The bill also sets forth how such mandatory outpatient treatment will be monitored and how a person's non-compliance with such treatment will be addressed. The bill also provides that, upon request, any health care provider or other provider rendering services to persons subject to emergency custody orders, temporary detention orders, or involuntary commitment proceedings shall disclose to certain entities and individuals all information necessary and appropriate for the entities or individuals to perform their duties in relation to such orders or proceedings. Any health care provider shall be immune for any harm resulting from the disclosure of health records unless he intended the harm or acted in bad faith. The bill also authorizes a single two-hour extension of an emergency custody order; provides that a person under a temporary detention order may be released prior to 48 hours after the order is executed if the person does not pose a danger to himself or others; expands those persons qualified to perform an independent examination of a person prior to a commitment hearing to include clinical social workers, professional counselors, psychiatric nurse practitioners, and clinical nurse specialists; sets forth factors that may be considered when determining whether probable cause exists to issue an emergency custody order or temporary detention order and factors that shall be considered prior to entry of an involuntary commitment order or mandatory outpatient treatment order; and makes several changes concerning the conduct of prescreening reports and independent examinations and the presentation of these reports or examinations at the required hearings. This bill



incorporates HB 816, HB 1322, and HB 1491. This bill is identical to SB 246.

*Patron - Hamilton*

**HB559 ECO, TDO, involuntary commitment; criteria.** Changes the criteria for emergency custody orders, temporary detention orders, involuntary commitment, and outpatient treatment, including how that criteria is applied to prisoners and juveniles, so that a person may be taken into custody, temporarily detained, involuntarily committed, or ordered to outpatient treatment if the person has a mental illness and there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future (i) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (ii) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs. This bill incorporates HB 1059 and HB 1237.

*Patron - Bell*

**HB560 Commitment hearing; independent examiner or community services board member attending.** Requires the independent examiner and the community services board employee or designee who prepared the prescreening report, or if the hearing occurs in a different jurisdiction, an employee or designee of the local community services board or behavioral health authority serving that jurisdiction, to attend the commitment hearing or, if physical attendance is not practicable, to participate in the hearing through a two-way electronic video and audio or telephonic communication system. The bill also provides that the initial period of involuntary commitment shall be 30 days and allows for a subsequent order authorizing an additional period of 180 days. The bill also sets forth conditions for when a person may be ordered to mandatory outpatient treatment.

*Patron - Bell*

**HB576 Medical records; disclosure; safe harbor.** Provides that, upon request, any health care provider or other provider rendering services to persons subject to emergency custody orders, temporary detention orders, or involuntary commitment proceedings shall disclose to certain entities and individuals all information necessary and appropriate for the entities or individuals to perform their duties in relation to such orders or proceedings. The bill also provides that any health care provider shall be immune for any harm resulting from the disclosure of health records unless he intended the harm or acted in bad faith. This bill incorporates HB 1324.

*Patron - Watts*

**HB583 Emergency custody orders; extension of time.** Allows the magistrate to extend the time of emergency custody orders for one two-hour period if good cause exists to grant the extension. Good cause for an extension includes the need for additional time to (i) find a suitable facility in which to temporarily detain the person subject to the order, or (ii) complete a medical evaluation of the person.

*Patron - Marsden*

**HB707 Temporary custody orders; secure facility.** Provides that a person who is subject to a temporary detention order shall remain in the custody of a law-enforcement officer until the person is either detained within a secure facility or custody has been accepted by the appropriate personnel designated by the facility identified in the temporary detention order.

*Patron - Janis*

**HB760 Replacing "mentally retarded" with "intellectual disability."** Replaces the term "mentally retarded" with the term "person with intellectual disability" and replaces the term "mental retardation" with the term "intellectual disability" in the Code of Virginia. This bill contains a reenactment clause. This bill is identical to SB 620.

*Patron - Caputo*

**HB815 Mental health treatment; report to CCRE; restoration of rights to possess firearms.** Codifies Executive Order 50, requiring information regarding involuntary admission to a facility or for mandatory outpatient treatment be forwarded to the Central Criminal Records Exchange for purposes of determining an individual's eligibility to possess, purchase, or transfer a firearm. The bill also makes substantive changes to who may possess, purchase, or transfer a firearm. In addition to those ordered to involuntary treatment pursuant to Title 37.2, the bill makes it illegal for a person found incompetent to stand trial and ordered to mental health treatment to possess or purchase a firearm. The bill also makes it illegal for a person who was the subject of a temporary detention order, and subsequently agreed to voluntarily admission for mental health treatment, to possess or purchase a firearm. Such person would be advised that agreeing to voluntary treatment would affect the person's right to possess or purchase a firearm. Finally, the bill revises the procedures for a person prohibited from possessing or purchasing a firearm because of an acquittal by reason or insanity, involuntary mental health treatment, or voluntary mental health treatment after a temporary detention order to restore his rights to purchase or possess a firearm. This bill incorporates HB 535, HB 657, HB 741, HB 835, HB 1054, HB 1168, HB 1475, and HB 1517. This bill is identical to SB 216.

*Patron - Albo*

**HB1144 Involuntary commitment hearings; factors to consider.** Allows the magistrate, when considering whether to issue an emergency custody order or a temporary detention order, to consider: (i) the recommendations of any treating or examining physician licensed in Virginia, if available, (ii) any past actions of the person, (iii) any past mental health treatment of the person, (iv) any relevant hearsay evidence, (v) any medical records available, (vi) any affidavits submitted, if the witness is unavailable and it so states in the affidavit, and (vii) any other information available that the magistrate deems relevant to the determination of whether to issue a temporary detention order. The bill also requires that the special justice, when considering a petition for involuntary commitment or mandatory outpatient treatment, shall consider items (i), (ii), (iii), (v), and (vii), as well as the examiner's certification and the preadmission screening report. This bill incorporates HB 737 and HB 1139.

*Patron - Fralin*

**HB1203 Mental health and substance abuse treatment providers; background checks.** Allows community services boards and providers licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services to hire as a direct care employee in adult substance abuse or mental health treatment programs a person who has been convicted of a misdemeanor violation relating to assault and battery as long as such offenses were substantially related to substance abuse or mental illness and the applicant has been rehabilitated. This bill is identical to SB 381 (Martin).

*Patron - Melvin*

**HB1323 Temporary detention orders (TDOs); treating physicians.** Requires a magistrate to issue TDOs upon the recommendation of any responsible person, any treating physician or upon his own motion after an in-person evaluation by

an employee or designee of the local Community Services Board (CSB), where it appears from all of the evidence readily available that the person meets the criteria for a temporary detention order.

*Patron - Toscano*

**HB1354 Substance abuse services; applications for funding.** Changes the review process for federal funding applications to be consistent with current practices. Only applications that are approved for federal funding must now be sent to the Department of Mental Health, Mental Retardation and Substance Abuse Services.

*Patron - Ware, O.*

**SB81 Emergency custody; who may accept custody.** Allows the law-enforcement agency transporting a person to a facility or location pursuant to an emergency custody order to transfer custody of the person to the facility or location if the facility or location (i) is licensed to provide the level of security necessary to protect the person and others from harm, (ii) is actually capable of providing this level of security, and (iii) has entered into an agreement with the law-enforcement agency setting forth the terms and conditions under which it will accept a transfer of custody. The facility or location may not require the law-enforcement agency to pay any fees or costs for the transfer of custody. This bill incorporates SB 66. This bill is identical to HB 401.

*Patron - Cuccinelli*

**SB141 Discharge planning; release from state hospitals.** Clarifies that a discharge plan prepared by the community services board for persons discharged from a state hospital or training facility shall identify the services that the person discharged will require upon release and the public or private entities that will provide the necessary services.

*Patron - Edwards*

**SB142 Involuntary commitment hearings; recordings.** Requires that each hearing be recorded separately, so that no more than one hearing is recorded per tape or other recording.

*Patron - Edwards*

**SB246 Involuntary commitment; outpatient treatment; etc.** Changes the criteria for emergency custody orders, temporary detention orders, and involuntary commitment proceedings, including how that criteria is applied to prisoners and juveniles, so that a person may be taken into emergency custody, placed under temporary detention, or involuntarily committed where it is found that the person has a mental illness and there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future (i) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (ii) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs. The bill also provides that a person who meets the criteria for involuntary commitment may be ordered to mandatory outpatient treatment if less restrictive alternatives to involuntary inpatient treatment are appropriate and are available, and the person has the capacity to comply with such outpatient treatment and has agreed to abide by the treatment plan. The bill also sets forth how such mandatory outpatient treatment will be monitored and how a person's non-compliance with such treatment will be addressed. The bill also provides that, upon request, any health care provider or other provider rendering services to persons subject to emergency custody orders, temporary detention orders, or involuntary commitment proceedings shall disclose to certain entities and individuals all information necessary and appropriate for

the entities or individuals to perform their duties in relation to such orders or proceedings. Any health care provider shall be immune for any harm resulting from the disclosure of health records unless he intended the harm or acted in bad faith. The bill also authorizes a single two-hour extension of an emergency custody order; provides that a person under a temporary detention order may be released prior to 48 hours after the order is executed if the person does not pose a danger to himself or others; expands those persons qualified to perform an independent examination of a person prior to a commitment hearing to include clinical social workers, professional counselors, psychiatric nurse practitioners, and clinical nurse specialists; sets forth factors that may be considered when determining whether probable cause exists to issue an emergency custody order or temporary detention order and factors that shall be considered prior to entry of an involuntary commitment order or mandatory outpatient treatment order; and makes several changes concerning the conduct of prescreening reports and independent examinations and the presentation of these reports or examinations at the required hearings. This bill incorporates SB 75, SB 78, SB 79, SB 80, SB 96, SB 97, SB 101, SB 103, SB 104, SB 129, SB 139, SB 140, SB 144, SB 217, SB 220, SB 273, SB 341, and SB 769. This bill is identical to HB 499.

*Patron - Howell*

**SB297 Department of Veterans Services; mental health and rehabilitative services.** Requires that the Department of Veterans Services, the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Department of Rehabilitative Services to cooperate in establishing a program to monitor and coordinate mental health and rehabilitative services support for Virginia veterans and members of the Virginia National Guard and Virginia residents in the Armed Forces Reserves not in active federal service. This bill incorporates SB 304 and is identical to HB 475.

*Patron - Puller*

**SB336 Temporary detention orders; encryption of medical records not required.** Provides that a health care provider or designee of a local community services board or behavioral health authority shall not be required to encrypt any email containing information or medical records provided to a magistrate unless there is reason to believe that a third party will attempt to intercept the email.

*Patron - Cuccinelli*

**SB381 Mental health and substance abuse treatment providers; background checks.** Allows community services boards and providers licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services to hire as a direct care employee in adult substance abuse or mental health treatment programs a person who has been convicted of assault and battery, so long as such offense was substantially related to substance abuse or mental illness and the applicant has been rehabilitated. This bill is identical to HB 1203 (Melvin).

*Patron - Martin*

**SB620 Replacing "mentally retarded" and "mental retardation" with "intellectually disabled."** Replaces the terms "mentally retarded" and "mental retardation" with the term "intellectual disability" throughout the Code of Virginia. This bill incorporates SB 687 and is identical to HB 760.

*Patron - Ticer*

## Failed

**HB173 Execution of emergency custody orders; sheriffs.** Provides that a magistrate issuing an emergency custody order or temporary detention order may designate either a jurisdiction's police department or sheriff to execute the order.

*Patron - Ware, O.*

**HB256 Involuntary outpatient commitment; five day review of compliance.** Requires the community services board designated to monitor compliance with an order for involuntary outpatient commitment to contact the person who is the subject of the order for involuntary outpatient commitment five days after the order for involuntary outpatient treatment is entered, to determine whether the person has complied with the order, and to identify and take all reasonable steps to resolve issues that may have resulted in noncompliance. Thereafter, the community services board, behavioral health authority, or designated provider shall continue to monitor the person's compliance with the treatment ordered by the court.

*Patron - Fralin*

**HB257 Jury trial in violent sexual predator determination proceedings.** Provides that a court may require the empanelment of a jury in violent sexual predator determination proceedings when no demand is made by either party for a trial by jury.

*Patron - Fralin*

**HB258 Voluntary commitment as sexually violent predator.** Allows a judge, after a probable cause hearing to determine a person's status as a sexually violent predator, for purposes of indeterminate commitment, inquire of the respondent if he acknowledges that he is a sexually violent predator as defined in § 37.2-900 and if he is therefore willing to submit to commitment and treatment without proceeding to trial for such a determination. If the respondent so acknowledges and so submits, the court shall proceed as if a determination that he is a sexually violent predator had been made at trial.

*Patron - Fralin*

**HB267 Involuntary commitment; indigent petitioner; right to counsel.** States that, upon a finding that a petitioner is indigent, the court shall appoint the petitioner counsel.

*Patron - Albo*

**HB706 Temporary detention order; transportation to a medical facility for assessment.** Allows a magistrate to issue a temporary detention order, without a face-to-face evaluation, for the purposes of transportation to a medical facility for assessment.

*Patron - Janis*

**HB737 Independent examiner; records to be reviewed.** Requires that the independent examiner review, at a minimum, the medical records of the person who is the subject of an involuntary commitment hearing, the prescreening report, and any other relevant, readily accessible reports, records, and evidence related to the person who is the subject of an involuntary commitment hearing, prior to conducting an examination. This bill also requires that the independent examiner certify at the hearing that he has reviewed the medical records of the person who is the subject of an involuntary commitment hearing, the prescreening report, and all other relevant, readily accessible reports, records, and evidence related to the person who is the subject of the hearing. This bill has been incorporated into HB 1144.

*Patron - Caputo*

**HB765 Relating to payment of cost of transportation under emergency custody order or temporary detention order.** Adds provision that the cost of transportation of a person pursuant to an emergency custody order or temporary detention order shall be paid by the Commonwealth from the same funds as for care in jail.

*Patron - Tata*

**HB782 Mental health records; disclosure.** Mandates disclosure of the subject of an involuntary commitment procedure's records to any magistrate, court, mental health examiner, community services board, or behavioral health authority, or law-enforcement officer involved in the proceeding, and provides civil immunity for the health entities making such disclosure. Also requires public colleges and universities to develop policies designating campus law-enforcement and health center employees as school officials with an educational interest in school records, for the purpose of facilitating disclosure under the Family and Educational Privacy Rights Act.

*Patron - Kilgore*

**HB816 Outpatient treatment; compliance; medication.** Provides that the community services board, behavioral health authority, or designated provider charged with monitoring a person's compliance with an involuntary outpatient treatment order shall report any material noncompliance, including a failure to take medication, with that order to the judge or special justice. Upon receipt of a report of material noncompliance, the judge or special justice shall issue a temporary detention order and then proceed to hold an involuntary commitment hearing, as a result of which the court may revoke outpatient treatment and order the person's involuntary commitment. This bill was incorporated into HB 499.

*Patron - Albo*

**HB937 Disclosure of medical information; outpatient treatment noncompliance.** Clarifies that health care providers who are treating a person under an outpatient treatment order may disclose information, including health records of the patient, to determine the person's compliance with the treatment order.

*Patron - Gilbert*

**HB938 Commitment hearings; petitioner right to appeal.** Gives the petitioner the right to appeal a decision by the judge or special justice not to involuntarily commit a respondent.

*Patron - Gilbert*

**HB939 Involuntary commitment; transfer to outpatient treatment.** Provides that the person subject to an involuntary commitment order may petition the court to order that he be transferred to involuntary outpatient treatment or released and, upon consideration of the petition, a commitment hearing shall be conducted within 10 days. Only one such petition may be filed during each involuntary commitment order period.

*Patron - Gilbert*

**HB948 Legal fees and expenses for community services board employees.** Allows an employee of a community services board who is arrested, indicted or otherwise prosecuted on any charge arising out of any act committed in the discharge of his official duties, against whom the charge is subsequently dismissed or in whose case a verdict of not guilty is subsequently rendered, to request and receive payment for all or a portion of the legal fees and expenses incurred in

defending the charge from the community services board by which he is employed.

*Patron - Iaquinto*

**HB1006 Evidence in emergency custody order and temporary detention order hearings.** Clarifies that a magistrate may consider any past actions of the person, past mental health treatment of the person, medical records, hearsay evidence, any affidavits submitted, or any other relevant information when deciding whether to issue an emergency custody order or temporary detention order.

*Patron - Bell*

**HB1041 Sexually violent predators; penalties.** Revises provisions relating to the civil commitment and conditional release process. This bill imposes a Class 6 felony for absconding from custody or failing to return to the Commonwealth in violation of a court order.

*Patron - Griffith*

**HB1059 Involuntary commitment; criteria.** Changes the criteria for emergency custody orders, temporary detention orders, and involuntary commitment so that a person may be taken into emergency custody, placed under temporary detention, or involuntarily committed where it is found that (i) the person has a mental illness, and (ii) there exists a substantial likelihood that, as a result of that mental illness, the person will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm, or (b) suffer serious harm due to substantial deterioration of his capacity to protect himself from harm or to provide for his basic human needs. This bill has been incorporated into HB 559.

*Patron - Amundson*

**HB1138 Representation of petitioner during civil commitment hearing; Commonwealth's attorney.** Provides that a petitioner during a civil commitment hearing shall be represented by an attorney from the local Commonwealth's attorney's office.

*Patron - Fralin*

**HB1139 Consideration of the preadmission screening report.** Requires the judge or special justice to consider the written prescreening report, even if the community services board or behavioral health authority representative presents the report orally at the hearing. This bill has been incorporated into HB 1144.

*Patron - Fralin*

**HB1146 Medical records; disclosure; magistrate or independent examiner.** Allows persons involved in the civil commitment process to access the medical records of the person who is the subject of the civil commitment process.

*Patron - Fralin*

**HB1322 Outpatient orders; compliance; oversight.** Specifies that the court shall determine the specific course of treatment for outpatient treatment orders, and the community service board (CSB), the behavioral health authority (BHA), or a designated service provider shall notify the court of noncompliance. Also states that the clerk shall certify the order and send a copy of the same to the CSB, BHA, designated service provider, and the person who is the subject of the order. This bill was incorporated into HB 499.

*Patron - Toscano*

**HB1324 Mental health records; mandatory sharing.** Requires mental health care providers to share the medical information of persons, including juveniles and incarcerated

persons, who are being examined pursuant to the civil commitment process with magistrates, courts and others involved in the evaluation of the person. This bill was incorporated into HB 576.

*Patron - Toscano*

**HB1491 Temporary detention orders; duration.** Provides that the duration of temporary detention shall not exceed 96 hours. This bill has been incorporated into HB 499.

*Patron - Nutter*

**HB1517 Temporary detention orders; voluntary and involuntary mental health treatment; purchase of firearms; reporting to Central Criminal Records Exchange.** Prohibits a person who is the subject of a temporary detention order and subsequently agrees to voluntary admission to a mental health facility from purchasing or possessing a firearm. The bill also clarifies existing law that prohibits a person who has been involuntarily committed to inpatient treatment or who is ordered to involuntary outpatient treatment from purchasing or possessing a firearm. This bill has been incorporated into HB 815.

*Patron - Marsden*

**SB58 Emergency custody order; renewal.** Allows a single, four-hour extension of an emergency custody order upon a finding by a magistrate that good cause exists for such an extension.

*Patron - Howell*

**SB59 Community services board; attend all hearings.** Requires that an employee of the community services board that prepared the preadmission screening report attend the involuntary commitment hearing. The bill provides that where in person attendance is not practicable, attendance may be by electronic means. Further it provides that where the hearing is held in the jurisdiction of another community services board, an employee of the community services board serving that jurisdiction may attend on behalf of the community services board that prepared the preadmission screening report.

*Patron - Howell*

**SB60 Involuntary commitment; criteria.** Changes the criteria for emergency custody orders, temporary detention orders, and involuntary commitment so that a person may be taken into emergency custody, placed under temporary detention, or involuntarily committed where it is found that (i) the person has a mental illness, and (ii) there exists a substantial likelihood that, as a result of that mental illness, the person will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm, or (b) suffer serious harm due to substantial deterioration of his capacity to protect himself from harm or to provide for his basic human needs.

*Patron - Howell*

**SB64 Community services boards; core services.** Adds crisis stabilization, outpatient, respite, in-home, and residential and housing services to the list of core services required to be provided by community services boards.

*Patron - Howell*

**SB66 Emergency custody; who may accept custody.** Allows the location to which a person is transported pursuant to an emergency custody order to accept custody of the person where (i) the location is licensed to provide the level of security necessary to protect the person and others from harm, (ii) the location is actually able to provide the level of security necessary to protect the person and others from harm, and (iii) the

location is willing to accept custody of the person. This bill has been incorporated into SB 81.

*Patron - Howell*

**SB75 Community services board; attend all hearings.** Requires that an employee of the community services board that prepared the preadmission screening report attend the involuntary commitment hearing. The bill provides that where in person attendance is not practicable, attendance may be by electronic means. Further it provides that where the hearing is held in the jurisdiction of another community services board, an employee of the community services board serving that jurisdiction may attend on behalf of the community services board that prepared the preadmission screening report. This bill has been incorporated into SB 246.

*Patron - Cuccinelli*

**SB78 Examination by independent examiner; time frame.** Requires that the examination of a person who is the subject of an involuntary commitment hearing be completed within 48 hours of the execution of the temporary detention order but sufficiently in advance of the hearing so as to ensure sufficient time for a thorough examination. This bill has been incorporated into SB 246.

*Patron - Cuccinelli*

**SB79 Independent examiner, records to be reviewed.** Requires that the independent examiner review, at minimum, the medical records of the person who is the subject of an involuntary commitment hearing, the prescreening report, and any other relevant, readily accessible reports, records and evidence related to the person who is the subject of an involuntary commitment hearing, prior to conducting an examination. This bill also requires that the independent examiner certify at the hearing that he has reviewed the medical records of the person who is the subject of an involuntary commitment hearing, the prescreening report, and all other relevant, readily accessible reports, records and evidence related to the person who is the subject of the hearing. This bill has been incorporated into SB 246.

*Patron - Cuccinelli*

**SB80 Involuntary commitment; electronic examination by independent examiner.** Requires that all examinations be conducted in person unless the examination cannot be completed within 48 hours of the issuance of the temporary detention order, in which case the examination may be made via electronic means. This bill has been incorporated into SB 246.

*Patron - Cuccinelli*

**SB96 Involuntary commitment hearings; confidentiality of records.** Clarifies that recordings of any involuntary commitment hearing shall be held by the clerk of the general district court where the hearing is held, and that all recordings and records of such hearings shall be confidential, unless such confidentiality is waived, in a signed writing, by the subject of such a hearing. The bill provides that the dispositional order of such hearing may be made available by court order, if such disclosure is in the best interest of the subject of the hearing or the public. The bill also directs the judge or special justice to order that copies of the relevant records of the person be released to (i) the facility in which he is placed; (ii) the community services board or behavioral health authority of the jurisdiction where the person resides or which is ordered to monitor any mandatory outpatient treatment order; (iii) any treatment providers identified in a treatment plan incorporated into any mandatory outpatient treatment order; and (iv) any other treatment providers or entities. This bill has been incorporated into SB 246.

*Patron - Lucas*

**SB97 Mental health records; disclosure.** Mandates disclosure of the subject of an involuntary commitment procedure's health records to any magistrate, court, mental health examiner, community services board or behavioral health authority, or law-enforcement officer involved in the proceeding, whether the proceeding involves a minor, a criminal defendant, or other individual. This bill has been incorporated into SB 246.

*Patron - Lucas*

**SB101 Emergency custody order; renewal.** Allows a single, four-hour extension of an emergency custody order upon a finding by a magistrate that good cause exists for such an extension. This bill has been incorporated into SB 246.

*Patron - Cuccinelli*

**SB102 Three-tiered system of transportation.** Establishes a three-tiered system of transportation for persons under an emergency custody order, temporary detention order, or involuntary commitment order.

*Patron - Cuccinelli*

**SB103 Independent examiner's report; admissibility of written certification.** States that the written certification of an independent examiner shall be admissible, despite objections to its admissibility if the independent examiner is either present at the hearing in person or is electronically available. This bill has been incorporated into SB 246.

*Patron - Cuccinelli*

**SB104 Outpatient treatment; compliance.** Provides that the community services board, behavioral health authority, or designated provider charged with monitoring a person's compliance with an involuntary outpatient treatment order shall report any material noncompliance with that order to the judge or special justice. Upon receipt of a report of material noncompliance, the judge or special justice shall issue a temporary detention order and then proceed to hold an involuntary commitment hearing, as a result of which the court may revoke outpatient treatment and order the person's involuntary commitment. This bill has been incorporated into SB 246.

*Patron - Cuccinelli*

**SB106 Involuntary commitment criteria; outpatient treatment.** Changes the criteria for determining when outpatient treatment may be ordered for a person whose involuntary commitment is sought. The new criteria would be that the person has a mental illness and, as a result of that mental illness, (i) there is a substantial likelihood that in the near future he will cause serious physical harm to himself or another person as evidenced by recent behavior causing, attempting, or threatening such harm, (ii) there is a substantial likelihood that in the near future he will suffer serious harm due to substantial deterioration of his capacity to protect himself from such harm or to provide for his basic human needs, or (iii) he is unable to comprehend the nature of his illness or the need for treatment, is experiencing a substantial impairment of his judgment, reasoning, or behavior, and will, if not treated, suffer or continue to suffer a substantial deterioration in his previous ability to function in the community. Currently, the criteria for involuntarily committing a person to inpatient or outpatient treatment is the same.

*Patron - Cuccinelli*

**SB129 Involuntary commitment; criteria.** Changes the criteria for emergency custody orders, temporary detention orders, and involuntary commitment so that a person may be taken into emergency custody, placed under temporary detention, or involuntarily committed where it is found that (i) the

person has a mental illness and (ii) there exists a substantial likelihood that, as a result of that mental illness, the person will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm or (b) suffer serious harm due to substantial deterioration of his capacity to protect himself from harm or to provide for his basic human needs. The bill also changes the criteria for the involuntary commitment of criminal defendants prior to trial, after conviction but before sentencing, and after sentencing to conform with clause (i) and (ii) (a) discussed above. This bill has been incorporated into SB 246.

*Patron - Cuccinelli*

**SB139 Community services board; attend all hearings.** Requires that an employee of the community services board that prepared the preadmission screening report attend the involuntary commitment hearing. The bill provides that where in person attendance is not practicable, attendance may be by electronic means. Further it provides that where the hearing is held in the jurisdiction of another community services board, an employee of the community services board serving that jurisdiction may attend on behalf of the community services board that prepared the preadmission screening report. This bill has been incorporated into SB 246.

*Patron - Edwards*

**SB140 Training of persons conducting independent examinations.** Requires the Department of Mental Health, Mental Retardation and Substance Abuse Services to develop and implement a program for the training of persons conducting independent examinations and requires persons to be certified as having completed the training program before conducting independent examinations. This bill has been incorporated into SB 246.

*Patron - Edwards*

**SB143 Temporary detention order; extend time period.** Extends the duration of a temporary detention order to 96 hours.

*Patron - Edwards*

**SB144 Involuntary commitment; criteria.** Changes the criteria for emergency custody orders, temporary detention orders, and involuntary commitment so that a person may be taken into emergency custody, placed under temporary detention, or involuntarily committed where it is found that (i) the person has a mental illness, and (ii) there exists a substantial likelihood that, as a result of that mental illness, the person will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm, or (b) suffer serious harm due to substantial deterioration of his capacity to protect himself from harm or to provide for his basic human needs. This bill has been incorporated into SB 246.

*Patron - Edwards*

**SB214 Special justices; training.** Provides that all special justices, upon their appointment or reappointment, are required to complete the minimum training program prescribed by the Executive Secretary of the Supreme Court. Currently, only special justices who are appointed on or after January 1, 1996, are required to complete this program. The bill also requires all special justices to complete annually six hours of continuing legal education directly related to their duties. Such education is to be developed or approved by the Executive Secretary and shall be considered an approved Continuing Legal Education course for the purposes of the Mandatory Continuing Legal Education Rule of the Supreme Court of Virginia.

*Patron - Edwards*

**SB217 Involuntary commitment; independent examination.** Provides that a health care entities may shall disclose records to independent examiners conducting examinations of a person who is the subject of an involuntary commitment order. This bill also clarifies that a person who is subject to a temporary detention order shall be given a thorough psychological evaluation, including a substance abuse screening and that the independent evaluator shall review the person's medical records including records of any previous psychological evaluations, prior to conducting the evaluation. This bill has been incorporated into SB 246.

*Patron - Edwards*

**SB220 Monitoring of compliance with outpatient treatment order.** Provides that the community services board or behavioral health authority that serves the city or county in which a person subject to an outpatient treatment order resides shall develop an outpatient treatment plan, which shall identify the community services board, behavioral health authority, or other provider designated to monitor the person's compliance with the order. This bill also provides that upon receiving notification of noncompliance with the order, the court shall issue a show cause order regarding the person's noncompliance with the order and may amend the involuntary outpatient treatment order or revoke the outpatient treatment order. This bill has been incorporated into SB 246.

*Patron - Edwards*

**SB255 Involuntary mental health treatment; possession of firearms.** Allows a judge or special justice who issues an order for involuntary admission to a facility or involuntary outpatient treatment to also order that any firearms be removed from the possession of the person subject to the order.

*Patron - Deeds*

**SB273 Emergency custody orders, temporary detention orders, and involuntary admissions.** Eliminates the requirement that an individual pose an imminent danger to himself or others; adds a requirement that handcuffs or other restraints may be used during transportation only if the person is deemed to be a danger to himself or others; and adds a requirement that the testimony of family members, friends, treating or examining physicians, or other individuals with a knowledge of the person's mental or emotional state be considered prior to the ordering of an emergency custody order, temporary detention order, or order for involuntary admission. This bill has been incorporated into SB 246.

*Patron - Deeds*

**SB304 Veterans Services; mental health program.** Requires the Commissioner of Veterans Services to develop, in cooperation with the Department of Mental Health, Mental Retardation and Substance Abuse Services, a strategy for coordinating the various programs that address the unique mental health needs of veterans, including post-traumatic stress disorder and traumatic brain injuries, and to seek additional federal, state, and private sources of funding for such programs. This bill was incorporated into SB 297.

*Patron - Houck*

**SB333 Independent examiners; dismissal of involuntary commitment petitions.** Provides that an independent examiner who examines a person prior to an involuntary commitment hearing may authorize the release of such person if he concludes there is not probable cause to believe that the person (i) presents an imminent danger to himself or others as a result of mental illness or is so seriously mentally ill as to be substantially unable to care for himself and (ii) requires involuntary inpatient treatment. If the person's release is authorized, the

judge or special justice shall enter an order dismissing the petition for involuntary commitment. The bill also provides that independent examiners are immune for any act or omission in the performance of their duties, except in the case of willful misconduct.

*Patron - Cuccinelli*

**SB335 Voluntary outpatient treatment.** Provides the option for voluntary outpatient treatment prior to the commitment hearing if a special justice or judge can ascertain whether or not (i) there is appropriate treatment for the person's condition, (ii) the service providers agree to provide the services necessary, and (iii) the person has sufficient capacity to understand and adhere to the treatment plan. Also provides that the person would have to sign an agreement and that such agreement would be admissible at any subsequent commitment hearing.

*Patron - Cuccinelli*

**SB341 Temporary detention order; hearing.** Provides that a hearing on an involuntary temporary detention order shall be held no sooner than 24 hours and no later than 72 hours from the time of the issuance of the order. Currently, such hearings are to be conducted within 48 hours from the time of the issuance of the order. This bill has been incorporated into SB 246.

*Patron - Cuccinelli*

**SB687 Replacing "mentally retarded" with "intellectually disabled."** Replaces the term "mentally retarded" with the term "intellectually disabled" and replaces the term "mental retardation" with the term "intellectual disability" throughout the Code of Virginia. This bill was incorporated into SB 620.

*Patron - Howell*

**SB769 Commitment hearing; independent examiner or community services board member attending.** Requires the independent examiner and the community services board employee or designee who prepared the prescreening report, or if the hearing occurs in a different jurisdiction, an employee or designee of the local community services board or behavioral health authority serving that jurisdiction, to attend the commitment hearing. This bill has been incorporated into SB 246.

*Patron - Hurt*

## Carried Over

**HB751 Involuntary hearing results; accessibility by colleges and universities.** Allows colleges and universities to access the outcome of an involuntary commitment hearing by making a motion to the court.

*Patron - Peace*

**SB177 Mental health; assisted outpatient treatment.** Establishes a program of assisted outpatient treatment for the severely mentally ill. The bill authorizes assisted outpatient treatment for persons previously hospitalized due to noncompliance with prescribed psychiatric treatment, who would be likely to meet the criteria for inpatient commitment without 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 a magistrate to issue a temporary detention order for an individual who fails to comply with an outpatient treatment order without good cause. 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*

**SB274 Involuntary commitment; transfer to outpatient treatment.** Provides that the director of any facility in which a person subject to an involuntary commitment order is detained may petition the judge or special justice to order the person transferred to involuntary outpatient treatment if the director concludes that the person satisfies the criteria for outpatient treatment and that the person's mental illness would be more effectively treated in such an environment. Any petition for such a transfer must be accompanied by an affidavit from a psychiatrist or psychologist stating that he had personally examined the committed person within the five days preceding the filing of the petition and that he recommends the person be transferred to outpatient treatment. Upon receipt of a petition to transfer, the court judge or special justice shall proceed to hold a commitment hearing within 10 days.

*Patron - Cuccinelli*

**SB429 Opiate addiction treatment providers; daily service fee.** Requires that any licensed provider of treatment for persons with opiate addiction shall pay a daily service fee of not greater than 1.5 percent of each consumer's daily dosing fee. The provider shall be responsible for calculating and collecting the fee, and on a quarterly basis, forwarding the collected fees to the Department.

*Patron - Lucas*

## Insurance

### Passed

**HB116 Foreign title insurance companies; unearned premium reserves.** Authorizes foreign title insurance companies to establish and maintain unearned premium reserves on title insurance policies issued on Virginia properties pursuant to the reserving laws of the companies' domiciliary regulator, if the domiciliary regulator is accredited under the National Association of Insurance Commissioner's Financial Regulation Standards and Accreditation Program. Currently, foreign title insurance companies are required to maintain unearned premium reserves at the higher of the amount required of domestic title insurance companies or the amount required in the jurisdiction of domicile.

*Patron - Ware, R.L.*

**HB196 Group health insurance; coverage for students.** Clarifies that when a group health insurance policy provides coverage for a dependent child who is enrolled based upon his status as a full-time student and who becomes unable to continue as a full-time student due to a medical condition, coverage under the policy will continue if the child's treating physician certifies that the child's absence is medically necessary. Coverage for the child shall continue until (i) the date that is 12 months from the date the child ceases to be a full-time student or (ii) the date the child no longer qualifies under the group policy, whichever first occurs.

*Patron - Alexander*

**HB298 Surplus lines insurance; "diligent effort" requirement.** Eliminates the requirement that surplus lines brokers make a diligent effort to procure insurance, in a form and at a premium acceptable to the insured, from an insurer licensed in Virginia before he provides a surplus lines policy.

*Patron - Hargrove*

**HB336 Insurance market analyses; confidentiality.** Establishes that (i) market analyses concerning insurance companies and obtained from the National Association of Insurance Commissioners, (ii) all market analyses generated by the State Corporation Commission, (iii) working papers, recorded information, and documents generated in the course of a market analysis or market conduct action, and (iv) documents or information received in the course of a market analysis or market conduct action from the NAIC, a law-enforcement official of any state or country, or regulatory officials of any state or country that are confidential in those jurisdictions shall receive confidential treatment by the Commission, shall not be subject to subpoena, and are not public records. The measure also requires the Commission to consider the results of market analyses in determining the nature, scope, and frequency of insurance company examinations. Finally, the measure provides that procedures for market conduct examinations shall be subject to provisions regarding confidentiality of ancillary information and immunity from liability.

*Patron - McClellan*

**HB349 Insurance licensing; certificates of authority.** Eliminates the requirement that a foreign or domestic business entity first obtain a certificate of authority, including a certificate of registration, certificate of organization, certificate of limited partnership, or charter, from the State Corporation Commission prior to being eligible to obtain a license as an insurance agent, consultant, surplus lines broker, or viatical settlement broker.

*Patron - Plum*

**HB397 Health maintenance organizations; deductibles.** Removes limitations on the deductibles or co-payments, or both, that a health maintenance organization may require enrollees to pay.

*Patron - Hamilton*

**HB431 Title insurance agents; pre-licensing education course.** Requires applicants for a resident title insurance agent license to have completed, within the year preceding application and examination, at least 16 hours of instruction through a classroom or distance education.

*Patron - Frederick*

**HB504 Health insurance; exclusive provider policies or contracts.** Authorizes insurers to offer individual or group exclusive provider policies or contracts, which are insurance policies or contracts that condition the payment of benefits on the use of preferred providers. The insurer is required to provide an option in group contracts whereby each enrollee may, at no additional cost to the group contract holder, select a benefit for preferred and nonpreferred providers. Exclusive provider policies or contracts shall provide out-of-network emergency services at the minimum level required by the preferred provider policy or contract.

*Patron - Hamilton*

**HB542 Insurance agents; notice of appointment.** Requires the insurer, rather than the State Corporation Commission, to notify an appointed agent of the status of his appointment. The notice shall be given within five business days of the insurer's receipt of notice from the Commission that the appointment of the agent is valid or invalid. An agent is prohibited from selling or soliciting insurance after receiving notice of an invalid appointment.

*Patron - Nixon*

**HB549 Insurance; funding agreements.** Provides that the assets of a separate account to which an insurer has allo-

cated assets under a funding agreement shall not be chargeable with liabilities arising out of any other business that the insurer conducts. If a separate account is not chargeable with liabilities arising out of such other business, a risk charge will be payable from the separate account to the insurer's general account. The measure also provides that funding agreement assets held in the insurer's general account, and other obligations due under the funding agreement from the general account, will be treated as an insurance contract. In addition, a domestic insurer that has established separate accounts for funding agreements and has allocated funds to such separate accounts shall file with the State Corporation Commission any prescribed periodic or special reports. An insurer shall not make an agreement providing for the allocation of funding agreement amounts to a separate account until a statement as to its methods of operation has been approved by the Commission.

*Patron - Nixon*

**HB728 Uniform group health insurance application form.** Directs the State Corporation Commission's Bureau of Insurance, with the assistance of a work group comprised of representatives of health insurers, insurance agent organizations, employer organizations, and the Virginia Association of Health Plans, to develop a uniform group health insurance application form. The development of the uniform form is to be completed by July 1, 2009. Upon completion of the form, the Bureau shall provide copies to insurers, along with instructions for its use.

*Patron - Scott, E.T.*

**HB831 State Corporation Commission; confidentiality.** Authorizes the State Corporation Commission to share information with local law-enforcement authorities, provided the recipient agrees to maintain its confidential and privileged status.

*Patron - Hargrove*

**HB914 Nonrenewal of liability, fire, and motor vehicle insurance policies.** Establishes exceptions to prohibitions on the refusal to renew certain liability, fire, and motor vehicle insurance policies. Such renewal provisions will not apply to an insurer if an affiliated insurer has manifested its willingness to provide coverage at a lower premium than would have been charged for the same exposures on the expiring policy. SB 612 is identical.

*Patron - Purkey*

**HB1176 Motor vehicle insurance; payments for paint and materials.** Provides that setting arbitrary and unreasonable limits on what an insurer will allow as reimbursement for paint and materials is an unfair settlement practice. Identical to SB 697.

*Patron - Lingamfelter*

**HB1305 Virginia Birth-Related Neurological Injury Compensation Program.** Increases the annual assessment for physicians who participate in the Virginia Birth-Related Neurological Injury Compensation Program from its current level of \$5,300 to \$5,600, which amount will increase thereafter to a maximum of \$6,200. The annual participating hospital assessment will increase from \$50 per live birth to \$52.50 per live birth in 2008, which amount will increase each year thereafter by \$2.50 per live birth to a maximum of \$55 per live birth. The size of the board of directors of the Program is increased from seven to nine. Provision is made for covered expenses to cover therapeutic, nursing and attendant care, medications and supplies, and for attendant nursing care that is provided by the claimant's relatives when beyond what is normally provided family members of uninjured children. The measure also (i) requires that only one member of the panel of physicians be



from the field of obstetrics; and (ii) requires the Program to pay \$3,000 per claim reviewed to the medical school that performs an assessment; and (iii) clarifies the method for calculating payments for loss of earnings. SB 211 is identical.

*Patron - Morgan*

**HB1512 Health care sharing ministries.** Declares that insurance laws do not apply to a health care sharing ministry. A health care sharing ministry that, through its publication to members, solicits funds for the payment of medical expenses of other members, will not be considered to be engaging in the business of insurance and will not be subject to the jurisdiction of the State Corporation Commission. A health care sharing ministry is a health care cost sharing arrangement among individuals of the same religion, administered by a non-profit, tax-exempt organization that, among other things, acts as an organizational clearinghouse for information about members who have financial or medical needs and matches them with members with the ability to assist those with such needs, and provides for the financial or medical needs of members through payments directly from one member to another.

*Patron - Byron*

**SB182 Insurance company investments; preferred stocks.** Revises the rating criteria stated for preferred stock in which a domestic insurer may invest. References to specific rating categories of the National Association of Insurance Commissioners' Securities Valuation Office are deleted, and in their place are added the categories of "highest quality," "high quality," and "medium quality."

*Patron - Miller, Y.B.*

**SB207 Foreign and alien insurers; exemption for insuring industrial insureds.** Revises the criteria for qualifying as an industrial insured. Certain acts involving insurance contracts issued to an industrial insured are excluded from the acts that constitute transacting the business of insurance in the Commonwealth. The revisions to the criteria (i) allow the insured to procure insurance by using a licensed insurance consultant, (ii) increase the required amount of annual insurance premiums from \$25,000 to \$100,000, and (iii) require the insured to have either gross assets in excess of \$3 million or annual gross revenues in excess of \$5 million. Other revisions specify that the insured risks do not include life or annuity contracts and that the aggregate annual premiums do not include premiums from life, annuity, and accident and sickness insurance.

*Patron - Stosch*

**SB211 Virginia Birth-Related Neurological Injury Compensation Program.** Increases the annual assessment for physicians who participate in the Virginia Birth-Related Neurological Injury Compensation Program from its current level of \$5,300 to \$5,600, which amount will increase thereafter to a maximum of \$6,200. The annual participating hospital assessment will increase from \$50 per live birth to \$52.50 per live birth in 2008, which amount will increase each year thereafter by \$2.50 per live birth to a maximum of \$55 per live birth. The size of the board of directors of the Program is increased from seven to nine. Provision is made for covered expenses to cover therapeutic, nursing and attendant care, medications and supplies, and for attendant nursing care that is provided by the claimant's relatives when beyond what is normally provided family members of uninjured children. The measure also (i) requires that only one member of the panel of physicians be from the field of obstetrics; (ii) requires the Program to pay \$3,000 per claim reviewed to the medical school that performs an assessment; and (iii) clarifies the method for calculating

payments for loss of earnings. HB 1305 is identical. SB 568 is incorporated into this bill.

*Patron - Edwards*

**SB212 Virginia Birth-Related Neurological Injury Compensation Act; evidence.** Allows all parties to a claim under the Virginia Birth-Related Neurological Injury Compensation Act to confront and cross-examine witnesses, and provides that a party shall not be precluded from conducting depositions of any witness from whom evidence is elicited. The measure also creates a mechanism for voiding an adverse determination in a claim made pursuant to Chapter 919 of the 2006 Acts of Assembly where a party was denied the opportunity to confront and cross-examine witnesses against him. In order to have the adverse determination voided, the party is required to file a petition on or before July 1, 2009. Any new review would be de novo. HB 222 is identical.

*Patron - Edwards*

**SB403 Ethics and fairness in carrier business practices; payment of claims for pharmacy benefits.** Requires contracts between a health insurance carrier and its administrator of pharmacy benefits to make payments of clean claims electronically to the participating provider or its designee if the contract with the provider requires claims to be submitted electronically. The measure applies to contracts entered into, amended, extended or renewed on or after January 1, 2009.

*Patron - Puckett*

**SB612 Nonrenewal of liability, fire, and motor vehicle insurance policies.** Establishes exceptions to prohibitions on the refusal to renew certain liability, fire, and motor vehicle insurance policies. Such renewal provisions will not apply to an insurer if an affiliated insurer has manifested its willingness to provide coverage at a lower premium than would have been charged for the same exposures on the expiring policy. HB 914 is identical.

*Patron - Stolle*

**SB697 Motor vehicle insurance; payments for paint and materials.** Provides that setting arbitrary and unreasonable limits on what an insurer will allow as reimbursement for paint and materials is an unfair settlement practice. Identical to HB 1176.

*Patron - Petersen*

**SB785 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. The similar requirement in the state employee's health insurance program is also deleted.

*Patron - Blevins*

## Failed

**HB83 Mandated coverage for habilitative services for children.** Requires insurance companies to provide coverage for habilitative services for children.

*Patron - Marshall, R.G.*

**HB222 Virginia Birth-Related Neurological Injury Compensation Act; evidence.** Allows all parties to a claim under the Virginia Birth-Related Neurological Injury Compensation Act to confront and cross-examine witnesses, and provides that a party shall not be precluded from conducting depositions of any witness from whom evidence is elicited.

The measure also creates a mechanism for voiding an adverse determination in a claim made pursuant to Chapter 919 of the 2006 Acts of Assembly where a party was denied the opportunity to confront and cross-examine witnesses against him. In order to have the adverse determination voided, the party is required to file a petition on or before July 1, 2009. Any new review would be de novo. SB 212 is identical.

*Patron - Kilgore*

**HB237 Health insurance; mandated coverage for hearing aids for minors.** Requires health insurers, health maintenance organizations, and corporations providing health care coverage subscription contracts to provide coverage for hearing aids and related services for children from birth to age 18 when a licensed audiologist prescribes such hearing aids and related services. The coverage shall include one hearing aid per hearing-impaired ear, up to a cost of \$1,500, every 24 months.

*Patron - Cosgrove*

**HB250 Managed Care Health Insurance Plans.** Allows a new health maintenance organization to obtain its HMO license contingent upon the Department of Health's issuance of a certificate of quality assurance. Other revisions streamline and update procedures for obtaining MCHIP licenses.

*Patron - O'Bannon*

**HB252 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*

**HB318 Hospitalization insurance; balance billing by nonparticipating physicians.** Prohibits a physician who does not participate in a health insurance carrier's provider panel from balance billing an enrollee for the difference between his charges and the amount paid by the carrier for covered services performed at a participating hospital, unless the hospitalized enrollee has consented in writing, prior to receiving the services, to the use of the nonparticipating physician.

*Patron - Cox*

**HB615 Health insurance; required coverage for medically necessary amino acid-based elemental formulas.** Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the provision of medically necessary amino acid-based elemental formulas, regardless of delivery method, for the treatment of Immunoglobulin E and non-Immunoglobulin E mediated allergies to multiple food proteins, food protein-induced enterocolitis syndrome, eosinophilic disorders, and impaired absorption of nutrients caused by disorders affecting the absorptive surface, functional length, and motility of the gastrointestinal tract. Coverage is also required for the diagnosis of such conditions.

*Patron - Amundson*

**HB667 Health insurance; coverage for alternatives to surgery.** Requires health insurers, corporations providing accident and sickness subscription contracts, and health maintenance organizations whose policies, contracts or plans cover surgical treatment of a medical condition or disease to also cover a nonsurgical treatment for the condition or disease if it is (i) less expensive, (ii) less dangerous, (iii) not experimental

or investigational, (iv) generally recognized by the regional medical community as an appropriate treatment for the condition or disease, and (v) not less efficacious than the surgical treatment.

*Patron - Marshall, R.G.*

**HB668 Individual health insurance; statements regarding grounds for refusal to cover.** Requires health insurers, health care subscription plans, and health maintenance organizations to file with the State Corporation Commission statements that identify, with respect to each policy, contract, or plan that offers individual health insurance coverage to residents of the Commonwealth, (i) medical conditions that are used as the basis for decisions to refuse to issue or offer a policy, contract, or plan providing coverage for an applicant and (ii) the sources of the information regarding an applicant's condition and medical history that the insurer, corporation, or health maintenance organization relies upon in determining whether an applicant has or has had such a medical condition.

*Patron - Marshall, R.G.*

**HB669 Accident and sickness insurance; coverage for amino-acid-based formulas.** Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the expense of amino-acid-based formulas whose protein source has been extensively or completely hydrolyzed. This benefit is to be available if the formula is required to treat either a diagnosed inborn error of amino acid or organic acid metabolism or a diagnosed disease or disorder of the gastrointestinal tract that leads to malnutrition or malabsorption due to inflammation, protein sensitivity, or inborn errors of digestion, and is the primary source of nutrition as certified by the treating physician by diagnosis.

*Patron - Marshall, R.G.*

**HB865 Group life insurance coverage.** Allows coverage under a group life insurance policy to be extended to insure any class of persons as may mutually be agreed upon by the insurer and the group policyowner.

*Patron - Ebbin*

**HB919 Underinsured motorist insurance coverage.** Establishes a mechanism by which a liability insurer insuring the owner, operator, or maintainer of an underinsured motor vehicle may, following approval of the court, pay all of its applicable limits of liability. Upon paying its limits under the policy, the insurer will be released from further liability and its obligation to participate in the defense of the proceeding. The measure applies to policies issued or renewed on or after July 1, 2008.

*Patron - Joannou*

**HB1306 Virginia Birth-Related Neurological Injury Compensation Program.** Increases the annual assessment for physicians who participate in the Virginia Birth-Related Neurological Injury Compensation Program from its current level of \$5,300 to \$5,600, which amount will increase thereafter to a maximum of \$6,200. The annual participating hospital assessment will increase from \$50 per live birth to \$52.50 per live birth in 2008, which amount will increase each year thereafter by \$2.50 per live birth to a maximum of \$55 per live birth. The assessment on nonparticipating physicians will apply to all physicians licensed in the Commonwealth other than participating physicians; currently, only such physicians practicing in Virginia are required to pay an assessment. The composition of the board of directors of the Program is revised to allow a parent or guardian of a child in the Program to be a member, and a certified public accountant replaces one of the members with investment experience. Other provisions (i) establish limits on reimbursement for nursing care and certain other medical ser-

vices, (ii) revise the provisions regarding review of cases by panels of physicians, (iii) address the timing of filing the Program's response to the panel's report, and (iv) allow the State Corporation Commission to use the loss reserve methodology employed in Florida when conducting its actuarial evaluation of the Program.

*Patron - Morgan*

**HB1340 Fire Programs Fund.** Increases the rate of the assessment for the Fire Programs Fund from one to 1.5 percent of the total direct gross premium income for fire and related lines of insurance. This bill is incorporated into HB 1225.

*Patron - Barlow*

**HB1462 Motor vehicle insurance; accident prevention courses.** Repeals the requirement that motor vehicle accident reduction classes provide actual classroom instruction. Insurers are required to provide premium reductions to persons age 55 and over who complete a Department of Motor Vehicles-approved course.

*Patron - Ware, R.L.*

**SB13 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. This bill is incorporated into SB 645.

*Patron - Edwards*

**SB416 Insurance agent license examinations; demographic data.** Requires insurance licensing examination applications to ask applicants to disclose information regarding age, gender, race or ethnicity, native language, and education level. The State Corporation Commission or its designee shall annually prepare a report to be available to the public that sorts the demographic data provided with information regarding examination results.

*Patron - Puckett*

**SB568 Virginia Birth-Related Neurological Injury Compensation Program.** Increases the annual assessment for physicians who participate in the Virginia Birth-Related Neurological Injury Compensation Program from its current level of \$5,300 to \$5,600, which amount will increase thereafter to a maximum of \$6,200. The annual participating hospital assessment will increase from \$50 per live birth to \$52.50 per live birth in 2008, which amount will increase each year thereafter by \$2.50 per live birth to a maximum of \$55 per live birth. The assessment on nonparticipating physicians will apply to all physicians licensed in the Commonwealth other than participating physicians; currently, only such physicians practicing in Virginia are required to pay an assessment. The composition of the board of directors of the Program is revised to allow a parent or guardian of a child in the Program to be a member, and a certified public accountant replaces one of the members with investment experience. Other provisions (i) establish limits on reimbursement for nursing care and certain other medical services, (ii) revise the provisions regarding review of cases by panels of physicians, (iii) address the timing of filing the Program's response to the panel's report, and (iv) allow the State Corporation Commission to use the loss reserve methodology employed in Florida when conducting its actuarial evaluation of the Program. This bill is incorporated into SB 211.

*Patron - Saslaw*

**SB631 Accident and sickness insurance; coverage for the treatment of infertility.** Requires health insurers, health maintenance organizations, and corporations providing accident and sickness subscription contracts to provide coverage for the treatment of infertility.

*Patron - Ticer*

**SB688 Motor vehicle insurance; accident prevention courses.** Repeals the requirement that motor vehicle accident reduction classes provide actual classroom instruction. Insurers are required to provide premium reductions to persons age 55 and over who complete a Department of Motor Vehicles-approved course.

*Patron - Edwards*

## Carried Over

**HB253 Bureau of Health Insurance and Commissioner of Health Insurance.** Establishes a division within the State Corporation Commission, named the Bureau of Health Insurance, to administer the Commonwealth's health insurance laws. The new division is headed by a Commissioner of Health Insurance. The SCC's Bureau of Insurance, which currently administers the health insurance laws, will continue to be responsible for administering other insurance laws.

*Patron - O'Bannon*

**HB364 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 two 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*

**HB636 Electronic delivery of insurance notices.** Authorizes property, casualty, life, and certain other types of insurers to electronically transmit notices to insureds if the insured consents.

*Patron - May*

**HB648 Health reimbursement arrangements.** Prohibits health insurers from canceling or refusing to issue an individual health insurance policy on grounds that the policyowner's employer funds the premium for the policy, if the funding is made through an employer-funded health reimbursement arrangement.

*Patron - Hogan*

**HB1225 Fire Programs Fund.** Increases the rate of the assessment for the Fire Programs Fund from one to 1.5 percent of the total direct gross premium income for fire and related lines of insurance. HB 1340 is incorporated into this bill.

*Patron - Bowling*

**HB1419 Coordination of health insurance benefits.** Prohibits an insurer issuing individual or group accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis, a corporation providing individual or group accident and sickness subscription contracts, or a health maintenance organization providing a health care plan for health care services

from delaying or refusing to make payment to a provider for covered expenses as a consequence of a failure or delay of the insured, subscriber, or member in responding to any coordination of benefits questionnaire or similar periodic inquiry from the insurer, corporation, or health maintenance organization regarding whether the insured, subscriber, or member or other family members enrolled with the insured, subscriber, or member are covered under another health insurance plan that may have primary responsibility for covered expenses. A similar prohibition is established with respect to the health insurance plan for state employees.

*Patron - Nutter*

**CSB264 Fire insurance; family day homes.** Prohibits an insurer or agent from refusing to issue or renew a policy written to insure an owner-occupied dwelling solely because the insured operates a licensed or registered family day home. The policy shall not provide liability coverage for losses arising out of, or in connection with, the operation of the family day home, which coverage shall only be provided by a separate endorsement or insurance policy.

*Patron - Deeds*

**CSB318 Virginia Wind Underwriting Association.** Establishes the Virginia Wind Underwriting Association consisting of all insurers licensed to write property insurance in the Commonwealth. The Association is created to provide insurance against loss to property in Accomack and Northampton Counties and the Cities of Chesapeake, Hampton, Norfolk, and Virginia Beach from the risk of windstorm, in accordance with a plan of operation to be approved by the Commission.

*Patron - Wagner*

**CSB412 Fire Programs Fund.** Increases the rate of the assessment for the Fire Programs Fund from one to 1.5 percent of the total direct gross premium income for fire and related lines of insurance.

*Patron - Puckett*

**CSB645 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. SB 13 is incorporated into this bill.

*Patron - Ticer*

**CSB692 Insurance agents; limited burial insurance authorities.** Expands the definition of a limited burial insurance authority to include the authority of a person who is licensed to engage in the practice of funeral service, preneed funeral planning, funeral directing, embalming, or operating a funeral service establishment to solicit applications for life insurance in amounts of \$10,000 or less in connection with the funding of a preneed funeral contract.

*Patron - Edwards*

## Labor and Employment

### Passed

**PHB1160 Employment of children; school bus drivers.** Clarifies that persons under age 18 are not permitted to drive school buses.

*Patron - Saxman*

### Failed

**FHB152 Governmental employees; meet and confer.** Permits employees of the Commonwealth, its political subdivisions, or any governmental agency of any of them, to form associations for the purpose of discussing their interests with their employing agencies whenever such agencies agree to engage in such discussions. Current law permits these governmental employees to form such associations for the purpose of promoting their interests before their employing agencies.

*Patron - Poisson*

**FHB284 Notice to employees; earned income tax credit.** Requires employers to provide oral notice to employees that they may be eligible for the earned income tax credit and to post any notice that may be provided by the Department of Social Services informing all employees that they may be eligible for the earned income tax credit. The measure also establishes a fine for noncompliance, which shall be no less than \$100 nor more than \$250.

*Patron - Toscano*

**FHB297 Government employees associations; use of membership fees.** Prohibits an association of governmental employees from using an individual's membership fees to make contributions or expenditures in an attempt to influence an election or to operate a political committee, unless the individual has affirmatively authorized such use of his membership fees.

*Patron - Hargrove*

**FHB792 Parental leave for school involvement.** Requires employers to permit employees who are parents or guardians of, or who stand in loco parentis to, a school-aged child to take up to four hours of leave annually in order to attend parent-teacher conferences or to volunteer at the child's school. The employer and employee must mutually agree to the time for the leave, the leave need not be compensated, and the employer may require both 48 hours' advance notice of the leave and written verification from the school of the employee's involvement in the school.

*Patron - Englin*

**FHB852 Collective bargaining for governmental employees.** Repeals provisions that prohibit state and local officers, agents, and governing bodies from collectively bargaining with a labor union or other employee association as a bargaining agent of public officers or employees.

*Patron - Ebbin*

**FHB1038 Enforcement of minimum wage law.** Establishes a special nonreverting fund into which civil penalties collected by the Commissioner of Labor and Industry shall be deposited. The measure also makes the knowing and intentional failure to pay minimum wage as required by state law a Class 1 misdemeanor if the wages not paid are less than

\$10,000, and a Class 6 felony if the wages not paid are \$10,000 or more.

*Patron - Jones, D.C.*

**HB1047 Document verification for employment of illegal immigrants; penalty.** Provides that each day of continued unlawful employment of an alien worker, each alien who cannot provide documents indicating that he is legally eligible for employment in the United States, or of false representation that an alien worker has documentation indicating that he is legally eligible for employment in the United States constitutes a separate civil offense punishable by a \$100 civil penalty. The measure also (i) makes it a Class 1 misdemeanor to falsely represent that an alien worker has documentation indicating that he is legally eligible for employment and (ii) 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.

*Patron - Watts*

**HB1249 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, 2008. 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 fees and costs.

*Patron - Hugo*

**SB14 Notice to employees; earned income tax credit.** Requires employers to post any notice that may be provided by the Department of Social Services informing all employees that they may be eligible for the earned income tax credit. Establishes a fine for noncompliance, which shall be no less than \$100 nor more than \$250.

*Patron - Edwards*

**SB90 Employment; verification of eligibility.** Requires employers to participate in an electronic employment verification system or any equivalent federal work authorization program. The measure prohibits an employer from allowing an individual to start work unless the employer has conducted the identity verification process through the electronic employment verification system and has obtained a response that affirmatively verifies that the individual is legally eligible for employment in the United States. Violations are a Class 1 misdemeanor.

*Patron - Colgan*

## Carried Over

**SB223 Payment of wages and salaries; wage payments.** Authorizes employers to pay wages and salaries by credit to a prepaid debit card or card account, without the employee's affirmative consent, if the employee fails to designate a financial institution to which payment could be made by electronic automated fund transfer. Currently, payment via prepaid debit card or card account requires the affirmative consent of the employee, though such consent is not required if the

employee has not designated a financial institution to which payment by electronic automated fund transfer could be made and the employee is employed at an amusement park.

*Patron - McDougle*

## Libraries

### Failed

**SB107 State Law Library; authorized users.** Authorizes members of the General Assembly to designate one person to perform legal research in the State Law Library.

*Patron - Cuccinelli*

## Mechanics' and Certain Other Liens

### Passed

**HB521 Mechanics' lien; active duty members of the military.** Requires, if it is shown that the owner of a vehicle is an active duty member of the military, the Department of Motor Vehicles to include that information when lienholders inquire into vehicle ownership for the purposes of satisfying a lien. Also, the bill requires persons having a lien to comply with the federal Servicemembers Civil Relief Act.

*Patron - Suit*

## Military and Emergency Laws

### Carried Over

**HB338 Emergency plans; fee for review.** Allows a locality to charge an administrative fee for the review of the emergency plans of nursing homes, assisted living facilities, adult day care centers, and child day care centers located within the locality. Localities that have an emergency management agency are currently authorized to require such a review.

*Patron - McClellan*

## Mines and Mining

### Passed

**HB870 Division name change.** Changes the name of the Department of Mine, Minerals and Energy's Division of Mineral Resources to the Division of Geology and Mineral Resources.

*Patron - Johnson*

**HB1150 Oil or gas wells; cemeteries.** Requires the applicant for a permit for a gathering pipeline, oil or gas well, or coal bed methane well to identify in the permit application any cemetery, as identified on a U.S.G.S. topographic map or

located by routine field review, within 100 feet of the permitted activity.

*Patron - Phillips*

**PSB413 National pollutant discharge elimination system permits; mining operations.** Provides for permit fees to be submitted from applicants that discharge waters from mining operations. Applicants will pay \$300 per discharge outfall point. In addition, applicants will pay an annual fee of \$300 for each discharge outfall point.

*Patron - Puckett*

**PSB586 Gas and Oil Act; notification of interested parties.** Requires the Board to publish hearing agendas on permits for gas or oil operations in local newspapers at least 10 days prior to the hearing. Currently, the Board provides this public notice at least 20 days prior to the hearing. Interested parties are still notified by certified mail as a condition of the application process. However, interested parties that cannot be identified or located after reasonable effort may now be notified by publication in a newspaper widely circulated in the locality where the well is proposed to be located.

*Patron - Puckett*

**PSB689 Biofuels Production Incentive Grant Program; eligible fuels.** Expands the definition of biofuels to include neat biodiesel fuel, neat green diesel fuel, and neat ethanol fuel. Biodiesel fuel is redefined as a fuel composed of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats, designated B100, and meeting the requirements of ASTM D6751. Green diesel fuel is now defined as a fuel produced from nonfossil renewable resources, including agricultural or silvicultural plants; animal fats; residue and waste generated from the production, processing, and marketing of agricultural products; silvicultural products; and other renewable resources, and meeting applicable ASTM specifications.

*Patron - Watkins*

## Motor Vehicles

### Passed

**PHB2 Special license plates for immediate family members of persons who have died in military service to their country; fees.** Eliminates the one-time \$10 surcharge imposed for issuance of these plates. This bill incorporates HB 23, HB 61, HB 308, and HB 468.

*Patron - Tata*

**PHB52 Antique motor vehicles; registration.** Eliminates the requirement that (i) owners of antique vehicles applying for registration of their vehicles with DMV certify that their vehicles meet the safety equipment requirements for the model year in which they were manufactured and (ii) these certifications be notarized.

*Patron - Lingamfelter*

**PHB87 Special license plates; expired authorizations.** Repeals authorizations for issuance of special license plates for which the required minimum number of prepaid orders was never received; the plates affected being those for persons awarded the Global War on Terrorism Service Medal; for Virginia scuba divers; promoting lung cancer research, awareness, and prevention; promoting Virginia wines; for supporters of the Robert Russa Moton Museum; for supporters of the Vir-

ginia Housing Partnership; for supporters of the On the Rebound Bulldog Rescue Foundation; for supporters of the Northern Virginia Swim League; and for registered nurses.

*Patron - Landes*

**PHB113 Disregarding signal to stop; death of law-enforcement officer; penalties.** Provides that if a law-enforcement officer pursues a person who has disregarded a law-enforcement officer's signal to stop his motor vehicle and drives in willful and wanton disregard of such signal so as to interfere with or endanger the operation of the law-enforcement vehicle or to endanger people and the law-enforcement officer is killed as a direct and proximate result of the pursuit, the person is guilty of a Class 4 felony. The bill also increases the penalty for disregarding a signal from a law-enforcement officer to stop or attempting to escape or elude a law-enforcement officer from a Class 3 misdemeanor to a Class 2 misdemeanor. This bill is identical to SB 368.

*Patron - Ware, R.L.*

**PHB131 Child restraints; penalties.** Provides escalating penalties for repeat violators of the child restraint law. First time offenders will still be subject to the current civil penalty of \$50, but those convicted of second or subsequent violations on different dates will be subject to a civil penalty of up to \$500.

*Patron - Lewis*

**PHB132 Parking in spaces reserved for persons with disabilities; local ordinances.** Provides that the governing body of any city, county, or town may, by ordinance, provide for a lesser fine if there is a placard within a vehicle utilizing a parking space reserved for persons with disabilities, but that placard is not appropriately displayed.

*Patron - Ware, O.*

**PHB144 Overweight coal trucks.** Provides that overweight coal truck permits are valid only for a distance of 85 miles within Virginia from the preparation plant, loading dock, or railroad.

*Patron - Kilgore*

**PHB254 Taxes and license fees imposed by counties, cities, and towns; local licenses.** Provides that local licenses may be issued free of charge to vehicles with a gross weight exceeding 10,000 pounds owned by museums officially designated by the Commonwealth.

*Patron - Fralin*

**PHB269 Special license plates; supporters of the Lake Taylor Transitional Care Hospital Foundation.** Authorizes the issuance of revenue-sharing special license plates to supporters of Lake Taylor Transitional Care Hospital Foundation. 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 Lake Taylor Transitional Care Hospital Foundation to support its operation and programs in Virginia.

*Patron - Miller, P.J.*

**PHB326 Speed limits; rural rustic roads.** Provides for a maximum speed limit of 35 mph on any highway designated a rural rustic road.

*Patron - Saxman*

**PHB337 Distribution of handbills, etc., in highway rights-of-way.** Allows Arlington and Henrico Counties and the Town of Vienna to regulate distribution of handbills, etc., in all highway rights-of-way within their boundaries. Present law

restricts this power to secondary and urban highway system components. This bill is the same as SB 160.

*Patron - McClellan*

**HB372 Motor vehicle dealer advertising.** Allows a dealer to advertise a single vehicle, whether it is new or used, by stock number or vehicle identification number in order to disclose a limitation of availability.

*Patron - Carrico*

**HB469 DMV fees.** Allows DMV to waive the fee that would have otherwise been imposed by the Department for issuance of a duplicate driver's license if the person subject to the fee is on active duty with the armed forces of the United States outside the boundaries of the United States.

*Patron - Watts*

**HB470 Loitering in the rights-of-way of certain highways.** Prohibits loitering in the right-of-way of any highway where it has been determined that loitering presents a public safety hazard and the VDOT Commissioner or the local governing body has posted signs prohibiting such activity.

*Patron - Watts*

**HB492 Used motor vehicles.** Prohibits displaying, parking, selling, or advertising for sale certain used motor vehicles.

*Patron - Amundson*

**HB523 Vehicle safety inspection; members of the armed services.** Provides that any vehicle safety inspection approval sticker issued for any vehicle that is principally garaged outside the Commonwealth while its registered owner is a person in the armed services of the United States will be deemed not to have expired during the period of the owner's official absence from the Commonwealth in the armed services of the United States, regardless of whether such vehicle is operated in or through the Commonwealth during the owner's official absence from the Commonwealth in the armed services of the United States. The bill also extends time required to obtain a current vehicle inspection sticker for vehicles principally garaged outside the Commonwealth that return to or become operational in the Commonwealth from 24 to 72 hours for those vehicles whose registered owners are in the armed services and stationed outside Virginia.

*Patron - Suit*

**HB525 Additional vehicle registration fees in certain localities.** Exempts from the additional registration fees vehicles being registered in a jurisdiction subject to either the Northern Virginia Transportation or the Hampton Roads Transportation Authority by a member of the armed forces of the United States if the vehicle had previously been registered in a foreign country while the member of the armed forces of the United States was deployed overseas.

*Patron - Suit*

**HB534 Driver's license renewal; sex offenders.** Provides that the Department of State Police transmit information about registered sex offenders to the Department of Motor Vehicles; and requires registered sex offenders to appear in person at the Department of Motor Vehicles for each driver's license renewal. The driver's license of registered sex offenders will be valid for a period not to exceed five years. This bill has a delayed effective date of January 1, 2009.

*Patron - Mathieson*

**HB631 Special license plates; sesquicentennial of the American Civil War.** Authorizes the issuance of special license plates marking the sesquicentennial of the American

Civil War. In addition to the prescribed cost of state license plates, these plates will be subject to a one-time surcharge of \$15; \$5 of this \$15 will be paid to the Virginia Sesquicentennial of the American Civil War Commission to support its operation and programs in Virginia. Minimum order requirements, etc., established by § 46.2-725 will not apply to these plates. The authorization expires on July 1, 2015, the same date on which the Commission's mandate expires. This bill is identical to SB 73.

*Patron - May*

**HB649 Collection of annual license and registration fees in certain localities; civil remedial fees on certain drivers.** Prohibits licensed motor vehicle dealers from collecting any additional license and registration fees imposed by the Hampton Roads Transportation Authority and/or the Northern Virginia Transportation Authority. This bill is the same as SB 728.

*Patron - Hogan*

**HB660 Manufactured homes.** Provides that a manufactured home is to be deemed real estate when equipment previously used for mobility has been removed and the unit is attached to the realty.

*Patron - Lewis*

**HB756 Registration fees; vehicle equipped for persons with disabilities.** Provides that the registration fee to be charged for the registration of a vehicle specially equipped to accommodate persons with disabilities shall be the weight of the vehicle minus the weight of the special equipment.

*Patron - Poindexter*

**HB833 Company vehicles of automotive manufacturers.** Provides for specialized registration and titling of company vehicles of automotive manufacturers having a headquarters in the commonwealth. Company vehicles are defined as vehicles used for sales or service training, headquarters-related purposes, or corporate policies that allow headquarters employees or their family members to use such vehicles. These vehicles would also be exempt from the motor vehicle sales and use tax.

*Patron - Rust*

**HB875 Soliciting of contributions, distribution of materials, etc., in highway right-of-way.** Grants the City of Richmond the same powers granted to Albemarle, Arlington, Greene, and Henrico Counties and the Town of Vienna to regulate soliciting contributions, distribution of materials, etc., in highway rights-of-way. The bill also grants Spotsylvania County the same powers granted to Albemarle and Greene Counties to regulate these same activities.

*Patron - Loupassi*

**HB885 Bus idling; local ordinances.** Allows all counties, cities, and towns to adopt ordinances limiting bus engine idling.

*Patron - Toscano*

**HB889 Required driving hours for holders of learner's permits.** Increases the minimum driving hours from 40 to 45 hours, at least 15 of which must be after sunset. The bill additionally requires, on a form supplied by DMV, certification of the hours driven.

*Patron - Lohr*

**HB890 Flashing warning lights on emergency vehicles.** Allows warning lights on emergency vehicles to be of

types constructed within turn signal housings or motorcycle headlight housings, subject to approval by the Superintendent.

*Patron - Lohr*

**HB922 Vehicle registration fee increase for firefighting and emergency medical services.** Increases the "\$4-for-life" fee to \$4.25, with the revenues generated by the additional \$0.25 to be used for costs associated with the certification and recertification training of emergency medical services personnel.

*Patron - Rust*

**HB1012 Towing.** Allows tow trucks to use crossovers on controlled-access highways when providing a public safety towing and recovery service under the direction of a law-enforcement agency. Additionally, the bill repeals the provision that allows insurance company agents and persons subject to a vehicle security interest to have vehicles that have been towed as the result of a police-towing request to be towed to another location ("secondary tow"). The bill also allows the Board for Towing and Recovery Operators to promulgate regulations specifying additional training or conditions for individuals seeking tow truck authorization documents. The bill, further, exempts from the requirement that tow truck operators have tow truck authorization documents issued by the Board for Towing and Recovery Operators tow trucks that are (i) towing vehicles from origins in another state and are passing through the Commonwealth to destinations outside the Commonwealth, or (ii) towing vehicles from origins in another state to destinations in the Commonwealth, or (iii) not engaged to towed vehicles by physical, mechanical means that cause the towed vehicle to be moved or lifted off the ground. Finally, the bill provides that a person cannot not be refused a license or a tow truck driver authorization document by the Board for Towing and Recovery Operators solely because of a prior criminal conviction, unless the criminal conviction directly relates to the towing and recovery of vehicles and safety of the users of the services offered by such licensee or holder of a tow truck authorization document. This bill incorporates HB 581 and is identical to SB 691.

*Patron - Hugo*

**HB1015 Motor vehicle air conditioners.** Allows explosive, flammable, or toxic refrigerants in motor vehicle air conditioners if the refrigerant is included in the list published by the United States Environmental Protection Agency as a safe alternative motor vehicle air conditioning substitute for chlorofluorocarbon-12.

*Patron - Hugo*

**HB1024 Military personnel; extension of deadlines.** Extends driver's license renewal, license plate registration, local vehicle registration, individual property tax, and other state and local tax deadlines until 90 days after return from deployment for military personnel.

*Patron - Frederick*

**HB1152 Vehicle window tinting films.** Exempts the rear windows or rear side windows of ambulances, rescue squad vehicles, and other emergency medical vehicles used to transport patients from limitations on window tinting.

*Patron - Phillips*

**HB1198 Commercial driver's licenses.** Brings Virginia law on commercial driver's licenses into conformance with federal requirements.

*Patron - Valentine*

**HB1218 Wireless telecommunications devices.** Prohibits use of wireless telecommunications devices by persons

operating school buses, except in emergencies, or when the vehicle is lawfully parked and for the purposes of dispatching. Use of two-way radio devices authorized by the school bus owner, however, is permitted. This bill is identical to SB 136.

*Patron - Bowling*

**HB1243 Civil remedial fees on certain drivers.** Repeals § 46.2-206.1, which provides for the imposition of civil remedial fees on certain drivers. The bill provides for the Comptroller to issue a refund to persons who have already paid all or part of the civil remedial fees ordered to be paid by a court. It directs the court clerk of the court that ordered the fees and the Department of Motor Vehicles to credit the accounts of persons who still owe civil remedial fees so as to indicate that the fees have been paid and are no longer outstanding. The Department of Motor Vehicles is also directed to reinstate the driver's license to any person whose license was suspended solely for failure to pay civil remedial fees. The bill contains an emergency clause.

*Patron - Hugo*

**HB1245 Driver's licenses.** Provides that any person who fails the behind-the-wheel or knowledge examinations for a driver's license administered by DMV three times shall not be permitted to take such examination a fourth time until he successfully completes the in-vehicle or knowledge component of driver instruction at a driver training school.

*Patron - Hugo*

**HB1345 Parking violations; civil penalties.** Grants James City County the same ability presently given to Chesterfield County to impose civil penalties for parking violations.

*Patron - Barlow*

**HB1407 Suspended license; unpaid fines.** Authorizes the issuance for good cause shown and upon verification of employment of a six-month restricted permit to operate a motor vehicle during a period of suspension for unpaid fines and costs. This bill incorporates HB 1374.

*Patron - Dance*

**HB1429 Golf carts on public highways.** Allows the operation of golf carts on public highways within the boundaries of the Town of Claremont.

*Patron - Barlow*

**HB1478 Pedestrian control signals.** Requires pedestrians to obey signals exhibiting the words, numbers, or symbols meaning "Walk" or "Don't Walk."

*Patron - Toscano*

**HB1551 Vehicle overweight and overload permits; fee structure.** Requires the Department of Transportation, in consultation with the Department of Motor Vehicles, to review the current fee structure applied to overload and overweight vehicles. From July 1, 2008, to June 30, 2009, the annual overweight permit fee will be \$265.

*Patron - Bowling*

**HB1557 Mopeds.** Provides that a person who operates a moped in excess of 35 miles per hour will be deemed to be operating a motorcycle.

*Patron - Cline*

**SB1 Civil remedial fees on certain drivers.** Repeals § 46.2-206.1, which provides for the imposition of civil remedial fees on certain drivers. The bill provides for the Comptroller to issue a refund to persons who have already paid all or part of the civil remedial fees ordered to be paid by a court. It directs the court clerk of the court that ordered the fees and the



Department of Motor Vehicles to credit the accounts of persons who still owe civil remedial fees so as to indicate that the fees have been paid and are no longer outstanding. The Department of Motor Vehicles is also directed to reinstate the driver's license to any person whose license was suspended solely for failure to pay civil remedial fees. This bill incorporates SB 4, SB 6, SB 42, SB 57, SB 85, SB 287, SB 411, SB 430, SB 443, SB 444, SB 469, and SB 664.

*Patron - Houck*

**SB55 Overweight permits for tank wagons.** Increases total gross weight from 36,000 to 40,000 pounds for overweight permits for tank wagons.

*Patron - Houck*

**SB73 Special license plates; sesquicentennial of the American Civil War.** Authorizes the issuance of special license plates marking the sesquicentennial of the American Civil War. In addition to the prescribed cost of state license plates, these plates will be subject to a one-time surcharge of \$15; \$5 of this \$15 will be paid to the Virginia Sesquicentennial of the American Civil War Commission to support its operation and programs in Virginia. Minimum order requirements, etc., established by § 46.2-725 will not apply to these plates. The authorization expires on July 1, 2015, the same date on which the Commission's mandate expires. This bill is identical to HB 631.

*Patron - Howell*

**SB113 Driving without a license; penalty.** Provides that a court may suspend the driving privileges of a person convicted of driving without a license for a period not to exceed 90 days.

*Patron - McDougale*

**SB116 DMV service charges.** Imposes, in addition to any other fee imposed and collected by DMV, a service charge of \$5 for any registration renewal carried out in any of its customer service centers, if the transaction is one that can be conducted by mail, telephone, or electronic means. The bill offers a \$1 per year discount for each year of a multiyear registration. Finally, the bill allows a driver's license to be issued for up to eight years. This bill incorporates SB 512.

*Patron - McDougale*

**SB136 Wireless telecommunications devices.** Prohibits use of wireless telecommunications devices by persons operating school buses, except in emergencies, or when the vehicle is lawfully parked and for the purposes of dispatching. Use of two-way radio devices authorized by the school bus owner, however, is permitted. This bill is the same as HB 1218.

*Patron - Stuart*

**SB160 Distribution of handbills, etc., in highway rights-of-way.** Allows Arlington and Henrico Counties and the Town of Vienna to regulate distribution of handbills, etc., in all highway rights-of-way within their boundaries. Present law restricts this power to secondary and urban highway system components. This bill is identical to HB 337.

*Patron - McEachin*

**SB165 Golf carts.** Allows golf carts and utility vehicles to cross highways in the Town of Colonial Beach at intersections controlled by traffic lights if the posted speed limit on the highway is no more than 35 miles per hour.

*Patron - Stuart*

**SB191 Local vehicle licenses.** Allows localities to exempt from local vehicle license fees vehicles owned by

members and former members of authorized police volunteer citizen support units.

*Patron - Herring*

**SB266 Special license plates; Purple Heart recipients.** Eliminates the one-time \$10 surcharge for issuance of Purple Heart special license plates.

*Patron - Deeds*

**SB284 Department of Motor Vehicles special agents; criminal enforcement authority.** Provides full-time sworn members of the enforcement division of the Department of Motor Vehicles full authority to enforce the laws of the Commonwealth. The bill also adds such persons to the definition of law-enforcement officer in the assault and battery criminal provision, which means that the punishment for committing an assault and battery on such a person who is engaged in the performance of his public duties is elevated from a Class 1 misdemeanor to a Class 6 felony with a six-month mandatory minimum term of confinement.

*Patron - Wampler*

**SB291 Company vehicles of automotive manufacturers.** Provides for specialized registration and titling of company vehicles of automotive manufacturers. These vehicles would also be subject to the merchants' capital tax.

*Patron - Herring*

**SB368 Disregarding signal to stop; death of law-enforcement officer; penalties.** Provides that if a law-enforcement officer pursues a person who has disregarded a law-enforcement officer's signal to stop his motor vehicle and drives in willful and wanton disregard of such signal so as to interfere with or endanger the operation of the law-enforcement vehicle or to endanger people and the law-enforcement officer is killed as a direct and proximate result of the pursuit, the person is guilty of a Class 4 felony. The bill also increases the penalty for disregarding a signal from a law-enforcement officer to stop or attempting to escape or elude a law-enforcement officer from a Class 3 misdemeanor to a Class 2 misdemeanor. This bill is identical to HB 113.

*Patron - Watkins*

**SB422 Special license plates; supporters of the Appalachian Trail.** Authorizes the issuance of revenue-sharing special license plates to supporters of the Appalachian Trail. 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 Appalachian Trail Conservancy to support its operation and programs in Virginia.

*Patron - Puckett*

**SB600 Special license plates.** Authorizes the issuance of revenue-sharing special license plates for supporters of the Colonial Williamsburg Foundation.

*Patron - Norment*

**SB607 Definitions; towing and recovery operator.** Excludes a franchised motor vehicle dealer using a tow truck owned by a dealer when transporting a vehicle to or from a repair facility owned by the dealer when the dealer does not receive compensation from the vehicle owner for towing of the vehicle or when transporting a vehicle in which the dealer has an ownership or security interest from the definition of "towing and recovery operator."

*Patron - Stolle*

**SB691 Towing.** Allows tow trucks to use crossovers on controlled-access highways when providing a public safety

towing and recovery service under the direction of a law-enforcement agency. Additionally, the bill repeals the provision that allows insurance company agents and persons subject to a vehicle security interest to have vehicles that have been towed as the result of a police-towing request to be towed to another location ("secondary tow"). The bill also allows the Board for Towing and Recovery Operators to promulgate regulations specifying additional training or conditions for individuals seeking tow truck authorization documents. The bill, further, exempts from the requirement that tow truck operators have tow truck authorization documents issued by the Board for Towing and Recovery Operators tow trucks that are (i) towing vehicles from origins in another state and are passing through the Commonwealth to destinations outside the Commonwealth, or (ii) towing vehicles from origins in another state to destinations in the Commonwealth, or (iii) not engaged to towed vehicles by physical, mechanical means that cause the towed vehicle to be moved or lifted off the ground. Finally, the bill provides that a person cannot not be refused a license or a tow truck driver authorization document by the Board for Towing and Recovery Operators solely because of a prior criminal conviction, unless the criminal conviction directly relates to the towing and recovery of vehicles and safety of the users of the services offered by such licensee or holder of a tow truck authorization document. This bill is identical to HB 1012.

*Patron - Watkins*

**PSB707 Board of Towing and Recovery Operators.**

Provides that in even-numbered years, the chairman of the Board of Towing and Recovery Operators will be a licensed Class A operator and the vice-chairman a licensed Class B operator, and in odd-numbered years, the chairman will be a licensed Class B operator and the vice-chairman a licensed Class A operator. The bill also extends the effective date for Board regulations pertaining to public safety towing and recovery services to July 1, 2010, and extends the effective date of other Board regulations to January 1, 2009. Any violation of § 46.2-2812 on or after January 1, 2009, will constitute a Class 1 misdemeanor. Prior to drafting any public safety towing regulations, the Board will hold four public meetings to receive comments and recommendations regarding the appropriate equipment, standards, training, safety, and other factors related to providing public safety towing and recovery services.

*Patron - Norment*

**PSB750 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 - Stosch*

**PSB799 Move-over law.** Provides that a motor vehicle approaching a stationary emergency vehicle displaying emergency lights must move to a lane not adjacent to the emergency vehicle regardless of whether the emergency vehicle is in a travel lane.

*Patron - Saslaw*

## Failed

**FHB1 Motor vehicles; definitions.** Redefines the term "disabled veteran" for the purposes of Title 46.2 (Motor Vehicles) to include a veteran who is at least 50% disabled as certified by the U.S. Veterans Administration. This definition governs which veterans are eligible for disabled veteran special license plates. This bill incorporates HB 17, HB 146, and HB 340.

*Patron - Peace*

**FHB15 Vehicle lights; vehicles owned by forensic crash reconstructionists.** Allows forensic crash reconstructionists operating under memoranda of understanding with the Virginia Department of Emergency Management as first responders K9 search and rescue assets to equip their vehicles with red or red and white warning lights and auxiliary lights.

*Patron - Ware, R.L.*

**FHB17 Motor vehicles; definitions.** Redefines the term "disabled veteran" for the purposes of Title 46.2 (Motor Vehicles) to include a veteran who is at least 50% disabled as certified by the U.S. Veterans Administration. This definition governs which veterans are eligible for disabled veteran special license plates. This bill was incorporated into HB 1.

*Patron - Ware, R.L.*

**FHB23 Special license plates for immediate family members of persons who have died in military service to their country; fees.** Eliminates the one-time \$10 surcharge imposed for issuance of these plates. This bill was incorporated into HB 2.

*Patron - Oder*

**FHB25 Safe driving points.** Allows drivers to accumulate up to 10 (rather than five) "good" points -- one a year for 10 years. The bill also allows five "good" points for satisfactory completion of a safe driving class up to twice in 10 years.

*Patron - Marshall, D.W.*

**FHB26 Civil remedial fees on certain drivers.** Repeals § 46.2-206.1, which provides for the imposition of civil remedial fees on certain drivers.

*Patron - Putney*

**FHB27 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*

**FHB28 Titling vehicles; statements in application.** Gives applicants for a certificate of title the option of providing their license number as assigned by the Department of Motor Vehicles in lieu of a Social Security number.

*Patron - Bulova*

**FHB39 Text messaging while driving.** Prohibits operation of a motor vehicle, bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped on the highways in the Commonwealth while using any wireless telecommunications device for the purpose of sending, receiving, or reading any text message.

*Patron - Scott, J.M.*

**FHB48 Motorcycles; driving two abreast in a single lane.** Allows two motorcycles to travel abreast in a single lane.

*Patron - Cole*

**FHB50 Civil remedial fees on certain drivers.** Repeals § 46.2-206.1, which provides for the imposition of civil remedial fees on certain drivers.

*Patron - Cole*

**FHB61 Special license plates for immediate family members of persons who have died in military service to their country; fees.** Eliminates the one-time \$10 surcharge

imposed for issuance of these plates. This bill was incorporated into HB 2 (Tata).

*Patron - Poisson*

**HB63 Forfeiture of motor vehicle for two or more offenses of driving without a valid operator's license.** Provides that any motor vehicle owned by the operator and used to commit a second offense of driving without a valid operator's license shall be forfeited. Also the bill provides that any vehicle knowingly used to commit a second such violation by a person who is not the owner thereof shall be subject to impoundment under § 46.2-301.1, and the person shall be fined an amount equivalent to the fair market value of the vehicle. This bill has been incorporated into HB 91.

*Patron - Marshall, R.G.*

**HB67 Civil remedial fees on certain drivers.** Repeals § 46.2-206.1, which provides for the imposition of civil remedial fees on certain drivers.

*Patron - Marshall, R.G.*

**HB91 Driving without a driver's license; penalties.** Provides that any person charged with driving without a valid driver's license may be placed under arrest and shall have his fingerprints and photograph taken, provided the court for the jurisdiction has granted prior approval for arrest of a person who violates § 46.2-300. This bill incorporates HB 63 and HB 104.

*Patron - Albo*

**HB104 Driving without a driver's license; penalties.** Provides that any person charged with driving without having first obtained a valid driver's license shall be placed under arrest and shall have his fingerprints and photograph taken. Additionally, the person's vehicle is to be impounded for 30 days. This bill has been incorporated into HB 91.

*Patron - Rust*

**HB108 Reckless driving by speed.** Reduces from 20 mph to 10 mph the speed by which drivers of heavy trucks must exceed the posted speed limit to be guilty of reckless driving.

*Patron - Cole*

**HB110 Truck weights; combinations of vehicles.** Treats straight trucks the same as pickup trucks when determining the maximum allowable weight of vehicle combinations. This change does not involve tractor-semitrailer or tractor-semitrailer-trailer combinations.

*Patron - Scott, E.T.*

**HB133 Taxes and license fees imposed by counties, cities, and towns; vehicle registration.** Allows the Commissioner to consider any parking citation, not just those issued only to residents of such county, city, or town, when refusing to issue or renew any vehicle registration to any applicant who owes fees or taxes to such county, city, or town. This bill incorporates HB 786.

*Patron - Ware, O.*

**HB146 Motor vehicles; definitions.** Redefines the term "disabled veteran" for the purposes of Title 46.2 (Motor Vehicles) to include a veteran who is at least 50% disabled as certified by the U.S. Veterans Administration. This definition governs which veterans are eligible for disabled veteran special license plates. The bill also provides the special license plates for persons awarded the Purple Heart. This bill was incorporated into HB 1.

*Patron - Kilgore*

**HB148 Vehicle weight law enforcement.** Authorizes enforcement of vehicle weight limit laws by full-time sworn members of the enforcement division of DMV appointed by the Commissioner as provided in § 46.2-217.

*Patron - Fralin*

**HB154 Civil remedial fees imposed on certain drivers.** Repeals § 46.2-206.1 of the Code of Virginia, which provided for imposition of civil remedial fees on certain drivers. The bill further provides for refunds of any fees paid, with interest.

*Patron - Nichols*

**HB161 Increased fines for traffic offenses.** Imposes mandatory minimum fine of \$2,250 for DUI offenses and mandatory minimum fines of \$2,500 to \$3,000 for vehicle-related felonies.

*Patron - Albo*

**HB168 Motor vehicle liability insurance coverage limits.** Increases the minimum liability coverage amounts from \$25,000 to \$50,000 in cases of bodily injury to or death of one or more persons in any one accident.

*Patron - Albo*

**HB178 Forfeiture of motor vehicle for two or more offenses of driving without insurance.** Provides that any motor vehicle owned by the operator and used to commit a second offense of driving without insurance or payment of the uninsured motorist fee shall be forfeited. Also the bill provides that any vehicle knowingly used to commit a second such violation by a person who is not the owner thereof shall be subject to impoundment under § 46.2-301.1, and the person shall be fined an amount equivalent to the fair market value of the vehicle.

*Patron - Marshall, R.G.*

**HB179 Alternatives to civil remedial (abusive driver) fee for certain offenses.** Provides that if a reckless driving offense involves speeding in excess of 85 miles per hour, the court may, in its discretion, order the installation of a device to limit the speed of the vehicle routinely driven by the defendant to 75 miles per hour in lieu of a civil remedial fee. The bill also provides that if the offense involves driving while intoxicated in violation of § 18.2-266, 18.2-266.1, or 46.2-341.24, the court may, in its discretion, order that the person install and use an ignition interlock system in accordance with the provisions of §§ 18.2-270.1 and 18.2-270.2 for a period of 12 consecutive months in lieu of a civil remedial fee.

*Patron - Marshall, R.G.*

**HB180 Forfeiture of motor vehicle for driving with a suspended operator's license.** Provides that any motor vehicle owned by the operator and used to commit the offense of driving while his operator's license is suspended shall be forfeited. Also the bill provides that any vehicle knowingly used to commit such a violation by a person who is not the owner thereof shall be subject to impoundment under § 46.2-301.1, and the operator shall be fined an amount equivalent to the fair market value of the vehicle.

*Patron - Marshall, R.G.*

**HB186 Issuance and renewal of driver's licenses, etc.** Requires presentation to DMV of proof of U.S. citizenship prior to issuance or renewal of any license, permit or special identification card.

*Patron - Marshall, R.G.*

**HB225 Child restraints.** Exempts children being transported in minibuses and certain vans from child restraint requirements provided that those who are transported in vans are using safety belts.

*Patron - Cosgrove*

**HB231 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*

**HB261 Use of flashing lights on law-enforcement and rescue vehicles.** Allows law-enforcement and emergency response personnel to exercise discretion in deciding whether to use flashing lights on vehicles while responding to an emergency.

*Patron - Ware, O.*

**HB287 Civil remedial fees on certain drivers.** Repeals § 46.2-206.1, which provides for the imposition of civil remedial fees on certain drivers.

*Patron - Kilgore*

**HB290 Civil remedial fees on certain drivers.** Repeals § 46.2-206.1, which provides for the imposition of civil remedial fees on certain drivers.

*Patron - Englin*

**HB293 Weight limit enforcement by counties.** Provides for county enforcement of weight limits on highways within its boundaries. This measure is similar to existing provisions of §§ 46.2-1138.1 and 46.2-1138.2.

*Patron - Poisson*

**HB308 Special license plates for immediate family members of persons who have died in military service to their country; fees.** Eliminates the one-time \$10 surcharge imposed for issuance of these plates. This bill was incorporated into HB 2.

*Patron - Eisenberg*

**HB340 Motor vehicles; definitions.** Redefines the term "disabled veteran" for the purposes of Title 46.2 (Motor Vehicles) to include a veteran who is at least 50% disabled as certified by the U.S. Veterans Administration. This definition governs which veterans are eligible for disabled veteran special license plates. This bill was incorporated into HB 1.

*Patron - Plum*

**HB352 Motor carrier liability insurance.** Requires operators of buses with a capacity of no more than 40 passengers that provide sightseeing and transportation services primarily for tourists to have \$1,500,000 in liability insurance.

*Patron - Cole*

**HB376 Examination of applicants for driver's licenses.** Requires that all examinations of applicants for driver's licenses be conducted exclusively in the English language. Use of interpreters in connection with driver's license examinations is prohibited.

*Patron - Marshall, D.W.*

**HB377 Civil remedial (abusive driver) fees.** Allows a court to order community service in lieu of imposition of civil remedial fees when it finds that the person is unable to pay such fees or that payment will present a substantial hardship.

*Patron - Marshall, D.W.*

**HB380 Impoundment of motor vehicle after issuance of a ticket for driving without a license.** Provides that the motor vehicle of a person arrested or issued a summons for driving without a license shall be impounded or immobilized by the law-enforcement officer at the time of arrest or summons unless the person releases control of the vehicle at the scene and grants permission to drive the vehicle to a passenger or other person with a valid operator's license. This bill has been incorporated into HB 433.

*Patron - Marshall, D.W.*

**HB446 Impoundment of motor vehicle for driving without an operator's license.** Provides that any adult who is convicted of two offenses of driving without an operator's license shall suffer a 30-day impoundment of his motor vehicle. This bill has been incorporated into HB 433.

*Patron - Rust*

**HB447 Motor vehicles; driving without a license.** Includes as part of the punishment for a third or subsequent violation of driving without a license occurring within a period of 10 years of a prior offense a mandatory minimum term of confinement of 10 days.

*Patron - Rust*

**HB448 Abusive driver civil remedial fees.** Provides that "abusive driver" civil remedial fees are to be assessed on any person who operates a motor vehicle on the highways of Virginia, whether licensed to operate a motor vehicle in Virginia or not, whether a resident of Virginia or not, as opposed to the current law, which limits application to Virginia residents. The bill also provides that a civil remedial fee will not be imposed for driving on a suspended license if the suspension or revocation was based solely upon a person's failure to pay a court fine, court cost, or civil remedial fee. The bill also limits application of the fees upon the commission of unnamed traffic misdemeanors to Class 1 and Class 2 misdemeanors. Finally, the bill provides that no fee is to be imposed for reckless driving when the violation was as a result of traveling (a) less than 80 miles per hour in a 55 mile-per-hour zone or (b) less than 90 miles per hour in a 65 mile-per-hour zone.

*Patron - Rust*

**HB460 Off-road motorcycles.** Applies existing limitations on operation of all-terrain vehicles, generally, to off-road motorcycles as well. The bill also requires retailers selling off-road motorcycles to affix to the motorcycles stickers stating the limitations on their operation.

*Patron - Merricks*

**HB468 Special license plates for immediate family members of persons who have died in military service to their country; fees.** Eliminates the one-time \$10 surcharge imposed for issuance of these plates. This bill was incorporated into HB 2.

*Patron - Watts*

**HB481 Provisional driver's license; primary offense.** Removes secondary offense designation and makes violations of passenger limits, curfew, and wireless communications use primary offenses.

*Patron - Rust*

**HB533 Driving with an animal.** Makes it a traffic infraction to drive with an animal in the driver's lap or with the animal in a location or position that interferes with the driver's control or vision.

*Patron - Mathieson*

**HB539 Nonrepairable vehicles; title and registration.** Allows the title and registration of a nonrepairable vehicle to be retained by its owner if the vehicle passes an examination by the Department of Motor Vehicles.

*Patron - Orrock*

**HB581 Tow truck driver authorization documents.** Exempts from the requirement that tow truck operators have tow truck authorization documents issued by the Board for Towing and Recovery Operators tow trucks that are (i) towing vehicles from origins in another state and are passing through the Commonwealth to destinations outside the Commonwealth, or (ii) towing vehicles from origins in another state to destinations in the Commonwealth, or (iii) not engaged to tow vehicles by physical or mechanical means that cause the towed vehicle to be moved or lifted off the ground. This bill was incorporated into HB 1012.

*Patron - Marsden*

**HB600 Amber lights; neighborhood watch vehicles.** Allows amber warning lights on neighborhood watch vehicles to be lit when the vehicles are in their assigned neighborhood watch program area, whether in motion or stationary.

*Patron - McClellan*

**HB609 Text messaging while driving.** Prohibits operation of a motor vehicle, bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped on the highways in the Commonwealth while using any wireless telecommunications device for the purpose of sending, receiving, or reading any text message.

*Patron - Eisenberg*

**HB642 Yielding right-of-way when approaching certain vehicles.** Requires the driver of any motor vehicle to yield the right-of-way when approaching vehicles used to collect and deliver the United States mail if such vehicles display flashing amber lights.

*Patron - Hogan*

**HB652 Colored warning lights on vehicles.** Allows regional jail vehicles to be equipped with flashing blue, red and blue, blue and white, or red, white and blue warning lights.

*Patron - Wright*

**HB714 Traffic lights; penalty.** Creates a Class 6 felony for running a red light, if running the red light is the sole and proximate cause of the death of another.

*Patron - Janis*

**HB747 Civil remedial fees imposed on certain drivers.** Repeals § 46.2-206.1 of the Code of Virginia, which provided for imposition of civil remedial fees on certain drivers. The bill further provides for refunds of any fees paid, with interest.

*Patron - Caputo*

**HB786 Local vehicle licenses; agreements with DMV.** Provides that DMV will refuse registration or renewal of registration of a vehicle if any delinquent taxes are owed to any county, city, or town, not just the county, city, or town that has entered into an agreement with DMV to deny registrations to persons who owe that particular locality the taxes. This bill was incorporated into HB 133.

*Patron - Brink*

**HB832 Removal of trespassing vehicles by towing and recovery operators.** Eliminates the requirement that towing and recovery operators obtain a second written authoriza-

tion from the owner of the property from which the vehicle is towed.

*Patron - Rust*

**HB884 School buses; engine idling.** Prohibits idling of engines of diesel-powered school buses on school premises while taking on or discharging students, except as allowed by regulations of the Department of Education.

*Patron - Toscano*

**HB888 Oversize truck permits.** Provides that permits issued by DMV for operation of trucks hauling storage sheds that are 10 feet or 12 feet wide may not contain limitations on hours of operation depending on whether or not schools are in session. However, the bill explicitly does allow such hours-of-operation limitation for trucks hauling storage sheds that are 14 feet wide or wider.

*Patron - Lohr*

**HB891 Discretionary arrest for third offense of driving on a suspended license.** Provides that an officer may, at his discretion, arrest a person for driving on a suspended license if the person has been twice previously convicted thereof.

*Patron - Lohr*

**HB967 Fees imposed by DMV on vehicle dealers.** Revises certain fees imposed by DMV on certain motor vehicle dealers, T&M vehicle dealers, trailer dealers, and motorcycle dealers.

*Patron - Shannon*

**HB993 Special license plates; supporters of Destination Imagination.** Authorizes the issuance of revenue-sharing special license plates to supporters of Destination Imagination. 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 Destination Imagination to support its operation and programs in Virginia.

*Patron - Bell*

**HB1022 Disabled parking.** Amends the definition of "person with a disability that limits or impairs his ability to walk or that creates a concern for his safety while walking" to include all persons who are 75 years old or older. This change will enable persons who are more than 75 years old or older to obtain disabled parking license plates or placards irrespective of any disability.

*Patron - Hugo*

**HB1027 Motor vehicles; regulation of parking of certain vehicles in certain counties.** Authorizes the governing body of certain counties (and any town located therein) by ordinance to regulate or prohibit the parking of any commercial vehicle on any public highway in such county or town located within a property owners' association whose declaration or rules duly adopted pursuant thereto expressly restrict the parking of commercial vehicles within such development. The bill defines commercial vehicle.

*Patron - Frederick*

**HB1028 Posting of school zone speed limits.** Requires that signs posting school zone speed limits be located not less than 1,000 feet from the school entrance.

*Patron - Frederick*

**HB1034 Vehicle registrations and certificates of title.** Requires any individual applying for a vehicle registration or certificate of title to prove to the Department of Motor Vehicles

that he is either (i) a citizen of the United States, (ii) a legal permanent resident of the United States, or (iii) a conditional resident alien of the United States. Titles and registrations issued to persons who are neither United States citizens nor permanent legal residents of the United States are to expire at the same time as their legal presence in the United States expires.

*Patron - Frederick*

**HB1035 Law-enforcement officers stopping vehicles.** Requires that when law-enforcement officers pull over motorists, the law-enforcement officers, whenever practicable, pull their vehicles off the roadway before stopping.

*Patron - Frederick*

**HB1065 Safety belts.** Makes non-use of motor vehicle safety belts a "primary offense."

*Patron - Amundson*

**HB1110 Motor carrier liability insurance.** Requires operators of "trolleys" to have \$1,500,000 in liability insurance.

*Patron - Cole*

**HB1112 Violation of weight limits; disposition of penalties.** Allows Stafford County to collect half of penalties for overweight vehicle convictions based on citations issued by county deputies.

*Patron - Cole*

**HB1170 Commercial driver's license.** Makes every passenger-carrying vehicle designed to transport fewer than 16 passengers including the driver and that is offered for rent, for hire, or any complimentary or incidental service a "commercial motor vehicle," requiring a commercial driver's license to operate.

*Patron - Cosgrove*

**HB1173 Motorcyclists' helmets.** Allows certain persons at least 21 years of age to operate or ride motorcycles without wearing helmets.

*Patron - Lingamfelter*

**HB1187 Felony reckless driving; penalty.** Provides that every person convicted of reckless driving who knowingly operates a motor vehicle in a manner so gross, wanton, or culpable as to show a reckless disregard for human life and thereby causes serious bodily injury to another resulting in permanent and significant physical impairment is guilty of a Class 6 felony.

*Patron - Moran*

**HB1188 Civil remedial fees imposed on certain drivers.** Repeals § 46.2-206.1 of the Code of Virginia, which provided for imposition of civil remedial fees on certain drivers. The bill further provides for refunds of any fees paid, with interest.

*Patron - Moran*

**HB1201 Motor Vehicle Dealer Board; executive director and staff.** Provides that the executive director and other staff of the Motor Vehicle Dealer Board will be employees of the Department of Motor Vehicles designated by the Commissioner of Motor Vehicles. The bill also repeals the provision of law that presently exempts the Board from the Virginia Personnel Act and the Virginia Public Procurement Act.

*Patron - Watts*

**HB1202 Board for Towing and Recovery Operators; executive director and staff.** Provides that the executive director and other staff of the Board for Towing and Recovery

Operators will be employees of the Department of Motor Vehicles designated by the Commissioner of Motor Vehicles. The bill also repeals the provision of law that presently exempts the Board's executive director and staff from the Virginia Personnel Act.

*Patron - Watts*

**HB1221 Commercial drivers; DUI testing after accident.** Provides that commercial drivers who are involved in an accident required to be reported are to be treated as though there is a reasonable suspicion that they were driving under the influence of drugs or alcohol and that the procedures for DUI testing and arrest will apply.

*Patron - Bowling*

**HB1224 Commercial drivers; drug and alcohol tests.** Requires the Department of Motor Vehicles to establish a program whereby commercial drivers must take random and unannounced drug and alcohol tests.

*Patron - Bowling*

**HB1226 Colored warning lights on vehicles.** Allows regional jail vehicles to be equipped with flashing blue, red and blue, blue and white, or red, white and blue warning lights.

*Patron - Bowling*

**HB1231 Civil remedial fees on certain drivers.** Repeals § 46.2-206.1, which provides for the imposition of civil remedial fees on certain drivers.

*Patron - Vanderhuy*

**HB1233 Suspension of license on conviction of reckless driving by a minor.** Provides that if a minor is convicted of reckless driving in violation of subdivision (i) of § 46.2-862 (reckless driving in excess of 20 miles per hour over the speed limit), he shall lose his privilege to drive for six months. Currently, there is no exception for minors and all persons convicted of reckless driving (any offense) are subject to license suspension for a period of 10 days to six months.

*Patron - Vanderhuy*

**HB1244 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*

**HB1270 Pedestrians and drivers; responsibilities.** Sets out the responsibilities of pedestrians and drivers at marked and unmarked crosswalks.

*Patron - Ebbin*

**HB1291 Civil remedial fees on certain drivers.** Repeals § 46.2-206.1, which provides for the imposition of civil remedial fees on certain drivers.

*Patron - Athey*

**HB1337 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*

**HB1344 Special license plates; U.S. Navy chief petty officers.** Authorizes the issuance of special license plates to U.S. Navy chief petty officers.

*Patron - Barlow*

**HB1346 Violation of James City County parking ordinances.** Provides for civil penalties of up to \$75 for first violation, up to \$100 for second violation, and up to \$150 for third and subsequent violations.

*Patron - Barlow*

**HB1374 Restricted permit issuance for license suspension for nonpayment of fines and costs.** Provides for the issuance of a restricted permit to a person whose operator's license is suspended for failure to pay fines and costs. Currently, the person may retain his full driving privilege when he maintains payments in accordance with his deferred or installment payment plan. This bill allows the restricted permit to be issued when the person cannot enter into a payment plan or for other good cause shown. This bill has been incorporated into HB 1407.

*Patron - Morrissey*

**HB1375 Civil remedial fees on certain drivers.** Repeals § 46.2-206.1, which provides for the imposition of civil remedial fees on certain drivers.

*Patron - Morrissey*

**HB1402 Examination of applicants for driver's licenses.** Requires that whenever an examination of an applicant for a driver's license requires the use of foreign language interpreter, such interpreter be chosen by DMV, and the cost of interpreter's services be paid by the applicant. Applicants may not provide their own interpreters.

*Patron - Gear*

**HB1452 Display of objects or devices representing or resembling genitalia on motor vehicles.** Prohibits display on or equipping of any motor vehicle with any object that depicts, represents, or resembles human genitalia.

*Patron - Spruill*

**HB1506 Reckless driving; violation of right-of-way.** Provides that a person shall be guilty of reckless driving who commits the traffic infraction of violation of right-of-way when the violation results in the death of another person.

*Patron - Nixon*

**HB1524 Annual license and registration fees in certain localities; collections.** Requires that additional license and registration fees imposed by the Hampton Roads Transportation Authority and/or the Northern Virginia Transportation Authority be collected by the Department of Motor Vehicles or by agents or others who agree in writing to act on behalf of the Department.

*Patron - Athey*

**HB1535 Safety belts.** Makes non-use of motor vehicle safety belts a "primary offense."

*Patron - Barlow*

**HB1540 Driver training schools; regulation by DMV.** Transfers to the Department of Motor Vehicles (DMV) responsibility for driver training programs established for the public school system by the Department of Education.

*Patron - Hugo*

**HB1546 Town weight limit ordinance on certain roads.** Provides that the governing body of any town that pur-

chases town-owned and maintained weight scales for the purpose of enforcing weight limits may adopt ordinances for the assessment of liquidated damages.

*Patron - Athey*

**SB4 Civil remedial fees imposed on certain drivers.** Repeals § 46.2-206.1 of the Code of Virginia, which provided for imposition of civil remedial fees on certain drivers. The bill further provides for refunds of any fees paid, with interest. This bill was incorporated into SB 1.

*Patron - Puller*

**SB6 Civil remedial fees imposed on certain drivers.** Repeals § 46.2-206.1 of the Code of Virginia, which provided for imposition of civil remedial fees on certain drivers. The bill further provides for refunds of any fees paid, with interest. This bill was incorporated into SB 1.

*Patron - Lucas*

**SB42 Civil remedial fees imposed on certain drivers.** Repeals § 46.2-206.1 of the Code of Virginia, which provided for imposition of civil remedial fees on certain drivers. The bill further provides for refunds of any fees paid, with interest. This bill was incorporated into SB 1.

*Patron - Reynolds*

**SB57 Civil remedial fees imposed on certain drivers.** Repeals § 46.2-206.1 of the Code of Virginia, which provided for imposition of civil remedial fees on certain drivers. The bill further provides for refunds of any fees paid, with interest. This bill was incorporated into SB 1.

*Patron - Colgan*

**SB84 Special license plates; U.S. Air Force retirees.** Authorizes the issuance of special license plates for retired members of the United States Air Force.

*Patron - Cuccinelli*

**SB85 Civil remedial fees on certain drivers.** Repeals § 46.2-206.1, which provides for the imposition of civil remedial fees on certain drivers. This bill was incorporated into SB 1.

*Patron - Cuccinelli*

**SB108 Impoundment of motor vehicle for driving without an operator's license.** Provides that any adult who is convicted of two offenses of driving without an operator's license shall suffer a 30-day impoundment of his motor vehicle.

*Patron - Cuccinelli*

**SB154 Special license plates; promoting tourism and conservation on the Northern Neck.** Authorizes the issuance of revenue-sharing special license plates to promote tourism and conservation on the Northern Neck. The annual surcharge for these plates is \$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 Northern Neck Land Conservancy to support its operation and programs.

*Patron - Stuart*

**SB176 Hampton Roads Transportation Authority; taxes and fees of the Authority.** Makes changes to the taxes and fees that may be imposed by the Authority as follows: (i) reduces from \$10 to \$5 the annual motor vehicle inspection fee; (ii) eliminates the 5% sales tax on labor or services charged in the repair of motor vehicles; (iii) reduces the grantor's fee that may be charged from \$0.40 per \$100 to \$0.20 per \$100; (iv) increases from 2% to 5% the retail sales tax on

motor fuels sales; and (v) increases from 2% to 5% the fee that may be charged on the gross proceeds from the daily rental of motor vehicles.

*Patron - Blevins*

**FSB221 Felony reckless driving; penalty.** Provides that a person convicted of reckless driving who willfully operates his motor vehicle in a manner demonstrating a malicious disregard for the likelihood of death or serious bodily harm to another, causing permanent and significant physical impairment, is guilty of a Class 6 felony.

*Patron - McDougle*

**FSB285 Application for driver's license; social security number.** Allows issuance of a driver's license to an applicant who fails to provide a social security number on the application if such failure is due to a bona fide religious objection to providing a social security number for any reason not related to official social security tax and/or benefit purposes.

*Patron - Wampler*

**FSB287 Civil remedial fees on certain drivers.** Repeals § 46.2-206.1, which provides for the imposition of civil remedial fees on certain drivers. This bill was incorporated into SB 1.

*Patron - Wampler*

**FSB309 Suspended license; unpaid fines.** Authorizes the issuance of a restricted permit to operate a motor vehicle during a period of suspension for unpaid fines and costs.

*Patron - Reynolds*

**FSB388 Special license plates; U.S. Air Force.** Authorizes the issuance of special license plates for members and retired members of the U.S. Air Force.

*Patron - Martin*

**FSB411 Transportation funding; motor fuels tax and abusive driver fees.** Repeals certain abusive driver fees and increases the motor fuels tax rate by \$0.025 per gallon from \$0.175 to \$0.20. The bill further provides for a refund of any abusive driver fees paid, with interest. This bill was incorporated into SB 1.

*Patron - Puckett*

**FSB414 Nonemergency medical transportation.** Creates a new DMV permit for nonemergency medical transportation providers exclusively in the business of providing services to recipients of Medicaid and FAMIS.

*Patron - Puckett*

**FSB430 Civil remedial fees on certain drivers.** Repeals § 46.2-206.1, which provides for the imposition of civil remedial fees on certain drivers. This bill was incorporated into SB 1.

*Patron - Vogel*

**FSB443 Civil remedial fees on certain drivers.** Repeals § 46.2-206.1, which provides for the imposition of civil remedial fees on certain drivers. This bill was incorporated into SB 1.

*Patron - Petersen*

**FSB512 DMV fees.** Increases the surcharge of issuance of any driver's license other than a commercial driver's license from \$1.60 per year to \$3.60 per year of validity of the license and increases the fee for the reissuance or replacement of a driver's license from \$5 to \$10. The bill also increases the fee

for issuance of a duplicate driver's license from \$5 to \$10. This bill was incorporated into SB 116.

*Patron - Miller, Y.B.*

**FSB556 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.

*Patron - Obenshain*

**FSB644 Pedestrians and drivers; responsibilities.** Sets out the responsibilities of pedestrians and drivers at marked and unmarked crosswalks.

*Patron - Ticer*

**FSB649 Motor vehicle safety belt systems.** Repeals language that makes nonuse of motor vehicle safety belt systems a secondary offense.

*Patron - Ticer*

**FSB664 Civil remedial fees on certain drivers.** Repeals § 46.2-206.1, which provides for the imposition of civil remedial fees on certain drivers. This bill was incorporated into SB 1.

*Patron - Newman*

**FSB698 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 - Petersen*

**FSB728 Collection of annual license and registration fees in certain localities.** Prohibits licensed motor vehicle dealers from collecting any additional license and registration fees imposed by the Hampton Roads Transportation Authority and/or the Northern Virginia Transportation Authority. This bill is identical to HB 649.

*Patron - Saslaw*

**FSB739 Minimum motor vehicle noise emissions.** Provides for promulgation by the Department of Motor Vehicles of regulations establishing minimum noise emission levels for motor vehicles.

*Patron - Whipple*

**FSB758 Special license plates; immediate family members of persons killed in military service in Afghanistan or Iraq since September 11, 2001.** Authorizes the issuance of special license plates to immediate family members of persons killed in military service in Afghanistan or Iraq since September 11, 2001.

*Patron - Ruff*

## Carried Over

**CHB79 Special license plates; members and supporters of the Virginia Citizens Defense League.** Authorizes the issuance of special license plates for members and supporters of the Virginia Citizens Defense League.

*Patron - Abbitt*

**CHB141 Special license plates; supporters of the Road to Revolution state heritage trail.** Authorizes the issuance of revenue-sharing special license plates to supporters of the Road to Revolution state heritage trail. 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, in



equal amounts, to the fiscal agent of the Road to Revolution state heritage trail, to be used to support tourism and promotional activities associated with the Road to Revolution state heritage trail.

*Patron - Peace*

**HB235 Replacement of certain license plates.** Provides that when any person who has registered a vehicle with the Department shows to the satisfaction of the Commissioner that the license plates issued for display on another vehicle registered with the Department have a combination of letters and numbers sufficiently similar to the combination of letters and numbers of the license plates issued for display on his vehicle that law-enforcement agencies and toll facility operators have frequently and repeatedly mistakenly identified his vehicle as being in violation of law or as having failed to pay a toll, the Commissioner must cancel the license plates of the vehicle that was actually involved with the violation of law or failure to pay a toll and issue new license plates for that vehicle with a substantially different combination of letters and numbers.

*Patron - Cosgrove*

**HB311 Driving on suspended license.** Prohibits operation of mopeds on a suspended or revoked license, except to and from place of employment.

*Patron - Landes*

**HB438 Learner's permits.** Prohibits issuance of learner's permits to minors when the records of the school they attend show they have had more than five unexcused absences from school in the six months immediately preceding their application.

*Patron - Frederick*

**HB904 Use of mobile telephone and other wireless electronic devices while driving.** Provides that, with certain exceptions, no person may use a mobile telephone or other wireless electronic telecommunications device while operating a moving motor vehicle on any public highway in the Commonwealth unless such mobile telephone or other wireless electronic telecommunications device is equipped with a hands-free accessory.

*Patron - Mathieson*

**HB942 Provisional driver's license holder limitations.** Repeals the provision that allows drivers operating under a provisional driver's license to use wireless communications devices when their vehicles are lawfully parked or stopped. The bill also removes a subsection that makes offenses in the rest of the section secondary offenses.

*Patron - Jones, D.C.*

**HB1296 Board for Towing and Recovery Operators.** Postpones until July 1, 2010, the effective date of any regulations promulgated by the Board. The bill also postpones until July 1, 2010, the requirement that tow truck operators have tow truck driver authorization documents issued by the Board and the requirement that towing and recovery services have and display licenses issued by the Board.

*Patron - Peace*

**HB1427 Special license plates; shag dance clubs of Virginia.** Authorizes the issuance of special license plates bearing the legend: SHAG DANCE CLUBS OF VIRGINIA.

*Patron - Loupassi*

**SB39 Traffic accident reports.** Increases from \$1,000 to \$1,500 the damage threshold at which traffic accidents become "reportable."

*Patron - Deeds*

**SB115 Traffic lights; penalty.** Creates a Class 1 misdemeanor for running a red light, if running the red light is the sole and proximate cause of the death of another.

*Patron - McDougale*

**SB224 Driver's license and registration; failure to carry.** Imposes a fine of between \$50 and \$250 for failing to carry a driver's license and vehicle registration card. The current fine is \$10. The existing provision that the summons will be dismissed if the person produces a license that was issued to him before the summons was issued or a registration card remains unchanged.

*Patron - McDougale*

**SB310 Restricted driver's licenses.** Authorizes a court to provide a restricted permit to operate a motor vehicle during the period of suspension of a permit to operate a motor vehicle.

*Patron - Reynolds*

**SB475 Special license plates; business logos.** Authorizes the issuance of special license plates bearing the symbols, emblems, or logotypes of business entities.

*Patron - Hanger*

**SB526 Vehicle safety inspections.** Requires vehicle safety inspections every 24 months instead of every 12 months and increases the maximum allowable fee for most vehicles from \$16 to \$20.

*Patron - Locke*

**SB527 Definitions; law-enforcement vehicle.** As introduced, defines "law-enforcement vehicle" as any vehicle owned and operated by or under the direction of a government agency and used for the enforcement of criminal, traffic, and/or penal laws within the Commonwealth. A substitute carried over to 2009 allows regional jail vehicles to be equipped with flashing blue, red and blue, blue and white, or red, white, and blue warning lights.

*Patron - Houck*

**SB558 Vehicle weight limit statutes; enforcement by local law-enforcement agencies.** Allows enforcement of state vehicle weight limit statutes by local law-enforcement agencies.

*Patron - Obenshain*

**SB723 Provisional driver's license; primary offense.** Removes secondary offense designation and makes violations of passenger limits, curfew, and wireless communications use primary offenses.

*Patron - Barker*

## Notaries and Out-of-State Commissioners

### Passed

**HB218 Notaries Public.** Clarifies provisions relating to the adoption of electronic notarization and transitioning to the required seal application on notarized documents. The bill also clarifies the validity of documents notarized within and without the Commonwealth, and when documents are conclusively presumed to be in proper form following recordation. The bill removes the requirement that a notary must be recommended

by a public official for appointment. This bill is identical to SB 621.

*Patron - Kilgore*

**SB118 Notarial certificates.** Provides that the requirement that the notarial certificate wording appear on the same page as the signature being notarized does not apply if the notarial certificate includes the name of each person whose signature is being notarized. This bill incorporates SB 327 and SB 550. Also states that any document executed before July 1, 2008, that does not have the notarial certificate wording on the same page as the signature is valid as long as it is executed properly otherwise.

*Patron - Edwards*

**SB621 Notaries Public.** Clarifies provisions relating to the adoption of electronic notarization and transitioning to the required seal application on notarized documents. The bill also clarifies the validity of documents notarized within and without the Commonwealth, and when documents are conclusively presumed to be in proper form following recordation. The bill removes the requirement that a notary must be recommended by a public official for appointment. This bill is identical to HB 218.

*Patron - Stolle*

## Failed

**SB327 Notarial certificates.** Removes the requirement that the notarial certificate wording shall appear on the same page as the signature being notarized. This bill has been incorporated into SB 118.

*Patron - Quayle*

**SB550 Notarial certificates.** Removes the requirement that the notarial certificate wording shall appear on the same page as the signature being notarized. This bill has been incorporated into SB 118.

*Patron - Hurt*

## Oaths, Affirmations and Bonds

### Passed

**HB1575 Administration of oath of office.** Allows a person elected or appointed to an office in the Commonwealth that requires an oath of office to make such oath before any notary public, if such person is a member of the United States Armed Forces and is on active duty, or if such person is a civilian deployed by the United States Department of Defense. Emergency. This bill is identical to SB 793.

*Patron - Marshall, R.G.*

**SB793 Administration of oath of office.** Allows a person elected or appointed to an office in the Commonwealth that requires an oath of office to make such oath before any notary public, if such person is a member of the United States Armed Forces and is on active duty, or if such person is a civilian deployed by the United States Department of Defense. The act will be enforced from the date of its passage. This bill is identical to HB 1575.

*Patron - Colgan*

## Partnerships

### Passed

**HB780 Revised Uniform Limited Partnership Act.** Reorganizes provisions of the Revised Uniform Limited Partnership Act regarding the winding up, cancellation, and reinstatement of limited partnerships. The revisions to the structure of the Act conform to the organization of the Virginia Stock and Nonstock Corporation Acts. Other provisions authorize the removal of the initial registered office and registered agent information in the certificate of limited partnership if a statement of change is on file with the Commission and make technical clarifications.

*Patron - Kilgore*

### Failed

**HB1451 Limited partnerships; distributions of assets.** Provides that, except as provided in the partnership agreement, upon the winding up of a limited partnership, its assets, after payment to creditors and to partners and former partners in satisfaction of certain liabilities, shall be distributed, when the winding up is due to an order of the State Corporation Commission, to partners respecting their partnership interests. If the winding up is due to another reason, the assets shall be distributed to partners first for the return of their contributions and secondly respecting their partnership interests, in the proportions in which the partners share in distributions. Currently, the distribution of such net assets is made to partners first for the return of their contributions and secondly respecting their partnership interests, without regard to what caused the winding up of the limited partnership.

*Patron - Albo*

## Pensions, Benefits and Retirement

### Passed

**HB112 Virginia Retirement System; early retirement provisions for certain local government officials.** Adds all county administrators to the list of local government officials that currently includes some county administrators and other local government officials who may retire without a reduction in retirement allowance upon attaining age fifty, if they are involuntarily dismissed or are not reappointed.

*Patron - Byron*

**HB245 Virginia Retirement System group insurance program; exemption from process.** Makes insurance benefits and the proceeds therefrom under any group insurance policy purchased by the Virginia Retirement System subject to administrative child support actions and court proceedings to enforce a child or child and spousal support obligations. Currently, these insurance benefits are exempt from all legal process, though other Virginia Retirement System benefits are subject to process to enforce child or child and spousal support obligations.

*Patron - O'Bannon*

**HB772 Virginia Retirement System; exemption from liability for advisory committees.** Extends the current exemp-

tion from liability to advisory committees appointed by the Virginia Retirement System Board of Trustees. The bill also deletes redundant provisions.

*Patron - Tata*

**HB773 Virginia Retirement System; prior service credit.** Makes a technical correction.

*Patron - Tata*

**HB774 State Police Officers' Retirement System.** Clarifies the time frame within which compulsory retirement shall occur by specifying that it be within 60 days of a member's reaching the age of 70 instead of "forthwith" after reaching the age of 70.

*Patron - Tata*

**HB775 Cash match plan for state employees.** Makes a technical correction.

*Patron - Tata*

**SB353 Long-term care coverage for public employees.** Transfers the administration of long-term care coverage programs for state employees, employees of local governments, local officers, and teachers from the Department of Human Resource Management (DHRM) to the Virginia Retirement System, upon the mutual consent of VRS and DHRM.

*Patron - Stosch*

**SB494 Commonwealth Neurotrauma Initiative Advisory Board; report triennially.** Changes reporting requirements for the Commonwealth Neurotrauma Initiative Advisory Board from annual reporting to triennial reporting.

*Patron - Hanger*

## Failed

**HB9 Health insurance credits; retired employees of local social services boards.** Increases the monthly health insurance credit for retired employees of local social services boards from \$2.50 to \$4.00 for each full year of the retired member's creditable service. The bill eliminates an overall cap on the monthly amount of the credit, and establishes a formula for determining the monthly health insurance credit for such employees whose retirement was for disability. A locality would no longer have the option of providing an additional \$1 health insurance credit to retired employees of local social services boards. The measure equalizes the health insurance credit for retired employees of local social services boards with the credit available to retired teachers.

*Patron - Wright*

**HB78 Health insurance credits; certain retired public officers and employees.** Increases the monthly health insurance credit from \$1.50 to \$4.00 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 - Abbitt*

**HB128 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*

**HB317 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 - Morgan*

**HB369 Virginia Retirement System; state and local law-enforcement officers.** Permits members of the State Police Officers' System, the Virginia Law Officers' Retirement System, and local law-enforcement officials covered under the Virginia Retirement System whose localities have elected to provide benefits comparable to that of State Police Officers, to take full retirement (unreduced) if they have at least 25 years of creditable service, regardless of their age.

*Patron - Carrico*

**HB411 Judicial retirement.** Allows a member who is at least 50 years of age and has a minimum of 20 years of actual judicial service to retire with full benefits. The weighted years of service factor and purchased service credit cannot be used in calculating the required 20 years of actual service.

*Patron - Griffith*

**HB482 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*

**HB483 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*

**HB484 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, 2008.

*Patron - Shuler*

**HB556 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*

**HB596 Virginia Retirement System; superintendents and sworn officers of regional jails.** Requires localities participating in the Virginia Retirement System and participating in a regional jail to provide retirement benefits comparable to the benefits provided to state police officers of the regional jail's superintendent and sworn officers.

*Patron - Hamilton*

**HB695 Virginia Retirement System; loss of retirement benefits for certain felonious convictions.** Provides that a member of any of the retirement programs administered by the Virginia Retirement System forfeits his retirement benefits if it is determined that he has been convicted of a felony that

arises out of misconduct in any position covered under the retirement programs administered by the Virginia Retirement System.

*Patron - Armstrong*

**HB736 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*

**HB738 Virginia Retirement System; purchase of prior service credit.** Permits a member of the Virginia Retirement System whose spouse was in active duty military service to purchase up to four years of prior service credit for the period of time that the member's spouse was in active duty military service provided that the member's spouse was required by the military to move at least once from a military base in one state to a military base in another state or another country.

*Patron - Caputo*

**HB739 Virginia Retirement System; retired members working at public colleges and universities.** Permits certain retired members to work as an administrative or teaching faculty employee at a public college or university and continue receiving his retirement allowance.

*Patron - Caputo*

**HB783 Mandatory retirement age for judges.** Increases the mandatory retirement age for judges from age 70 to age 73. This bill is a recommendation of the Judicial Council of Virginia.

*Patron - Kilgore*

**HB790 Virginia Retirement System; retired members working at public colleges and universities.** Permits certain retired members to work as an administrative or teaching faculty employee at a public college or university and continue receiving his retirement allowance.

*Patron - Ingram*

**HB930 Virginia Retirement System; investments related to countries sponsoring terrorism.** Requires the Virginia Retirement System, under certain circumstances, to divest itself of investments in companies meeting certain criteria gauged to be related to supporting countries sponsoring terrorism.

*Patron - Gilbert*

**HB960 Virginia Retirement System; optional increase for political subdivisions.** Permits any locality that participates in the Virginia Retirement System to increase the retirement allowance for its employees from 1.70 percent of their average final compensation multiplied by the amount of their creditable service to 1.85 percent of their average final compensation multiplied by the amount of their creditable service.

*Patron - Shannon*

**HB981 Virginia Retirement System; local law-enforcement officers.** Requires localities choosing to provide retirement benefits to local law-enforcement officers that are comparable to the benefits provided to state police officers, to compute a factor in the retirement benefits by multiplying average final compensation by 1.85%. Under current law the localities may choose a multiplier of 1.7% or 1.85%.

*Patron - Nutter*

**HB1148 Local Government Manager Retention Program; retirement benefits.** Permits localities to elect to provide unreduced early retirement benefits and the additional allowance provided to State Police Officers to the chief local executive employee who: (i) has attained the age of 50; (ii) has held such position in the locality for at least 15 consecutive years; and (iii) has at least 20 years of creditable service with the Virginia Retirement System.

*Patron - Phillips*

**HB1154 Retirement credit for unused sick leave.** Provides that the unused sick leave balances of state and local employees who are not covered by the Virginia Sickness and Disability Program or an employer-sponsored short- or long-term disability sickness plan would be converted into additional retirement credit upon the effective date of retirement. Unused sick leave would be converted into retirement credit at the rate of one month of service for each 173 hours of unused sick leave. The actuarial cost for the conversion of sick leave balances to additional service credit would be incorporated into the applicable employer's annual contribution for retirement.

*Patron - Phillips*

**HB1193 Military Service Personnel Bill of Rights of 2008.** Provides a number of rights and enhancements to military service personnel who are on active duty and domiciled in the Commonwealth. More specifically, the bill:

1. Requires the Department of Human Resources Management to develop, in cooperation with the Department of Planning and Budget, state personnel policies providing supplemental pay to any state employee who (i) is on active military duty in the armed forces of the United States and (ii) receives active military duty pay in an amount that is less than his regular state pay,
2. Allows any individual domiciled in Virginia who is a member of the National Guard to participate in the group life, accidental death and dismemberment policy administered by the Virginia Retirement System, provided the individual pays the full amount of the cost of coverage under the insurance program,
3. Allows a subtraction when calculating Virginia taxable income for National Guard and Reserve personnel military pay when they serve, outside the United States, on extended active duty for periods of 90 days or longer, and
4. Authorizes Virginia domiciled members of the armed services and their spouses to freeze access to their credit reports.

*Patron - Moran*

**HB1219 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 - Bowling*

**HB1460 Virginia Retirement System; investments related to state sponsors of terrorism.** Requires the Virginia Retirement System, under certain circumstances, to divest itself of investments in companies meeting certain criteria gauged to be related to supporting state sponsors of terrorism as determined by the Secretary of State of the United States.

*Patron - Moran*

**SB34 Mandatory retirement for judges.** Increases the mandatory retirement age for judges from age 70 to age 75. This bill has been incorporated into SB 19.

*Patron - Deeds*

**SB87 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*

**FSB110 Retirement benefits; public safety officers and state police officers.** Makes legislation passed by the 2007 Session of the General Assembly that increased retirement benefits for certain sheriffs, deputy sheriffs, public safety officers, and state police officers applicable to persons who retired from service on or after July 1, 2002. Under the 2007 legislation, among other changes, the average final compensation retirement multiplier for sheriffs and state police officers was increased from 1.7 percent to 1.85 percent, and all deputy sheriffs of localities participating in the Virginia Retirement System were provided LEOs retirement benefits. For any such person who retired from service on or after July 1, 2002, but before July 1, 2007, any increase in retirement benefits as a result of the bill would be made available on a prospective basis beginning July 1, 2008.

*Patron - McDougle*

**FSB127 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*

**FSB128 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*

**FSB187 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 2.0 multiplier would apply to the total amount of creditable service at the time of retirement, regardless if some portion of the total amount of creditable service relates to other than teaching. The bill applies to current and future retirees.

*Patron - Herring*

**FSB367 VRS; retirement credits for special forest wardens.** Provides retirement credits to special forest wardens of the Department of Forestry who participate directly in extinguishing forest fires. Such persons would receive eight hours of retirement credits for each day or portion of a day in which they participate directly in extinguishing a forest fire. The retirement credits could be used to reduce the 30 years of service otherwise required for eligibility for an unreduced service retirement allowance, but not below 25 years of service. The net years and months of service remaining after application of the retirement credits would be the years and months of service required of such special forest warden for eligibility for an unreduced service retirement allowance. Each month of service would be eliminated at the rate of one month of service for each 173 hours of retirement credits. No creditable service or compensation would be allowed or granted for the retirement credits. This bill incorporates SB 491 and SB 599.

*Patron - Watkins*

**FSB491 VRS; retirement credits for special forest wardens.** Provides retirement credits to special forest wardens of the Department of Forestry who participate directly in extinguishing forest fires. Such persons would receive eight hours of retirement credits for each day or portion of a day in which they participate directly in extinguishing a forest fire. The retirement credits could be used to reduce the 30 years of service otherwise required for eligibility for an unreduced service retirement allowance, but not below 25 years of service. The net years and months of service remaining after application of the retirement credits would be the years and months of service required of such special forest warden for eligibility for an unreduced service retirement allowance. Each month of service would be eliminated at the rate of one month of service for each 173 hours of retirement credits. No creditable service or compensation would be allowed or granted for the retirement credits. This bill was incorporated into SB 367.

*Patron - Hanger*

**FSB587 Local Government Manager Retention Program; retirement benefits.** Permits localities to elect to provide unreduced early retirement benefits and the additional allowance provided to State Police Officers to the chief local executive employee who: (i) has attained the age of 50; (ii) has held such position in the locality for at least 15 consecutive years; and (iii) has at least 20 years of creditable service with the Virginia Retirement System.

*Patron - Puckett*

**FSB599 Virginia Retirement System; additional creditable service for special forest wardens.** Provides additional creditable service for the following duties performed by special forest wardens in the scope of employment: (i) fighting forest fires; (ii) participating in fire or firefighter training conducted by the Department or an agent thereof; (iii) directly participating in a prescribed burning; (iv) directly conducting an investigation relating to the cause of a forest fire; and (v) directly participating in fighting or directly acting to suppress the danger to life or property from other emergencies such as hurricanes, floods, and ice storms. A special forest warden would receive eight hours of additional creditable service for each day, or portion thereof, in which he performed one or more of such duties. The additional creditable service would be retroactive to January 1, 2003, for special forest wardens in service. This bill was incorporated into SB 367.

*Patron - Norment*

**FSB614 Virginia Retirement System; authority to manage and invest certain funds.** Authorizes the Virginia Retirement System to manage and invest funds in a trust or equivalent arrangement established by a local government or other local entity to fund certain postemployment benefits. The bill would provide that the Commonwealth would not be liable for any losses suffered by a local entity, or a trust or equivalent arrangement established by the local entity, on investments of such funds made by the Virginia Retirement System. In addition, no officer, director, or member of the Board of the Virginia Retirement System or of any advisory committee thereof or any subsidiary corporation of the Virginia Retirement System whose actions are within the standard of care of a prudent person acting in a like capacity would be liable for any investment losses.

*Patron - Stolle*

**FSB624 Virginia Retirement System; superintendents and sworn officers of regional jails.** Requires localities participating in the Virginia Retirement System and participating in a regional jail to provide retirement benefits comparable to

the benefits provided to state police officers to the regional jail's superintendent and sworn officers.

*Patron - Stolle*

**☐SB695 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. The bill also repeals sunset dates relating to allowing retired persons to work as teachers, administrative personnel, and school division superintendents while receiving their VRS retirement pay.

*Patron - Ruff*

## Carried Over

**☐SB19 Mandatory retirement age for judges.** Increases the mandatory retirement age for judges from age 70 to age 75. This bill incorporates SB 34.

*Patron - Edwards*

**☐SB260 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 - Deeds*

**☐SB261 Virginia Law Officers' Retirement System (VALORS).** Adds conservation officers of the Department of Conservation and Recreation as members of VALORS.

*Patron - Deeds*

**☐SB305 Health insurance credit for retired local officers.** Increases the monthly health insurance credit for retired constitutional officers, employees of constitutional officers, general registrars, employees of general registrars, and local social service employees to \$4 for each year of creditable service. Currently, the credit is \$1.50 per month for each year of creditable service. The maximum monthly credit is increased from \$45 to \$120.

*Patron - Houck*

**☐SB316 Virginia Sickness and Disability Program; open-enrollment period.** Opens the enrollment into the Virginia Sickness and Disability Program between October 1, 2008, and January 1, 2009, for eligible employees not currently participating in the program. Any employee electing to participate in the program would convert his sick leave balances to (i) additional retirement service credit on the basis of one month of service for each 173 hours of sick leave or (ii) disability credits on the basis of one hour of disability credit for each hour of sick leave. Disability credits would be used to continue periods for which the employee would receive income replacement at 100 percent of creditable compensation for a disability. An election to participate in the program must be in writing, and is irrevocable.

*Patron - Deeds*

**☐SB400 Retirement benefits; certain deputy sheriffs retired under disability retirement.** Makes legislation passed by the 2007 Session of the General Assembly that increased retirement benefits for certain sheriffs, deputy sheriffs, public safety officers, and state police officers applicable to deputy sheriffs who retired prior to July 1, 2008, under a disability retirement. Under the 2007 legislation, among other changes, deputy sheriffs of localities participating in the Virginia Retirement System were provided LEOs retirement benefits. Any

increase in retirement benefits as a result of the bill would be made available on a prospective basis beginning July 1, 2008.

*Patron - Puckett*

**☐SB402 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 - Puckett*

**☐SB417 Virginia Sickness and Disability Program; open-enrollment period.** Opens the enrollment into the Virginia Sickness and Disability Program between October 1, 2008, and January 1, 2009, for eligible employees not currently participating in the program. An election to participate must be in writing, and is irrevocable.

*Patron - Puckett*

**☐SB619 Virginia Retirement System; average final compensation retirement multiplier.** Allows members of the Virginia Retirement System to make member contributions for purposes of increasing the average final compensation retirement multiplier from 1.7 percent to 1.85 percent. Members would be required to pay the actuarial equivalent cost for such increase. All such contributions would be treated as additional employee contributions.

*Patron - Stolle*

**☐SB674 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*

**☐SB743 State employees' group life insurance.** Permits a retiree to make an irrevocable beneficiary designation of his group life insurance to purchase or secure funeral services, and services related to interment, cremation, or other means of disposition.

*Patron - Hanger*

## Persons with Disabilities

### Passed

**☐HB214 Public entities; rights of persons with disabilities.** Adds public entities, including schools, to the list of public places in which persons with disabilities are entitled to the same full and free rights as other persons.

*Patron - Cole*

**☐HB853 Service dogs; training.** Adds individuals and persons who are part of a three-unit service dog team and who are conducting continuing training of guide dogs, hearing dogs, or service dogs to the list of persons entitled to the right to be accompanied by such dogs in listed public places.

*Patron - Ebbin*

**☐SB197 The brain injury registry; the Department of Rehabilitative Services.** Eliminates the requirement that hospitals report brain injuries to the brain injury registry maintained by the Department of Rehabilitative Services (DRS), but requires the Department of Health to share all information that is obtained through the Virginia Statewide Trauma Registry with DRS. This bill is a recommendation of the JLARC report

on brain injuries and a recommendation of the Disability Commission.

*Patron - Puller*

## Failed

**HB1356 State Lottery Department; lottery sales agents.** Provides that a private, nongovernmental entity that sells a product, license, or other thing on behalf of an agency of the Commonwealth pursuant to a license or other regulatory process shall not on that basis alone be deemed 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. The bill contains a technical amendment.

*Patron - Gear*

## Police, State

### Passed

**HB1007 Virginia Fusion Intelligence Center; confidentiality; immunity.** Provides that papers, records, documents, reports, materials, databases or other evidence or information relative to criminal intelligence or any terrorism investigation in the possession of the Virginia Fusion Intelligence Center within the Department of State Police are confidential and not subject to the Virginia Freedom of Information Act or the Government Data Collections and Disseminations Practices Act. The Department must conduct an annual review of such information and remove any which is determined to not have a nexus to terroristic activity. The bill also provides that people who have access to information maintained by the Fusion Center are not subject to subpoena in any civil action concerning criminal intelligence information maintained by the Fusion Center. The bill restricts the release or dissemination of information without prior authorization from the Fusion Center and punishes any person who knowingly disseminates information with a Class 1 misdemeanor. If such unauthorized release or dissemination results in death or serious bodily injury the penalty is a Class 4 felony. There is an immunity provision for people who furnish information on criminal violations to a governmental entity established for the purposes of detecting and preventing acts of terrorism.

*Patron - Jones, D.C.*

**HB1510 Gang-related criminal information.** Requires the Department of State Police to include arrest statistics for certain gang-related crimes in the annual Crime in Virginia report. This bill incorporates HB 531.

*Patron - May*

## Failed

**HB305 Department of State Police; division of legal presence.** Creates a division of legal presence investigation and enforcement within the Department of State Police. The division shall hire at least 100 full-time law-enforcement officers authorized to perform certain immigration functions.

*Patron - Nichols*

**HB531 Gang-related criminal information.** Requires law-enforcement agencies to forward gang-related criminal information to the Department of State Police for inclusion in

the annual Crime in Virginia report. This bill was incorporated into HB 1510.

*Patron - Mathieson*

**HB846 Department of State Police; variable housing allowance.** Provides a housing allowance for full-time, sworn State Police officers, based upon pay grade and geographical location, from funds that are appropriated for such purpose. The rates of the variable allowance shall be based on suggested rates developed and annually updated by the Department of Human Resource Management.

*Patron - Sherwood*

**HB1157 Department of State Police; investigation of accidents involving state-owned vehicles.** Clarifies that the Department of State Police does not have sole jurisdiction over the investigation of accidents involving state-owned vehicles.

*Patron - Saxman*

**SB410 Provision of care for former State Police dogs.** Provides that from such funds as are appropriated, the Department of State Police would establish a program to make payments or reimbursements for the direct expenses for the provision of care to State Police dogs that have been removed from service. The direct expenses would include expenses for food, veterinary costs and veterinarian-prescribed medications, and surgical procedures.

*Patron - Puckett*

**SB682 Department of State Police; variable housing allowance.** Provides a housing allowance for full-time, sworn State Police officers, based upon pay grade and geographical location, from funds that are appropriated for such purpose. The rates of the variable allowance shall be based on suggested rates developed and annually updated by the Department of Human Resource Management. The provisions of the bill are contingent upon an appropriation of general funds effectuating the purposes of the bill.

*Patron - Stolle*

**SB747 Special Commission on State Police Staffing.** Establishes the Special Commission on the State Police Staffing to advise the Governor and the General Assembly on the adequate staffing level for the Department of State Police.

*Patron - Stolle*

## Prisons and Other Methods of Correction

### Passed

**HB651 Reentry planning.** Requires the Department of Corrections to develop and implement a comprehensive reentry plan for each person committed to the supervision of the Department, as soon as practicable, considering the prisoner's anticipated release date. Such plan shall identify educational, vocational, therapeutic, and other programs necessary to prepare the person for successful transition from prison to society upon the person's discharge and shall include mentor pairing to the extent possible. This bill is identical to SB 200.

*Patron - Wright*

**HB934 No parole for jail inmates convicted of multiple misdemeanors.** Eliminates parole for a jail inmate convicted of misdemeanors on or after July 1, 2008 and sentenced to serve a total active sentence of more than 12 months. Cur-

rently, jail inmates sentenced to serve more than 12 months in jail for a combination of misdemeanor offenses are eligible for parole.

*Patron - Gilbert*

**HB1207 Serious juvenile offenders.** Allows a juvenile convicted as an adult and sentenced to an active term of incarceration with the Department of Juvenile Justice and followed by an active term of incarceration with the Department of Corrections to gain earned sentence credits while serving the juvenile portion of the sentence in a juvenile correctional center.

*Patron - Melvin*

**SB200 Reentry planning.** Requires the Department of Corrections to develop and implement a comprehensive reentry plan for each person committed to the supervision of the Department, as soon as practicable, considering the prisoner's anticipated release date. Such plan shall identify educational, vocational, therapeutic, and other programs necessary to prepare the person for successful transition from prison to society upon the person's discharge and shall include mentor pairing to the extent possible. This bill is identical to HB 651.

*Patron - Puller*

**SB499 Sheriffs; permitting work on public or private property by inmates.** Allows jail inmates to perform work on private property utilized by a nonprofit organization.

*Patron - Northam*

**SB633 Prisoners; Department of Corrections and Division of Child Support Enforcement to identify child support due.** Requires the Department of Corrections, working in cooperation with the Division of Child Support Enforcement, to identify, at least annually, prisoners of whom child support payments are required pursuant to a court order and the amount of child support required of the prisoner pursuant to the order.

*Patron - Ticer*

## Failed

**HB38 Credit for time served discretionary with court.** Provides that when a court orders credit for time served in jail pending trial, etc., it may order that no time or a portion of the time be deducted from the sentence of a term of confinement when a person violates his terms of bail and is incarcerated in a local correctional facility for a violation of his terms of bail pending his trial or appeal.

*Patron - Scott, E.T.*

**HB103 Verification of citizenship and alien status of a person committed to a correctional facility.** Clarifies the mandate that any person in charge of a correctional facility shall inquire as to the citizenship status of a person in his facility and to inquire of the Law Enforcement Support Center of the Bureau of Immigration and Customs Enforcement of the United States Department of Homeland Security as to the person's alien status, for purposes of reporting alien status to the Central Criminal Records Exchange.

*Patron - Albo*

**HB441 Correctional facilities; enforcement of federal civil immigration laws.** Requires the officer in charge of a correctional facility to ensure that at least one officer on duty at the facility is authorized to enforce federal civil immigration laws, pursuant to a memorandum of understanding with federal Immigration and Customs Enforcement. Such an agreement is

often referred to as a "287(g)" agreement. This bill was incorporated into HB 820.

*Patron - Rust*

**HB458 Local correctional facilities.** Allows Danville and Pittsylvania to enter into a regional jail project without a third participating jurisdiction.

*Patron - Merricks*

**HB459 Verification of citizenship and alien status of a person committed to a correctional facility.** Clarifies the mandate that any person in charge of a correctional facility shall inquire as to the citizenship status of a person in his facility and to inquire of the Law Enforcement Support Center of the Bureau of Immigration and Customs Enforcement of the United States Department of Homeland Security as to the person's alien status, for purposes of reporting alien status to the Central Criminal Records Exchange.

*Patron - Albo*

**HB703 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*

**HB704 Residential community programs.** Directs the Department of Corrections, where appropriate and resources are available, to give nonviolent prisoners who have not been convicted of specific offenses or sentenced to one or more life terms the opportunity to participate in a residential community program, work release, or a community-based program. Current law requires that the prisoner not be convicted of any violent crime and be sentenced to at least three years. The bill restricts the cost of keep to no more than 30 percent of the prisoner's gross earnings, and directs the Department to prescribe guidelines for the program that emphasize training and education related to job skills, literacy, money management, and other life skills.

*Patron - BaCote*

**HB755 Number of deputies; personnel costs for new regional jail facility.** Requires the Compensation Board to consider hiring and personnel costs in preparation for the opening of a regional jail facility in fixing the number of deputies.

*Patron - Poindexter*

**HB763 Powers and duties of probation and parole officers; Central Criminal Records Exchange; correctional facilities; reporting and transfer of aliens to the U. S. Bureau of Immigration and Customs Enforcement.** Requires CCRE, probation and parole officers, correctional facilities, etc., to notify the U. S. Bureau of Immigration and Customs Enforcement if someone in custody appears to be an alien. The bill also allows agreements to be made with the Bureau for the transfer of any alien to immigration authorities. This bill was incorporated into HB 820.

*Patron - Rust*

**HB764 Citizenship of persons in correctional facilities; inquiry to U.S. Bureau of Immigration and Customs Enforcement.** Requires the officer in charge of a correctional facility to inquire through the Law Enforcement Support Center of the U.S. Bureau of Immigration and Customs if at any time during a person's commitment it appears that the person is



an alien. If it is determined that an alien is found to be within the custody of the facility, the officer in charge shall immediately notify the U.S. Bureau of Immigration and Customs as well as the Central Criminal Records Exchange. Current law only requires that the Central Criminal Records Exchange be notified. This bill was incorporated into HB 820.

*Patron - Rust*

**HB906 Prisoners; earned sentence credits.** Allows a maximum of seven and one-half sentence credits, as opposed to the current four and one-half, for each 30 days served.

*Patron - Jones, D.C.*

**HB1039 Regional jail authorities; capital costs.** Allows the state to reimburse certain salary expenses related to the construction of a regional jail facility, if the new facility will supplement existing jails and will not result in the closure of any existing jails.

*Patron - Griffith*

**HB1273 Prisoners; health care costs.** Provides that payment by local correctional facilities for costs incurred for the provision of health care services for prisoners shall be limited to the lesser of the actual amount billed by the health care provider or the Medicaid rate.

*Patron - Spruill*

**SB28 Child-friendly visiting rooms in state correctional facilities.** Permits each state correctional facility to provide child-friendly visiting rooms to promote positive bonds between incarcerated parents and their children. Any program providing child-friendly visiting rooms shall be administered by the Department of Corrections and may include the use of support services from community-based and nonprofit organizations. The Department shall promulgate regulations governing the provision and use of child-friendly visiting rooms. The bill also provides civil and criminal immunity to the Department resulting from liability arising from the operation of child-friendly visiting rooms, unless it is proven that the Department acted in bad faith or with malicious intent.

*Patron - Miller, Y.B.*

**SB205 Prisons and correctional facilities; mandatory release on parole.** Provides that a prisoner whose parole is revoked on a technical violation is not required to serve the minimum six months. Under this bill, the prisoner would receive credit for good time if the parole violation was technical, but not if the violation involved a new and subsequent charge. "Technical violation" means any failure to adhere to conditions of parole that is not deliberate defiance of those conditions or does not constitute further criminal conduct or both.

*Patron - Quayle*

**SB295 Parole interviews; allow videoconferencing.** Provides that parole interviews may be conducted in person or by videoconferencing, by the voting members of the Parole Board, provided that interviews are recorded in full via electronic means that can be reviewed by the voting members.

*Patron - Puller*

**SB395 Death sentence; execution dates.** Removes some of the circumstances in which circuit courts are required to set execution dates before state and federal review of an inmate's death sentence is complete. The Federal Antiterrorism and Effective Death Penalty Act of 1996 has revised the remedies available to the convicted person and imposes a one-year statute of limitations for filing petitions for federal review of state convictions and sentences.

*Patron - Edwards*

**SB595 Regional jails.** Extends the deadline for consideration of construction, enlargement, or renovation of certain local or regional jail facilities as that deadline applies to the Virginia Peninsula Regional Jail Authority.

*Patron - Norment*

## Carried Over

**HB921 State reimbursement for local jail construction.** Increases the Commonwealth's reimbursement level for local jail construction, enlargement, or renovation projects from one-fourth of capital costs to one-half of capital costs if the project results in a facility with 150 or more beds. Additionally, the bill increases the Commonwealth's reimbursement level for regional jail construction, enlargement, or renovation projects that do not meet the requirements of § 53.1-81 or 53.1-82 if the project results in a facility with 150 or more beds.

*Patron - Joannou*

**HB1392 Jail construction reimbursement.** Provides that the Commonwealth will reimburse any county or city up to one-half of the capital costs of a jail construction or renovation project that will increase the capacity by at least 150 beds. Certain shared jail arrangements will also be reimbursed up to one-half of the capital costs for increasing capacity by 150.

*Patron - Sherwood*

**SB138 Medical and psychiatric benefits for prisoners.** Requires the Department of Corrections to take reasonable steps to identify any benefits, including any Social Security or Veterans Administration benefits, for which a prisoner may be eligible and take such steps as may be necessary to ensure that benefits are available to the prisoner at the time of release.

*Patron - Puller*

**SB546 Local correctional facilities.** Allows Danville and Pittsylvania to enter into a regional jail project without a third participating jurisdiction.

*Patron - Hurt*

**SB589 Jail construction reimbursement.** Provides that the Commonwealth will reimburse any county or city up to one-half of the capital costs of a jail construction or renovation project that will increase the capacity by at least 150 beds. Certain shared jail arrangements will also be reimbursed up to one-half of the capital costs for increasing capacity by 150.

*Patron - Howell*

## Professions and Occupations

### Passed

**HB21 Salvinorin A as a Schedule I hallucinogenic.** Includes Salvinorin A in controlled substance Schedule I as a hallucinogenic drug.

*Patron - O'Bannon*

**HB85 Donation of prescription medications.** Requires the Board of Pharmacy to promulgate regulations to establish a Prescription Drug Donation Program to accept certain unused previously dispensed prescription drugs, and re-dispense such drugs to patients of clinics organized in whole or in part for the delivery of health care services to the indigent. This bill requires the Board to promulgate regulations to implement its provisions within 280 days of enactment. This bill also provides that, notwithstanding the due course effective date of the

bill, provisions of current law shall remain in effect until regulations promulgated by the Board for the establishment of the Program become effective.

*Patron - Landes*

**HB383 Licensing and regulation of occupational therapy assistants.** Defines occupational therapy assistant and establishes requirement of a license to practice as an occupational therapy assistant. This bill is identical to SB 134.

*Patron - O'Bannon*

**HB516 Common Interest Communities.** Establishes a Common Interest Communities Board, creates a Common Interest Management Information Fund and allows for a certification process for Common Interest Association managers. The bill adds several new definitions to the Property Owners' Association, Condominium, Real Estate Cooperative, and Time-Share Acts, including "common interest community manager." The bill also sets limits for the fees to be charged for preparation of the required disclosure packets and prohibits any other fees not expressly authorized in the POAA. The bill (i) provides that all declarations shall comply with the terms of the POAA, and the associations created in accordance with the POAA shall have only those powers that are expressly granted in the POAA; (ii) increases the cap on the liability of the association or its manager from \$500 to \$5,000 for actual damages sustained by the seller in the event of the association's failure to comply with the POAA; and (iii) provides that if settlement does not occur within 90 days of the delivery of the disclosure packet, the fee shall be assessed against the lot owner for which the disclosure packet was prepared and shall become as an assessment against the member's lot. The bill contains technical amendments, which reorganize the POAA into three articles: general provisions, disclosure requirements, and operation and management of associations. HB 1076 incorporated into this bill. This bill is identical to SB 301.

*Patron - Suit*

**HB517 Onsite soil evaluators; classes.** Provides for the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals to adopt regulations to include the division of onsite soil evaluators into classes, including one class restricted to the design of conventional onsite sewage systems. This bill is a recommendation of the Virginia Housing Commission.

*Patron - Suit*

**HB518 Onsite Soil evaluators; exemptions from license requirements.** Allows for conventional and alternative onsite sewer systems receiving residential wastewater to be designed by a licensed onsite soil evaluator when certain conditions are met. This bill is a recommendation of the Virginia Housing Commission.

*Patron - Suit*

**HB575 Board for Contractors; prohibited acts; penalties.** Provides that any person who undertakes work without any valid Virginia contractor's license or certificate when a license or certificate is required shall also be guilty of a violation of the Virginia Consumer Protection Act (§ 59.1-196 et seq.) provided the violation involves a consumer transaction as defined in the Virginia Consumer Protection Act.

*Patron - Watts*

**HB605 Nonprofessional corporations; practice of medicine.** Clarifies that an entity that employs or contracts with an individual licensed by a health regulatory board may (i) practice or engage in the practice of a profession or occupation for which the individual is licensed, (ii) provide or render professional services related to the profession or occupation for

which the person is licensed through the licensed individual, and (iii) enforce the terms of employment or of a contract with the licensed individual.

*Patron - O'Bannon*

**HB725 Equine dental technicians.** Provides that registration requirements for equine dental technicians shall not prevent (i) persons performing tasks related to the practice of equine dentistry under the direction and immediate supervision of a licensed veterinarian or registered equine dental technician during completion of training and experience necessary for registration for a period not to exceed six months and (ii) licensed veterinary technicians from planing or leveling equine teeth for routine dental maintenance under the immediate and direct supervision of a licensed veterinarian, provided the licensed veterinary technician has graduated from an American Veterinary Medical Association accredited program with successful completion of coursework in equine dentistry or can document training comparable to that of an equine dental technician.

*Patron - Scott, E.T.*

**HB805 Advance Health Care Directive Registry; creation.** Requires the Department of Health to make available a secure online central registry for advance health care directives. The registry shall be accessible to health care providers licensed by the Board, through a site maintained by the Department of Health. This bill is identical to SB 290.

*Patron - Englin*

**HB823 Schedule II drugs; oripavine and lisdexamfetamine.** Adds oripavine and lisdexamfetamine to the list of Schedule II drugs.

*Patron - Morgan*

**HB1025 Health professions; consent for breast tumor treatment.** Repeals the requirement that a patient sign a consent form before the treatment of a breast tumor. This bill is identical to SB 72.

*Patron - Frederick*

**HB1114 Real Estate Board; real estate firm licenses.** Provides that no business entity shall be granted a firm license unless every managing member of a limited liability company or officer of a corporation who actively participates in the firm brokerage business holds a license as a real estate broker. Currently, the law does not specify the type of business entity.

*Patron - Hull*

**HB1129 Board of Pharmacy; expiration of licenses.** Removes the requirement that certain licenses expire on January 1 annually, and instead allows the Board to set an annual expiration date by regulation. Contains emergency regulation clause.

*Patron - Jones, S.C.*

**HB1147 Controlled substances; nonresident pharmacies; penalties.** Makes it a Class 1 misdemeanor for any person to manufacture, sell, give, distribute or possess with intent to manufacture, sell, give or distribute a Schedule VI controlled substance or imitation controlled substance in violation of the Drug Control Act. The bill requires a nonresident pharmacy to designate a Virginia-licensed pharmacist to be responsible for compliance with all provisions of the Drug Control Act. A nonresident pharmacy that dispenses more than 50 percent of its total prescription volume pursuant to an original prescription order received as a result of solicitation on the Internet, must disclose to the Pharmacy Board that it has received certain certifications. The bill also allows controlled substances that are illegally shipped to be seized by law

enforcement or by an agent of the Board of Pharmacy. This bill is identical to SB 405.

*Patron - Phillips*

**HB1222 Charitable medical events; lack of notice.** Amends criteria which a practitioner of the healing arts must meet in order to render free health care to an underserved population of Virginia, to require that the practitioner to notify the Board of the dates and location of services provided at least 5 business days prior to the voluntary provision of services. This bill also provides that the board shall allow a practitioner of the healing who meets the statutory criteria to provide volunteer services without prior notice for a period of up to three days, provided the nonprofit organization verifies that the practitioner has a valid, unrestricted license in another state.

*Patron - Bowling*

**HB1260 Blood donation by minors.** Allows minors aged 16 or older to donate blood where such minors meet the donation requirements and have the consent of a parent or legal guardian.

*Patron - O'Bannon*

**HB1397 Duties of real estate brokers and salespersons; required disclosures.** Eliminates the requirement that required disclosures concerning the physical condition of the property made by real estate licensees be conspicuous and printed either in bold lettering or all capitals, and underlined or in a separate box. Such disclosures, however, must continue to be made in writing.

*Patron - Miller, J.H.*

**HB1431 Practice of dental assistants.** Requires the Board of Dentistry to regulate the practice of dental assistants. This bill is identical to SB 151.

*Patron - Bowling*

**HB1445 Administration of drugs; training of educational facility staff.** Allows the administration of drugs by a person who has satisfactorily completed a training program for this purpose approved by the Board of Nursing and who administers such drugs in accordance with a physician's instructions pertaining to dosage, frequency, and manner of administration, and in accordance with regulations promulgated by the Board of Pharmacy relating to security and record keeping, when the drugs administered would be normally self-administered by a resident of a private children's residential facility licensed by the Department of Social Services, Department of Education, or Department of Mental Health, Mental Retardation and Substance Abuse Services, or a student in a school for students with disabilities licensed by the Board of Education. This bill incorporates HB 561.

*Patron - Abbitt*

**HB1521 Embalmers and funeral directors; continuing education.** Requires 10 hours of continuing education hours over a two-year period, rather than the current requirement of five hours per year. Also requires at least one hour per year covering compliance with laws and regulations governing the profession, and at least one hour per year covering preneed funeral arrangements.

*Patron - Massie*

**SB63 Board of Nursing; membership.** Requires that at least one of the seven registered nurses on the Board of Nursing be a licensed nurse practitioner.

*Patron - Howell*

**SB72 Health professions; consent for breast tumor treatment.** Repeals the requirement that a patient sign a con-

sent form before the treatment of a breast tumor. This bill is identical to HB 1025.

*Patron - Howell*

**SB134 Occupational therapy assistants; licensing and regulation.** Requires occupational therapy assistants to be licensed by the Board of Medicine. However, a person who has graduated from a duly accredited occupational therapy assistant education program may practice with the title "Occupational Therapy Assistant, License Applicant" or "O.T.A., Applicant" until he has taken and received the results of any examination required by the Board or until six months from the date of graduation, whichever occurs sooner. This bill is identical to HB 383.

*Patron - Houck*

**SB151 Practice of dental assistants.** Requires the Board of Dentistry to regulate the practice of dental assistants. This bill provides that a person who is employed to assist a licensed dentist or dental hygienist by performing duties not otherwise restricted to the practice of a dentist, dental hygienist, or dental assistant II may practice as a dental assistant I and that a person who has met the educational and training requirements prescribed by the Board, holds a certification from a credentialing organization recognized by the American Dental Association and has met any other qualifications for registration prescribed by the Board may practice as a dental assistant II and may perform duties not otherwise restricted to the practice of a dentist or dental hygienist under the direction of a licensed dentist that are reversible, intraoral procedures specified in regulations promulgated by the Board. This bill is identical to HB 1431.

*Patron - Lucas*

**SB201 Advisory Board on Midwifery; sunset.** Removes the sunset on the Advisory Board on Midwifery.

*Patron - Quayle*

**SB218 Department of Health Professions; investigative procedures.** Clarifies that the Director and investigative personnel may request and obtain patient records, business records, papers, and physical or other evidence in the course of any investigation or issue subpoenas requiring the production of such evidence.

*Patron - Edwards*

**SB271 Prescription medications; schools for students with disabilities.** Allows a person in a licensed school for students with disabilities or a licensed private children's residential facility to administer prescription medication to a student if the person (i) has satisfactorily completed a training program for this purpose approved by the Board of Nursing; (ii) administers such drugs in accordance with the physician's instructions pertaining to dosage, frequency, and manner of administration; and (iii) complies with regulations promulgated by the Board of Pharmacy relating to security and record keeping.

*Patron - Deeds*

**SB290 Advance Health Care Directive Registry; creation.** Requires the Department of Health to create and maintain a secure online central registry for advance health care directives. The bill specifies that when sufficient funds are available, the Department shall make the registry available to the public by (i) contracting with an appropriate vendor, (ii) directing the public to an existing registry maintained by another entity, or (iii) entering into a public-private partnership. This bill is identical to HB 805.

*Patron - Barker*

**SB405 Controlled substances; nonresident pharmacies; penalties.** Makes it a Class 1 misdemeanor for any person to manufacture, sell, give, distribute or possess with intent to manufacture, sell, give or distribute a Schedule VI controlled substance or imitation controlled substance in violation of the Drug Control Act. The bill requires a nonresident pharmacy to designate a Virginia-licensed pharmacist to be responsible for compliance with all provisions of the Drug Control Act. A nonresident pharmacy that dispenses more than 50 percent of its total prescription volume pursuant to an original prescription order received as a result of solicitation on the Internet, must disclose to the Pharmacy Board that it has received certain certifications. The bill also allows controlled substances that are illegally shipped to be seized by law enforcement or by an agent of the Board of Pharmacy. This bill is identical to HB 1147.

*Patron - Puckett*

**SB495 Board of Medicine; information to be made public.** Exempts anyone holding an inactive, temporary, limited, or volunteer license to practice medicine from the requirement to make certain information available to the Board of Medicine.

*Patron - Northam*

**SB681 Board for Contractors; water well systems providers.** Provides that a licensed plumber may perform normal maintenance and repair on large-diameter bored or hand-dug water table wells without a certification as a water well system provider provided that the wells are 100 feet or less in depth and the work is being performed for an entity granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code. Currently, a certified water well systems provider is required to be onsite for the drilling, installation, maintenance, or repair of any water well or water well system.

*Patron - Stuart*

**SB693 Physician assistants; supervision.** Requires a written practice supervision agreement between the supervising physician and the assistant, detailing activities delegated to the assistant. Also allows treatment to be included in the plan, including the establishment of a final diagnosis or treatment plan for the patient, as long as it is set forth in the written practice supervision agreement.

*Patron - Edwards*

## Failed

**HB121 Parental notification of minor's mental health treatment.** Requires any employee or designee of any community services board or behavioral health authority, or any other state or local employee other than an employee of a local school board who provides mental health treatment to a minor to notify the minor's parent, legal guardian, or person standing in loco parentis of the provision of services within five days of the provision of services, unless the employee or designee of the community services board or behavioral health authority or other state or local employee providing mental health treatment determines that, in their professional judgment, notice to the parent, guardian, or person standing in loco parentis would be reasonably likely to cause substantial harm to the minor or another person.

*Patron - Lingamfelter*

**HB129 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. This bill adds the requirement that no person other than those who have received a degree as a medi-

cal doctor or doctor of osteopathy shall use the term "physician" in connection with his name or practice.

*Patron - Purkey*

**HB227 Board for Contractors; applications for licensure.** Provides that as part of the application for licensure as a contractor, whether the application is for a Class A, B, or C license, each applicant shall submit a statement, on a form provided by the Board, certifying that the applicant (i) will not knowingly employ an undocumented worker or otherwise violate the Federal Immigration and Reform Act or § 40.1-11.1 of the Code of Virginia and (ii) will continue to verify the lawful employment status of all employees by means of a work-authorization program issued by the U.S. Bureau of Citizenship and Immigration Services or any equivalent federal work authorization program approved or operated by the U.S. Department of Homeland Security. The bill also provides that no application shall be accepted or license issued without the inclusion of this certification with the application form. The bill contains technical amendments. This bill was incorporated into HB 926.

*Patron - Cosgrove*

**HB346 Department of Professional and Occupational Regulation; the Real Estate Board; classification of property owners' associations.** Requires the Real Estate Board to develop regulations to classify property owners' associations based on (i) the number of lots that are encompassed in the development, (ii) the value of assets, (iii) the association's use of professional staff, and (iv) whether the governing board is elected.

*Patron - Plum*

**HB399 Dialysis patient care technician.** Adds the administration of erythropoietic agents such as Epoetin alfa, Vitamin D, iron, to the list of direct care activities a dialysis patient care technician may undertake.

*Patron - Hamilton*

**HB561 Administration of drugs; training of educational facility staff.** Requires the Board of Nursing to develop, in consultation with the Board of Pharmacy, guidelines for the training of employees of private facilities licensed by the Office of Interdepartmental Regulation, in the administration of prescription drugs as defined in the Drug Control Act (§ 54.1-3400 et seq.). Such training programs shall be taught by a registered nurse, licensed practical nurse, doctor of medicine or osteopathic medicine, or pharmacist. This bill was incorporated into HB 1445.

*Patron - Crockett-Stark*

**HB1071 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*

**HB1081 Board for Contractors; elevator mechanics.** Authorizes the Board for Contractors to issue temporary certifications to elevator mechanics in the event of a shortage of elevator mechanics where a licensed contractor demonstrates to the satisfaction of the Board that there is such a shortage. The bill contains technical amendments.

*Patron - Suit*

**HB1400 Disclosure of minor's drug test results.** Provides that a parent, legal guardian or person standing in loco parentis may obtain the results of any drug test of a minor or a minor's health records, except when the minor's treating physician or the minor's treating clinical psychologist has deter-

mined in the exercise of his professional judgment that the disclosure of health records or the results of any drug test of the minor would be reasonably likely to cause substantial harm to the minor or another person. This bill also provides that a minor shall not be deemed an adult of the purpose of consenting to a drug test when the minor is not receiving outpatient care, treatment, or rehabilitation for substance abuse.

*Patron - Pogge*

**HB1468 Authority to receive laboratory results directly.** Creates an exception to the requirement that laboratories release records of results directly to patients for cases in which a treating physician or clinical psychologist determines that release to the patient would be reasonably likely to endanger the life or physical safety of the patient or another person or cause substantial harm to another person. This bill also creates an appeal process for persons who have been denied the records based on the recommendations of a treating physician or clinical psychologist.

*Patron - Athey*

**HB1483 Certified home inspection; definitions.** Revises the definition of certified home inspection to include heating and cooling systems and the efficiency of such systems and duct work.

*Patron - Saxman*

**HB1492 Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects; land surveyors; public employees.** Provides that any person engaged in the practice of land surveying as an employee of the Commonwealth or any political subdivision shall be allowed to use such experience toward the requirements for a licensed land surveyor. The bill provides that in order to sit for the licensing examination, such applicant shall (i) have a surveyor-in-training designation by the Board; (ii) have a minimum of four years of approved surveying experience, which may be gained prior to the surveyor-in-training designation; and (iii) provide written references from three land surveyors licensed in a state, territory, or possession of the United States, or the District of Columbia, each having personal knowledge of the applicant's surveying experience. The bill defines approved surveying experience.

*Patron - Nutter*

**SB47 Advance directives; mental health.** Allows for mental health advance directives, by following the same procedures as for medical advance directives. A mental health advance directive may set forth procedures or instructions with regard to mental health treatment, including consent to or refusal of mental health treatment.

*Patron - Whipple*

**SB86 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*

**SB374 Real Estate Board; extension of deadline for compliance with education and continuing education requirements.** Extends the deadline for compliance with education and continuing education requirements for licensees of the Real Estate Board on active military duty until six months

after the licensee's release from active military duty if (i) the licensee is on active military duty status when the requirement becomes due, and (ii) providing the extension does not constitute a danger to the public health, safety, or welfare.

*Patron - Stuart*

**SB418 Department of Professional and Occupational Regulation; Virginia Real Estate Board; waiver of broker education requirements.** Requires the Virginia Real Estate Board to waive the broker education requirement for any applicant for a broker's license who has owned a real estate brokerage firm for more than 15 years and during that time and maintained an active license as a real estate salesperson.

*Patron - Puckett*

**SB604 Pawnbrokers and secondhand dealers; penalty.** Adds the regulation of secondhand dealers 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) authorizes the chief law-enforcement officer of a locality to designate alternative means of submitting required daily reports, and (iv) adds secondhand dealers to the existing penalty provisions for pawnbrokers.

*Patron - Stolle*

## Carried Over

**HB86 Disposal of unused pharmaceuticals.** Establishes a program for the disposal of unused pharmaceuticals.

*Patron - Landes*

**HB735 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 - Caputo*

**HB784 Practice of naturopathy.** Establishes licensure requirements for the practice of naturopathy. This bill establishes criteria for the practice of naturopathy, including educational requirements, examinations, scope of practice, requirements for the promulgation of regulations governing the profession, and an advisory board to the Board of Medicine.

*Patron - Kilgore*

**HB1004 Advance directives; mental health.** Allows for mental health advance directives, by following the same procedures as for medical advance directives. A mental health advance directive may set forth procedures or instructions with regard to mental health treatment, including consent to or refusal of mental health treatment.

*Patron - Bell*

**HB1484 Designation of persons authorized to make funeral and burial decisions.** Designates the persons in order of priority who have the ability to make all necessary arrangements for a decedent's funeral and the disposition of his remains. This bill is in response to recent cases in Virginia concerning who had the right to make such decisions. Current law allows any next of kin to make arrangements, without specifying an order of priority. This bill grants funeral services provid-

ers civil immunity for decisions made if there is a dispute among members of the same class, in the absence of bad faith. The bill contains technical amendments.

*Patron - Armstrong*

**HB1509 Oral and maxillofacial surgeons; certain data required.** Requires the Board of Dentistry to establish, maintain, and make available to the public, on its website and in accompanying materials, the individual certifications for cosmetic procedures for board-certified or board-eligible oral and maxillofacial surgeons who perform certain procedures.

*Patron - Sickles*

**SB716 Department of Professional and Occupational Regulation; Virginia Board for Asbestos, Lead, and Home Inspectors.** Provides that the written evaluation required in a certified home inspection include evaluation of the efficiency of the home's heating and cooling systems and duct work.

*Patron - Vogel*

## Property and Conveyances

### Passed

**HB264 Landlord and tenant law; appointment of resident agent by nonresident property owner.** Requires that the Secretary of the Commonwealth, when acting as an agent for nonresident property owners, shall forward service of process to the address shown on the official tax record of the locality. Currently, it is to be sent to the address shown on the lease.

*Patron - Ware, O.*

**HB580 Mold conditions involving landlords and tenants.** Provides for mold remediation and the process for notice from tenant to landlord regarding mold.

*Patron - Cosgrove*

**HB720 Landlord and tenant law; definitions; payment of rent; landlord remedies.** Adds, among other things, a definition of "application fee," caps the fee at \$50, and provides that such fee is nonrefundable. The bill also defines "written notice" as notice, including any representation of words, letters, symbols, numbers, or figures, whether (i) printed in or inscribed on a tangible medium or (ii) stored in an electronic form or other medium, retrievable in a perceivable form, and regardless of whether an electronic signature is affixed. In cases where a tenant pays rent with a bad check, the bill also allows a landlord to seek an award of costs or attorney fees or the lesser of \$250 or three times the amount of the bad check, draft or order as part of the damages requested on an unlawful detainer action, provided the landlord has given notice. The bill allows such notice to be included in the five-day termination notice at the option of the landlord. The bill contains specific provisions if the dwelling unit is a public housing unit or other housing unit subject to regulation by the Department of Housing and Urban Development. The bill contains technical amendments.

*Patron - Oder*

**HB949 Slayer statute.** Amends the definition of "slayer" to include a person who is convicted of voluntary manslaughter. The bill also amends the definition of "slayer" to include a person who is acquitted of murder or involuntary manslaughter, but who is determined, by a preponderance of the evidence, either before or after his death, by a court to have committed murder or involuntary manslaughter. The bill also provides that transferees or assignees claiming through a slayer

cannot acquire property or benefits as a result of the slaying. The bill also provides that insurance companies are not liable on life insurance policies acquired by the slayer for the decedent if (i) the policy was procured by the slayer as part of the plan to murder the decedent, and (ii) the decedent's death from the slayer's act was within two years of the date the policy was issued. The bill also provides that the slayer statute does not serve to abrogate any common law right or remedy that prevent a slayer from profiting from his crime. The bill also makes several clarifying amendments to the slayer statute. This bill is identical to SB 450.

*Patron - Iaquinto*

**HB972 Ford and Pullman property grants.** Ratifies the conveyance of certain lands in the County of Fairfax by the Commonwealth in 1951 and 1962.

*Patron - Shannon*

**HB1037 Sale or conversion of nonprofit hospitals; public hearing.** Requires that, no later than 40 days prior to any disposition of assets, a nonprofit entity shall convene a public meeting to set forth its expectations about how the health care needs of the community will be served following the proposed disposition of assets and to receive comments and respond to questions on the potential impact of the proposed disposition of assets on the community served by the nonprofit entity. This bill also provides that notice of the time and place of such meeting shall be published at least 10 days prior to the meeting in a newspaper in which legal notices may be published in that jurisdiction.

*Patron - Marshall, D.W.*

**HB1077 Virginia Real Estate Time Share Act; obligation for fees; limitation on actions; powers of Real Estate Board.** Allows a developer, during the developer control period and at any time after the lapse of a purchaser's right of cancellation, and without regard to the recordation of the deed, to collect an annual or specially assessed charge from each time-share estate owner for the payment of the time-share estate occupancy expenses by way of a maintenance fee. The bill also provides that prior to the commencement of any action alleging a failure to comply with the provisions relating to escrow of deposits or the developer's obligation to complete common elements, an aggrieved owner shall first seek a determination from the Real Estate Board as to whether compliance with such provisions has occurred. The Board shall make such determination within 120 days of the request therefor. The bill contains technical amendments. Finally, the bill provides that rescission of a contract shall not be granted by a court unless the inaccuracy of the public offering statement or the insufficiency of the time-share instrument directly and adversely affected the purchaser's right to participate in the time-share program or to own his time-share. Further, if damages are awarded, the amount of the damages shall be limited to actual damages sustained notwithstanding any other law to the contrary.

*Patron - Suit*

**HB1240 Manufactured Home Lot Rental Act; access of tenant to cable, satellite and other television facilities.** Authorizes a landlord of a manufactured housing community to enter into a service agreement with a television service provider to provide marketing and other services to the television service provider and to receive compensation for the services. Compensation under such service agreement may also include the reasonable value of the landlord's property that is used by the television service provider. This is similar to the authorization provided to a landlord under the Virginia Residential Landlord and Tenant Act.

*Patron - Saxman*

**PHB1313 Unclaimed property; credit union accounts.** Provides state-chartered credit unions with the same flexibility regarding inactive or dormant account fees and interest that federally-chartered credit unions may exercise under applicable federal law. SB 137 is identical.

*Patron - Byron*

**PHB1320 Road easements; maintenance and improvements.** Provides that any property owner, along a road that serves as the primary means of ingress and egress to more than one property, may maintain, repair, or improve the road without the express permission of the other property owners.

*Patron - May*

**PHB1470 Home owner warranty breach; tolling of limitations period.** States that when a homeowner sends notice to a vendor of a warranty violation, that the statute of limitations is tolled for six months. The provision will apply to warranty claims arising after January 1, 2009.

*Patron - Gilbert*

**PSB137 Unclaimed property; credit union accounts.** Provides state-chartered credit unions with the same flexibility regarding inactive or dormant account fees and interest that federally chartered credit unions may exercise under applicable federal law. HB 1313 is identical.

*Patron - Puller*

**PSB450 Slayer statute.** Amends the definition of "slayer" to include a person who is convicted of voluntary manslaughter. The bill also amends the definition of "slayer" to include a person who is acquitted of murder or involuntary manslaughter, but who is determined, by a preponderance of the evidence, either before or after his death, by a court to have committed murder or involuntary manslaughter. The bill also provides that transferees or assignees claiming through a slayer cannot acquire property or benefits as a result of the slaying. The bill also provides that insurance companies are not liable on life insurance policies acquired by the slayer for the decedent if (i) the policy was procured by the slayer as part of the plan to murder the decedent, and (ii) the decedent's death from the slayer's act was within two years of the date the policy was issued. The bill also provides that the slayer statute does not serve to abrogate any common law right or remedy that prevent a slayer from profiting from his crime. The bill also makes several clarifying amendments to the slayer statute. This bill is identical to HB 949.

*Patron - Petersen*

**PSB606 Virginia Real Estate Cooperative Act; assessments for certain cooperatives.** Authorizes a real estate cooperative, where permanent residency is generally restricted to individuals age 55 and over and the primary purpose of the cooperative is to provide services typically provided to residents of full service senior housing communities, to amend the declaration by a two-thirds vote to authorize assessments based on usage of services rather than the square footage of the units.

*Patron - Stolle*

**PSB616 Virginia Real Estate Cooperative Act; amendment of declaration.** Provides that the declaration may be amended by two-thirds vote to extend the time limit within which special declarant rights imposed by the declaration may be exercised. Currently such an amendment would require unanimous consent.

*Patron - Stolle*

**PSB797 High-risk mortgage lenders or servicers; 10 days' notice; 30 days' forbearance.** Requires high-risk mort-

gage lenders or servicers to provide written notice of the intention to send a notice to accelerate the loan balance 10 business days prior to sending the notice of acceleration. If the borrower indicates the desire to avoid foreclosure, the high-risk mortgage lender or servicer shall give the borrower 30 calendar days' forbearance. The measure does not apply if the lender makes fewer than four mortgage loans in any 12-month period, if there is an active bankruptcy proceeding, or if a foreclosure sale is scheduled to occur within 30 days.

*Patron - Puckett*

## Failed

**FHB49 Utility easements.** Provides that any conveyance of an easement for the location, construction, or installation of facilities to be used to provide utility services shall be subject to the condition that it is void if the easement has not been used within 20 years.

*Patron - Cole*

**FHB363 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*

**FHB476 Doctrine of necessities; repealed.** Repeals § 55-37, relating to the doctrine of necessities, which obliges each spouse to provide basic necessities of the other spouse such as housing, medical care, and nourishment.

*Patron - Cox*

**FHB488 Notice of an escheat land sale.** Requires that the escheator notify adjacent land owners of escheated land of an escheat land sale.

*Patron - Shuler*

**FHB540 Deed; cemetery usage disclosed.** Requires the disclosure of whether property is, or has been, used as a cemetery or burial ground when recording the deed.

*Patron - Orrock*

**FHB778 Recordation of deeds.** Requires that a deed be filed for recordation within 120 days of the transaction that conveyed or transferred the real property that is the subject of the deed.

*Patron - Kilgore*

**FHB962 Virginia Residential Property Disclosure Act; disclosure of storm water detention facilities.** Requires the owner to disclose to the purchaser prior to settlement the presence of any storm water detention facilities on the property.

*Patron - Shannon*

**FHB997 Virginia Residential Property Disclosure Act; required disclosures; mold.** Clarifies that the term "condition of the real property or any improvements thereon" shall include any visible evidence of the presence of mold.

*Patron - Bell*

**FHB1002 Condominium Act; notice of increased assessments.** Provides that the written notice to the unit owners of an additional assessment levied by the board of a condominium association shall be sent no more than 30 days from the date of the meeting wherein the board voted to levy the additional assessment.

*Patron - Bell*

**HB1076 Property Owners' Association Act (POAA); definitions; disclosure packets; management; fees.** Adds several new definitions to the POAA, including "common interest community manager." The bill also sets limits for the fees to be charged for preparation of the required disclosure packets and prohibits any other fees not expressly authorized in the POAA. The bill (i) provides that all declarations shall comply with the terms of the POAA, and the associations created in accordance with the POAA shall have only those powers that are expressly granted in the POAA; (ii) increases the cap on the liability of the association or its manager from \$500 to \$5,000 for actual damages sustained by the seller in the event of the association's failure to comply with the POAA; and (iii) provides that if settlement does not occur within 90 days of the delivery of the disclosure packet, the fee shall be assessed against the lot owner for which the disclosure packet was prepared and shall become as an assessment against the member's lot. The bill contains technical amendments, which reorganize the POAA into three articles: general provisions, disclosure requirements, and operation and management of associations. This bill was incorporated into HB 516.

*Patron - Suit*

**HB1405 Virginia Residential Property Disclosure Act; disclosure of storage tanks.** Requires the owner to disclose to the purchaser prior to settlement the presence of any aboveground or underground storage tanks on the property. The bill defines aboveground storage tank and underground storage tank.

*Patron - Hargrove*

**HB1467 Property and conveyances; leases; prohibited covenants.** Prohibits any lease for nonresidential property agreed to, executed or renewed on or after July 1, 2008, that contains a covenant restricting the lessor from entering into additional leases with additional parties that compete with the lessee's lines of business, unless the additional party's intended lines of business are in direct competition with no less than a majority of the lessee's lines of business. The bill provides that a lease in violation of this prohibition shall be deemed a prohibited contract in restraint of trade.

*Patron - Shannon*

**SB792 Real Estate Tax Credit.** Provides a tax credit for real estate taxes paid on property purchased from the Commonwealth when such taxes were paid on such property prior to its acquisition.

*Patron - McDougle*

## Carried Over

**SB421 Conveyance of property owned by the Commonwealth; easement; Bland County.** Authorizes the Commonwealth to convey an easement across certain property in the County of Bland along State Route 665 to Elmo Sadler.

*Patron - Puckett*

**SB454 Virginia Residential Property Disclosure Act; disclosure of storm water detention facilities.** Requires the owner to disclose to the purchaser prior to settlement the presence of any storm water detention facilities on the property.

*Patron - Petersen*

**SB583 Uniform Disposition of Unclaimed Property Act; banks and financial organizations.** Reduces the holding period for abandonment for unclaimed property for banks and financial organizations from five years to two years for banks or organizations that deduct a charge or cease to accrue interest because of dormancy or inactivity. The measure also provides

that if a holder of the property ceases imposing additional charges or retroactively credits interest on dormant or inactive property for a reason other than to correct a documented internal error, the holder is deemed to have waived its right to impose the charges or cease accruing interest and shall reverse or cancel the charges or retroactively credit interest on accounts reported to the Treasurer. The second provision is stated to be declaratory of existing law.

*Patron - Colgan*

## Public Service Companies

### Passed

**HB543 Natural gas utilities; alternative ratemaking plan.** Authorizes any natural gas utility to file a conservation and ratemaking efficiency plan that includes (i) a normalization component that removes the effect of weather from the determination of conservation and energy efficiency results, (ii) a decoupling mechanism, (iii) cost-effective conservation and energy efficiency programs, (iv) provisions to address the needs of low-income or low-usage residential consumers, and (v) provisions to ensure that the rates and service to nonparticipating classes of customers are not adversely impacted. Such plans may include one or more residential, small commercial, or small general service classes, but shall not apply to large commercial or large industrial customer classes. The State Corporation Commission (SCC) is required to allow a utility that implements a plan to recover, through its regulated rates, its costs, together with a return thereon, associated with cost-effective conservation and energy efficiency programs. Utilities that demonstrate certain reductions in annualized, weather-normalized usage per customer will receive the opportunity to earn an incentive of up to 15 percent share of the independently verified net economic benefits created by the conservation and energy efficiency programs. The SCC is prohibited from reducing a utility's profit as a result of the implementation of a natural gas conservation and ratemaking efficiency plan. The SCC is required to report annually on the implementation of the measure.

*Patron - Nixon*

**HB546 Multiline telephone systems.** Provides that an alternative method of providing call location information exists when a 9-1-1 call to a public safety answering point (PSAP) provides sufficient information to ensure that emergency responders are dispatched to a location at the facility from which the call was placed, where the responders are able to view all of the telephone stations in the contiguous area containing the telephone from which the emergency call was placed. Currently, an alternative method requires responders to be able to view all of the telephone stations at the facility. MLTS providers of a system using VOIP services acquired or installed on or after July 1, 2009, shall make reasonable efforts to ensure that emergency calls provide calling party information to the 9-1-1 network or an alternative method of providing call location information. The measure also provides that the MLTS provider of a multiline telephone system acquired or installed on or after July 1, 2009, is required, if reasonably achievable, to be able to provide calling party information to the 9-1-1 network that connects to the PSAP, or to provide an alternative method of providing call location information. Calling party information allows equipment at the PSAP to perform automatic location identification (ALI) and automatic number identification (ANI). MLTS providers are required to arrange to update the ALI database with the appropriate master street address guide, valid address and callback information



corresponding to the calling party information for each telephone station, and to update the information as soon as practicable for new MLTS installation or within one business day of record completion of the actual changes for previously installed systems. Currently, such providers are required to ensure that emergency calls provide either ALI and ANI or an alternative method of providing call location information.

*Patron - Nixon*

**HB627 PPTA.** Requires, for projects undertaken under the Public-Private Transportation Act of 1995 (PPTA) that have an estimated construction cost in excess of \$50 million, the responsible private entity to pay the costs for an independent audit of any and all traffic and cost estimates associated with the private entity's proposal, as well as a review of all public costs and potential liabilities to which taxpayers could be exposed. This independent audit must be conducted by an independent consultant selected by the responsible public entity, and all information from the review must be fully disclosed.

*Patron - May*

**HB677 Public-Private Education Facilities and Infrastructure Act of 2002; public hearing prior to interim or comprehensive agreement.** Provides that at least 30 days prior to entering into an interim or comprehensive agreement under the Public-Private Education Facilities and Infrastructure Act, a responsible public entity must hold a public hearing on the proposals. Currently a responsible public entity is required to provide an opportunity for public comment, which may include a public hearing at the sole discretion of the responsible public entity.

*Patron - Plum*

**HB955 Public-Private Education Facilities and Infrastructure Act of 2002; technology projects; gain sharing.** Adds to the categories of "qualifying project" under the Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA) any services designed to increase productivity or efficiency through the direct or indirect use of technology. The bill also adds technology applications to the types of technology infrastructure projects that may be carried out under the PPEA. This bill is identical to Senate Bill 352.

*Patron - Nixon*

**HB1140 Virginia Highway Corporation Act; authority of SCC.** Directs the State Corporation Commission (SCC), in setting tolls under the Virginia Highway Corporation Act of 1988 during the period January 1, 2013, through January 1, 2013, to approve requests to increase toll rates by a percentage that (i) is equal to the increase in the consumer price index from the date the Commission law approved a toll increase, plus one percent, (ii) is equal to the increase in the real gross domestic product from the date the Commission last approved a toll increase, or (iii) 2.8 percent, whichever is greatest. In addition, the SCC shall allow the operator to include, in its tolls, the amount by which its local property taxes paid in the immediately preceding calendar year increased by more than the annual percentage increase above such payments for the previous calendar year. The SCC may allow a greater increase in the tolls if the operator provides an independent grade traffic and revenue study and a finding by the operator that (a) the toll rates will not be sufficient to permit the operator to maintain the minimum coverage ratio set forth in the rate covenant provisions of its bond indenture or similar credit agreement, (b) such greater proposed tolls are reasonable to the user in relation to the benefit obtained and will not materially discourage use of the roadway by the public, and (c) the greater proposed tolls provide the operator no more than a reasonable rate of return; however, the Commission shall not approve an increase

that exceeds the percentage increase necessary to permit the operator to maintain the minimum coverage ratio, and such request shall not be made as a result of a change in control of the operator or the project roadway. Other provisions (i) direct the SCC, in determining whether the operator's costs are improper or excessive, to consider the contractual relationships associated or affiliated with the operator to assure that the terms on such contractual relationships are no less favorable or unfavorable to the operator than what it could obtain in an arm's-length transaction; (ii) require the operator to provide a verified copy of its annual audited financial statements; (iii) require the SCC, when there is a change in the ownership of an operator, to ensure in any subsequent toll rate proceeding that the price paid in connection with the change in ownership or control, and any costs and other factors attributable to or resulting from the change in ownership or control, if they would contribute to an increase in the level of the toll, are excluded from the Commission's determination of the operator's reasonable return; and (iv) direct that the proceeds and funding provided to the operator from any future bond indenture or similar credit agreement must be used for certain purposes related to the roadway property, unless otherwise authorized by the SCC. SB 778 is identical.

*Patron - May*

**HB1228 Electric utilities; notice of renewable power options.** Requires each investor-owned electric utility in the Commonwealth, effective January 1, 2009, to include in its customer's bills, at least once each quarter, a notice directing customers to a toll-free telephone number or Internet website that will provide information on options to purchase electric energy provided from renewable energy sources. The notice shall include instructions for purchasing electric energy from renewable sources from the utility or other licensed supplier of electric energy. Such utilities are also required to feature available options for purchasing electricity from renewable sources prominently on their Internet sites.

*Patron - Vanderhuy*

**HB1319 Underground transmission lines; pilot program.** Establishes a pilot program for the placement of four new transmission lines of 230 kilovolts or less to be placed underground, either in whole or in part. The bill establishes criteria for the State Corporation Commission to consider and procedures for the Commission to follow in selecting the projects. One of the projects shall be for a transmission line that has received Commission approval prior to the effective date of the act. If a qualifying project provides radial rather than networked electric service, a presumption of need is created in applications for transmission lines that will complete the network.

*Patron - May*

**HB1413 Public utilities; competitive bidding.** Requires public utilities that are subject to annual review provisions of Title 56 to use competitive bidding in purchasing and construction practices. Currently, only utilities subject to the biennial review provisions of Title 56 are subject to the competitive bidding requirement.

*Patron - Plum*

**HB1523 Electric utility planning.** Requires electric utilities to submit, by September 1, 2009, an integrated resource plan (IRP) that provides a forecast of its load obligations and a plan to meet those obligations by supply side and demand side resources over the ensuing 15 years to provide reasonable prices, reliable service, energy independence, and environmental responsibility. Updated IRPs will be filed every

two years thereafter. The 2009 IRPs shall include an assessment of programs to assist low income residential consumers.

*Patron - Orrock*

**SB145 Natural gas utilities; recovery of capital costs.** Establishes a mechanism for a natural gas utility that places a strategic natural gas facility into service on or after July 1, 2008, to recover the entire prudently incurred costs of the facility from the time construction is completed and the asset is placed in service until the State Corporation Commission establishes new rates. Recovery of these costs, which include an allowance for funds used during construction, shall be permitted by allowing the costs to be recorded in the utility's plant accounts and included in rate base for purposes of cost recovery in new rate schedules, in a rate base using the cost of service methodology, or in a performance-based regulation plan. Recovery shall be subject to Commission determination that the costs were prudently incurred. The measure neither authorizes nor denies the recovery of costs submitted to the Commission prior to January 1, 2008, where such costs were the subject of a final order that determined whether the costs were prudently incurred and provided for their accounting and rate-making treatment.

*Patron - Stosch*

**SB311 Electric utility planning.** Requires electric utilities to submit, by September 1, 2009, an integrated resource plan (IRP) that provides a forecast of their load obligations and a plan to meet those obligations by supply side and demand side resources over the ensuing 15 years to provide reasonable prices, reliable service, energy independence, and environmental responsibility. Updated IRPs will be filed every two years thereafter. The 2009 IRPs shall include an assessment of programs to assist low income residential consumers. The bill also deletes an inconsistent existing requirement that utilities file plans for their projected generation and transmission requirements to serve native load for the next 10 years.

*Patron - Reynolds*

**SB322 Renewable energy source.** Defines municipal solid waste as a source of renewable energy under the Virginia Electric Utility Restructuring Act.

*Patron - Wagner*

**SB352 Public Private Education Facilities and Infrastructure Act of 2002; technology projects; gain sharing.** Adds to the categories of "qualifying project" under the Public Private Education Facilities and Infrastructure Act of 2002 (PPEA) any services designed to increase productivity or efficiency through the direct or indirect use of technology. The bill also adds technology applications to the types of technology infrastructure projects that may be carried out under the PPEA. This bill is identical to HB 955.

*Patron - Stosch*

**SB596 Commission on Electric Utility Regulation.** Continues the Commission on Electric Utility Restructuring as the Commission on Electric Utility Regulation and extends its scheduled expiration from July 1, 2008, until July 1, 2010. The Electric Utility Restructuring Act is renamed the Electric Utility Regulation Act, and provisions of the Act that address the transition to retail competition are revised to address provisions of 2007 legislation that curtailed many aspects of the scheduled re-regulation of electric generation services. SB 575 is incorporated into this bill.

*Patron - Norment*

**SB778 Virginia Highway Corporation Act; authority of SCC.** Directs the State Corporation Commission (SCC), in setting tolls under the Virginia Highway Corporation Act of

1988 during the period January 1, 2013, through January 1, 2013, to approve requests to increase toll rates by a percentage that (i) is equal to the increase in the consumer price index from the date the Commission law approved a toll increase, plus one percent, (ii) is equal to the increase in the real gross domestic product from the date the Commission last approved a toll increase, or (iii) 2.8 percent, whichever is greatest. In addition, the SCC shall allow the operator to include, in its tolls, the amount by which its local property taxes paid in the immediately preceding calendar year increased by more than the annual percentage increase above such payments for the previous calendar year. The SCC may allow a greater increase in the tolls if the operator provides an independent grade traffic and revenue study and a finding by the operator that (a) the toll rates will not be sufficient to permit the operator to maintain the minimum coverage ratio set forth in the rate covenant provisions of its bond indenture or similar credit agreement, (b) such greater proposed tolls are reasonable to the user in relation to the benefit obtained and will not materially discourage use of the roadway by the public, and (c) the greater proposed tolls provide the operator no more than a reasonable rate of return; however, the Commission shall not approve an increase that exceeds the percentage increase necessary to permit the operator to maintain the minimum coverage ratio, and such request shall not be made as a result of a change in control of the operator or the project roadway. Other provisions (i) direct the SCC, in determining whether the operator's costs are improper or excessive, to consider the contractual relationships between the operator and individuals or entities that are closely associated or affiliated with the operator to assure that the terms on such contractual relationships are no less favorable or unfavorable to the operator than what it could obtain in an arm's-length transaction; (ii) require the operator to provide a verified copy of its annual audited financial statements; (iii) require the SCC, when there is a change in the ownership of an operator, to ensure in any subsequent toll rate proceeding that the price paid in connection with the change in ownership or control, and any costs and other factors attributable to or resulting from the change in ownership or control, if they would contribute to an increase in the level of the toll, are excluded from the Commission's determination of the operator's reasonable return; and (iv) direct that the proceeds and funding provided to the operator from any future bond indenture or similar credit agreement must be used for certain purposes related to the roadway property, unless otherwise authorized by the SCC. HB 1140 is identical.

*Patron - Herring*

## Failed

**HB106 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, 2008.

*Patron - Kilgore*

**HB153 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 electric utilities will be required to submit proposed tariffs to provide for their recovery of the costs of the systems over a term not to exceed 75 percent of the expected life of the system, in monthly amounts that are less than the expected reductions in the consumer's elec-

tricity bill expected to result from the installation of the system.

*Patron - Poisson*

**HB646 Electrical transmission lines; State Corporation Commission review.** Requires the State Corporation Commission, when verifying the applicant's load flow modeling, contingency analyses, and reliability needs presented to justify a new electrical transmission line, to assume (i) participation in the renewable portfolio standard program and achievement of its goals, (ii) the maximum effective conservation of energy used by public utilities, and (iii) full compliance with the energy consumption requirements for federal buildings. The measure also requires the applicant to provide the Commission with such information as it requires to make the verification.

*Patron - Hogan*

**HB665 Utility Transfers Act; cooperatives to be held harmless.** Requires the State Corporation Commission to find, prior to approving a distribution cooperative's application for approval of the acquisition of another utility, that the acquisition will not cause the rates of another distribution cooperative to increase. However, the Commission may approve the application if the petitioning cooperative agrees to hold harmless the other cooperatives from any increase in rates. In addition, the measure authorizes the Commission to adjust the rates of a distribution cooperative that received approval of an acquisition between July 1, 2007, and July 1, 2008, to provide for the collection of contributions sufficient to hold the other distribution cooperatives harmless for cost increases resulting from the approval of the application.

*Patron - Marshall, R.G.*

**HB666 Utility Transfers Act; investor-owned electric utilities.** Prohibits the State Corporation Commission from approving an application by an investor-owned electric utility that was, as of July 1, 1999, bound by a rate case settlement adopted by the Commission that extended in its application beyond January 1, 2002, for authority to acquire assets or securities of an electric utility that divested its generation assets with approval of the Commission pursuant to § 56-590 prior to January 1, 2002, if the acquisition is likely to result in an increase in the rates of any investor-owned electric utility.

*Patron - Marshall, R.G.*

**HB1153 Electric utilities; notice of rate increase.** Requires electric utilities to give 90 days' written notice of any rate increase.

*Patron - Phillips*

**HB1287 State Corporation Commission; energy conservation.** Directs the State Corporation Commission to conduct a proceeding in which it shall consider the establishment of electric energy conservation goals that provide for increasing efficiency for electric energy usage and reducing the rate of growth of the consumption of electric energy while sustaining economic growth in the Commonwealth.

*Patron - Athey*

**HB1412 Railroad corporations; foreign control.** Prohibits a foreign person or group of persons from acquiring or attempting to acquire control of any railroad that is a public service corporation, or of any person controlling a railroad that is a public service corporation, without the approval of the State Corporation Commission. The Commission shall approve the application if it determines that, after the change in control, the railroad can reasonably be expected to discharge its public service responsibilities and that the change of control would

not be inconsistent with the public interest served by the railroad.

*Patron - Kilgore*

**HB1515 Public-Private Transportation Act; tolls on Interstate 81.** Provides that a private entity may not impose tolls under the Public-Private Transportation Act on passenger cars, pickup or panel trucks, and motorcycles if the qualified transportation facility is Interstate Route 81. This bill was incorporated into HB 1516.

*Patron - Gilbert*

**HB1531 Liability for injury to employee.** Establishes duties of railroad operators with respect to members of an operating crew involved in an accident resulting in loss of life or serious bodily injury.

*Patron - Ebbin*

**SB21 Electric utility rates; margins from off-system sales.** Eliminates the requirement that 75 percent of the total annual margins from an electric utility's off-system sales of power be credited against the utility's fuel factor expenses, in the absence of a finding by clear and convincing evidence that a smaller percentage is in the public interest. The measure provides that the State Corporation Commission shall determine the percentage of such margins to be credited against fuel factor expenses that is in the public interest.

*Patron - Reynolds*

**SB91 Electricity rates; adjustment clauses.** Provides the State Corporation Commission with authority to review the recovery by electric utilities of certain expenses that will be recoverable under current law through rate adjustment clauses. The utility expenses will instead be subject to review as part of the biennial rate review of the utility's total revenues and expenses. Items that are scheduled to be recoverable through rate adjustment clauses include (i) costs for transmission services; (ii) deferred environmental and reliability costs; (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 renewable energy portfolio standard program; (v) costs of projects that the SCC 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, and (vi) costs of certain generation projects, including Dominion's proposed coal-fired plant in Southwest Virginia. Provisions that limit the SCC's discretion regarding any incentive return for new generation facilities are repealed.

*Patron - Reynolds*

**SB93 Electric utility restructuring.** Repeals provisions of the Electric Utility Restructuring Act that established parameters for the rate of return to be earned by certain electric utilities, recovery of certain expenses, and incentives for constructing new generation facilities and meeting voluntary renewable energy targets. The measure reinstates traditional cost-of-service ratemaking principles for such utilities, effective January 1, 2009.

*Patron - Reynolds*

**SB420 Locally operated telephone utilities; cable service.** Provides that a county, city, or town that has obtained a certificate to operate a telephone utility and that installed a cable television headend prior to December 31, 2002, is authorized to operate a cable television system or other multi-channel video programming service throughout the area in which it is authorized to operate telephone service. Currently, such localities are permitted to provide such services, but the areas

wherein such services may be provided by the locality is not defined.

*Patron - Puckett*

**ESB431 Underground location of transmission lines.** Requires a utility seeking State Corporation Commission approval for an extension of an existing electrical transmission line or the construction of a new line to submit to the Commission a plan to install the line underground. Hearings on the application would be held after the Commission has reviewed the plan. The Commission shall condition its approval of an application upon the utility's agreement to install the line underground if underground installation is technologically feasible.

*Patron - Vogel*

**ESB432 Electrical transmission lines; damages to adjoining landowners.** Entitles owners of lands located adjacent to lands that are acquired by an electric utility for the route of certain electrical transmission lines to be compensated for any damage to their property, including any diminution in its value resulting from the construction and operation of the transmission line.

*Patron - Vogel*

**ESB446 Clean energy future.** Requires that by the year commencing July 1, 2020, and in subsequent years, 20% 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 10% of the amount of electric energy consumed by its retail customers in 2007. The requirements are phased in over a period commencing July 1, 2008. The 20% 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 Fund. Distributors are authorized to recover incremental costs of compliance under the procedure for recovery of the costs of purchased power. Electric cooperatives and municipal electric utilities are exempted from the measure. Generators of eligible renewable energy using certain components manufactured within the Commonwealth receive double the amount of renewable energy credits. The Secretary of Commerce and Trade is directed to develop incentives for renewable energy manufacturing in the coalfield region of Virginia. The measure also (i) creates a Clean Energy Fund and (ii) establishes a commercial in-state production tax credit of 0.06 cents per kWh for solar photovoltaic energy and 0.03 cents per kWh for wind energy. Finally, Secretary of Commerce and Trade is directed to develop a Green Jobs program that will provide training for workers in new industries relating to the field of alternative energies, including the manufacture and operation of products used to generate electricity and other forms of energy from alternative sources.

*Patron - Petersen*

**ESB541 Electrical transmission lines; State Corporation Commission review.** Requires the State Corporation Commission, when verifying the applicant's load flow modeling, contingency analyses, and reliability needs presented to justify a new electrical transmission line, to assume (i) participation in the renewable portfolio standard program and achievement of its goals, (ii) the maximum effective conserva-

tion of energy used by public utilities, and (iii) full compliance with the energy consumption requirements for federal buildings. The measure also requires the applicant to provide the Commission with such information as it requires to make the verification.

*Patron - Obenshain*

**ESB572 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, 2008.

*Patron - Saslaw*

**ESB575 Commission on Electric Utility Regulation.** Renames the Commission on Electric Utility Restructuring as the Commission on Electric Utility Regulation, extends its scheduled expiration from July 1, 2008, until July 1, 2010, and states that its purposes is to work collaboratively with the State Corporation Commission in conjunction with the implementation of the Virginia Electric Utility Restructuring Act. This bill is incorporated into SB 596.

*Patron - Saslaw*

**ESB666 Utility Transfers Act.** Provides that a person shall not acquire or dispose of control of a public utility, or all of its assets, or a telephone company, in whole or in part, without prior approval of the State Corporation Commission.

*Patron - Edwards*

**ESB753 Public-Private Transportation Act; tolls on Interstate 81.** Provides that a private entity may not impose tolls under the Public-Private Transportation Act on passenger cars, pickup or panel trucks, and motorcycles if the qualified transportation facility is Interstate Route 81.

*Patron - Obenshain*

## Carried Over

**CHB545 Alternatives to regulation of telephone service.** Declares that all telephone services, other than lifeline and E-911 services, offered by a telephone company are competitive. Increases in monthly charges for residential dialtone telephone service are capped at \$1.50 per 12-month period through July 1, 2011, though the State Corporation Commission may extend this cap for up to an additional 24 months if the Commission finds that competition or the potential for competition in the market place cannot be an effective regulator of its price. The Commission is required to establish rules to permit any telephone company to detariff telephone services offered to (i) business customers, other than E-911 services, beginning no later January 1, 2009, and (ii) residential customers, other than lifeline services, beginning no later than January 1, 2010. Prior to detariffing its telephone services, a telephone company may offer promotional rates, terms, or conditions and individual customer pricing for its telephone services in accordance with the Commission's rules for competitive local exchange carriers. Lifeline or E-911 services may be detariffed when the Commission determines that their tariffing is no longer required to protect the public interest. Telephone companies offering competitive telephone services under these provisions are exempted from Commission oversight of their issuance of securities and affiliate transactions.

*Patron - Nixon*

**CHB1310 Provisional certification of gas distributors.** Authorizes the State Corporation Commission to grant a provisional certificate of public convenience and necessity that

allows an entity to distribute natural gas, propane, propane-air mixtures, or other gas service in a designated area, within the certificated service territory of a natural gas utility, where natural gas distribution service is not currently offered.

*Patron - Morgan*

**HB1409 Electric utility rates; incentives for the use of alternatives and distributed generation.** Directs the State Corporation Commission to promulgate regulations requiring electric utilities to offer electric service to nonresidential customers under a tariff that encourages the use of alternative energy sources or supplies and distributed generation. Permissible incentives may include permitting the customer to recover investments in alternative energy sources or supplies and distributed generation, and that by allow the customer and utility to avoid peak prices, demand charges and congestion charges during periods of high system demand.

*Patron - Poindexter*

**SB324 Utility Facilities Act; renewable energy facilities.** Excludes from the definition of a public utility any company if it is not organized as a public service company and if it generates and distributes renewable electric energy from a small generation facility of not more than 50 megawatts. The measure exempts such companies from the requirements of the Utility Facilities Act.

*Patron - Wagner*

**SB449 PPTA; competitive bidding.** Requires that all facets of any project having an aggregate value in excess of \$1 billion undertaken pursuant to the Public-Private Transportation Act of 1995 (PPTA) will be subject to all the laws of the Commonwealth requiring competitive bidding.

*Patron - Petersen*

**SB571 Alternatives to regulation of telephone service.** Declares that all telephone services, other than lifeline and E-911 services, offered by a telephone company are competitive. Increases in monthly charges for residential dialtone telephone service are capped at \$1.50 per 12-month period through July 1, 2011, though the State Corporation Commission may extend this cap for up to an additional 24 months if the Commission finds that competition or the potential for competition in the market place cannot be an effective regulator of its price. The Commission is required to establish rules to permit any telephone company to detariff telephone services offered to (i) business customers, other than E-911 services, beginning no later January 1, 2009, and (ii) residential customers, other than lifeline services, beginning no later than January 1, 2010. Prior to detariffing its telephone services, a telephone company may offer promotional rates, terms, or conditions and individual customer pricing for its telephone services in accordance with the Commission's rules for competitive local exchange carriers. Lifeline or E-911 services may be detariffed when the Commission determines that their tariffing is no longer required to protect the public interest. Telephone companies offering competitive telephone services under these provisions are exempted from Commission oversight of their issuance of securities and affiliate transactions.

*Patron - Saslaw*

**SB719 Railroad corporations; foreign control.** Prohibits a foreign person or group of persons from acquiring or attempting to acquire control of any railroad that is a public service corporation, or of any person controlling a railroad that is a public service corporation, without the approval of the State Corporation Commission. The Commission shall approve the application if it determines that, after the change in control, the railroad can reasonably be expected to discharge its public service responsibilities and that the change of control would

not be inconsistent with the public interest served by the railroad.

*Patron - Puller*

## Religious and Charitable Matters; Cemeteries

### Passed

**HB1422 Cemeteries; access to cemeteries and graves located on private property; injunctive relief.** Allows the court to award reasonable attorney fees and costs to a petitioner who was wrongly denied access to a cemetery.

*Patron - Alexander*

### Failed

**HB1423 Cemeteries; purchases of property containing a private cemetery; responsibilities of purchaser; penalty.** Provides that any purchase of property on which a private cemetery is located is purchased subject to the restriction that no marked grave within such cemetery shall be moved, relocated, or otherwise disturbed. The bill also provides that if the property is acquired for the purpose of developing or changing the use of such property, then the entity acquiring the property is required to plan and implement such development or use so that any private cemetery located on such property and all marked graves within such private cemetery are preserved and protected. Under the bill, any person who knowingly violates any provisions of this section shall be guilty of a Class 1 misdemeanor and an additional fine of not more than \$5,000 for each grave disturbed.

*Patron - Alexander*

## State Corporation Commission

### Failed

**HB62 State Corporation Commission; introduction of evidence.** Requires the State Corporation Commission to establish rules that will allow an individual who has been certified as an expert to introduce evidence in a proceeding that involves either the rates of a public utility or the siting of an electric transmission line.

*Patron - Marshall, R.G.*

## Taxation

### Passed

**HB139 Income tax; biodiesel and green diesel fuels producers income tax credit.** Allows an income tax credit to biodiesel and green diesel fuels producers in Virginia who produce up to two million gallons of biodiesel or green diesel fuels a year. The amount of the credit is \$0.01 per gallon but no more than \$5,000 annually for taxable years beginning on and after January 1, 2008. Includes HB's 647 and 1539.

*Patron - Peace*

**HB163 Real estate tax exemption or deferral; elderly and handicapped.** Permits localities to grant a real estate tax exemption or deferral to elderly and handicapped persons based upon projected income and financial worth for the current year under certain circumstances. Under current law, the previous year's income and financial worth is used.

*Patron - Sherwood*

**HB220 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*

**HB238 Income tax exemption for launch services and payload.** Grants an income tax exemption for income resulting from the sale of launch services to space flight participants or launch services intended to provide individuals the training or experience of a launch, without performing an actual launch. The bill also grants an income tax exemption for any gain recognized as a result of resupply services contracts for delivering payload entered into with the Commercial Orbital Transportation Services division of the National Aeronautics and Space Administration or other space flight entity. Includes HB's 170, 351, 874 and 1151. This bill is also identical to SB 286.

*Patron - Cosgrove*

**HB239 Classification of real property; energy-efficient buildings.** Expands energy-efficient buildings that may be classified as a separate class of real property for tax purposes to include buildings that meet performance guidelines or standards under the Green Globes Building Rating System of the Green Building Initiative, Leadership in Energy and Environmental Design (LEED) Green Building Rating System, EarthCraft House program, or Energy Star program.

*Patron - Cosgrove*

**HB314 Department of Taxation; qualifications of assessors and appraisers.** Provides for the Department of Taxation to establish a certification program for all supervisors, assessors, and appraisers contracted to perform assessments or general reassessments of real property. The certification requirements include (i) minimum education, training, and experience and combinations thereof, and (ii) standards of conduct and practice. Under the bill, supervisors, assessors and appraisers must be certified by the Department prior to being able to contract to perform assessment and reassessment services.

*Patron - Morgan*

**HB361 Real of sales and use tax on motor vehicle repairs in certain localities.** Repeals the sales and use tax on charges for motor vehicle repair services in the localities embraced by the Hampton Roads Transportation Authority and the Northern Virginia Transportation Authority.

*Patron - Purkey*

**HB487 Communications sales and use tax distribution.** Allows Bath County to receive a set percentage of the communication sales and use tax revenues apportioned and distributed monthly to localities, beginning July 1, 2008. This bill is identical to SB 262.

*Patron - Shuler*

**HB579 Repeal of sales and use tax on motor vehicle repairs in certain localities.** Repeals the sales and use tax on charges for motor vehicle repair services in the localities

embraced by the Hampton Roads Transportation Authority and the Northern Virginia Transportation Authority.

*Patron - Cosgrove*

**HB625 Personal property tax; classification.** Extends the sunset date from June 30, 2009, to June 30, 2019, for a separate classification for personal property tax rate purposes, for personal property used in manufacturing, testing, or operating satellites within a Multicounty Transportation Improvement District.

*Patron - May*

**HB662 Confidentiality of taxpayer information.** Includes as a confidential tax document any document that is required to be filed with the Department of Conservation and Recreation under the land preservation tax credit program.

*Patron - Lewis*

**HB678 Income tax; filing of tax returns.** Requires large income tax return preparers to file returns electronically unless the return includes attachments or schedules that cannot be accepted through electronic means. Currently, large income tax preparers have the option of filing returns electronically or using 2D barcoded paper returns. This bill would not change a provision in current law that would allow the Tax Commissioner to waive the requirement to file electronically.

*Patron - Hull*

**HB680 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).

The bill also provides that in all cases the value of a donated motor vehicle for purposes of computing the neighborhood assistance tax credit shall be such value as determined under federal income tax laws. This would replace, in part, a current regulation that provides that the value for merchandise donated to a neighborhood organization that is not used by the organization but is sold, auctioned, or raffled by the organization, shall be the lesser of the value determined for federal tax purposes or the actual proceeds received by the neighborhood organization (22VAC40-41-40). The bill includes language that has been in the budget bill the last two years that (i) reduces the tax credit from 45 percent to 40 percent of the value of a donation, and (ii) removes the prohibition from taking the credit if a federal income tax deduction is also taken for the donation.

*Patron - Hull*

**HB698 Real estate tax exemption for the elderly and handicapped.** Adds the cities of Newport News and Hampton, and the counties of Hanover and Powhatan to the list of localities that may provide real estate tax exemptions to elderly and handicapped persons whose income and net worth do not exceed limitations that are higher than the income and net worth limitations that apply in general to counties, cities, and towns. The bill also increases the income limitation from \$62,000 to \$67,000 for the cities of Charlottesville, Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Richmond, Suffolk, Virginia Beach, and the counties of Chesterfield, Goochland, Hanover, Henrico, and Powhatan. The bill incorporates HB 1428.

*Patron - BaCote*

**HB711 Sales and use tax exemption; audio and video works.** Changes the sunset from July 1, 2009, to July 1, 2019, for the sales and use tax exemptions for audio and video works.

*Patron - Janis*

**HB787 Transient occupancy tax; Arlington County.** Extends the sunset date from January 1, 2009, to January 1, 2012, for Arlington County's additional transient occupancy tax of one-fourth of one percent. Under current law, revenues from the tax are required to be used by the county for promoting tourism and business travel in the county.

*Patron - Brink*

**HB827 State Lottery Department; powers of the Director and the Board.** Authorizes the Director of the State Lottery Department to establish temporary bonus or incentive programs for payments to licensed sales agents that he determines will be cost effective and support increased sales of lottery products. The bill further provides that the Lottery Board not be required to approve the temporary bonus or incentive programs.

*Patron - Gear*

**HB849 Income tax; land preservation tax credits.** Specifies when a taxpayer is deemed to give consent regarding certain tax information when a tax credit or other tax attribute has been transferred. The legislation also addresses the statute of limitations, waiver of same, notice requirements, and participation in administrative and judicial remedies regarding any tax attributable to pass-through entity items.

*Patron - Ware, R.L.*

**HB869 Delinquent local taxes; lists by Treasurer.** Adds uncollected balances of personal property taxes on certain vehicles to the list of delinquent taxes maintained by the Treasurer that must be furnished to the local governing body on request, and for which the Treasurer shall be given credit for the amount of such taxes.

*Patron - Johnson*

**HB912 Income tax; conformity with IRC.** Advances the date as of which Virginia's system of taxation conforms with the Internal Revenue Code (IRC) from December 31, 2006, to December 31, 2007. Identical to SB 582.

*Patron - Purkey*

**HB1000 Income tax refund checkoff for Community Foundations established by the Council on Foundations and the Virginia Foundation for Community College Education.** Adds to the list of recipients of refund checkoffs community foundations established by the Council on Foundations and the Virginia Foundation for Community College Education.

*Patron - Bell*

**HB1123 Property tax; public service corporations, and electric suppliers.** Provides that the additional real property tax authorized to be imposed on commercial property by the localities in the Hampton Roads Transportation Authority shall not be imposed on property of a public service corporation or electric supplier unless a final certificate of occupancy for a commercial or industrial use has been issued and remains in effect.

*Patron - Jones, S.C.*

**HB1229 Sales and use tax; energy and water conservation products tax holiday.** Adds water-efficient products to the products sales tax holiday held during a four-day period in the month of October. The bill incorporates HB 795.

*Patron - Vanderhuy*

**HB1261 Individual income tax withholding.** Repeals provisions that have never been implemented allowing additional withholding exemptions.

*Patron - Hall*

**HB1309 Income tax; riparian waterway tax credit.** Adds an "individual's grantor trust" to the definition of "individual" and changes the term "taxpayer" to individual. This will allow an individual's grantor trust to benefit from the tax credit when the property is held in the trust's name.

*Patron - Morgan*

**HB1388 Retail sales and use tax; exemption for certain computer equipment.** Creates an exemption from the retail sales and use tax for computer equipment used in data centers that (i) are located in a Virginia locality having an unemployment rate above 4.9 percent for the calendar quarter ending November 2007 and (ii) that meet certain investment and job creation criteria. The investment in the computer equipment would be made in accordance with a memorandum of understanding entered into or amended between January 1, 2008, and December 31, 2008.

*Patron - Wright*

**HB1398 Tire recycling fee.** Extends, until July 1, 2011, the \$1.00 recycling fee imposed on each new tire sold; thereafter, the fee is reduced to 50 cents. Under current law the fee is to be reduced to 50 cents on July 1, 2008. This bill is identical to SB 665

*Patron - Oder*

**HB1453 Transient occupancy tax.** Allows all 34 counties listed in the statute to impose up to a five percent transient occupancy tax with any excess over two percent to be designated and spent solely for tourism and travel, marketing of tourism, or initiatives that, as determined after consulting the local tourism industry organizations, attract travelers to the locality. Under current law, 15 of the counties were not required to consult with local tourism industry organizations.

*Patron - Nutter*

**HB1479 Real estate tax relief for the elderly and handicapped.** Includes the income of nonrelatives living in the dwelling of the owner seeking tax relief, except for bona fide tenants and bona fide paid caregivers, in computing the maximum income limits to be eligible for the tax relief. Under current law, only the income of relatives living in the dwelling are included with that of the owner's in determining eligibility.

*Patron - Lewis*

**HB1503 Real property tax exemptions for the elderly and handicapped.** Raises the maximum income eligibility restriction from \$62,000 to \$67,000 in the Cities of Charlottesville, Chesapeake, Norfolk, Portsmouth, Richmond, Suffolk, and Virginia Beach and the Counties of Chesterfield, Goochland, and Henrico. The bill incorporates HB's 270 and 1274.

*Patron - Loupassi*

**HB1578 Refund of certain fees and taxes imposed by the Northern Virginia Transportation Authority.** Declares null and void, and refunds the fees and taxes imposed by the Northern Virginia Transportation Authority that were ruled as unconstitutional by the Supreme Court of Virginia.

*Patron - May*

**SB5 Sales and use tax exemption; printed materials.** Extends the sunset date from July 1, 2008, to July 1, 2012, for the exemption from sales and use tax for the purchase of print-

ing by advertising businesses when the printed material is distributed outside the Commonwealth.

*Patron - Stosch*

**SB174 Classification of real property; energy-efficient buildings.** Expands the definition of energy-efficient buildings that localities may treat as a separate class of property for tax rate purposes.

*Patron - Blevins*

**SB192 Personal property tax; classification.** Extends the sunset date from June 30, 2009, to June 30, 2019, for a separate classification for personal property tax rate purposes, for personal property used in manufacturing, testing, or operating satellites within a Multicounty Transportation Improvement District.

*Patron - Herring*

**SB195 Tangible personal property; separate classification for low-speed vehicles.** Creates a separate classification for local taxation purposes for low-speed vehicles, which are defined as four-wheeled electrically powered vehicles with a maximum speed greater than 20 miles per hour but not greater than 25 miles per hour that comply with federal safety standards.

*Patron - Herring*

**SB203 Real estate tax relief; elderly and permanently and totally disabled.** Increases from \$62,000 to \$67,000 the income limit in certain cities and counties for eligibility for elderly and permanently and totally disabled real estate tax relief programs.

*Patron - Quayle*

**SB240 Martin Luther King, Jr. Living History and Public Policy Center.** Clarifies that voluntary contributions from state tax refunds shall be paid to the Board of Trustees of the Martin Luther King, Jr. Living History and Public Policy Center, a tax-exempt 501(c)(3) organization under IRS rules.

*Patron - Locke*

**SB262 Communications sales and use tax distribution.** Allows Bath County to receive a set percentage of the communication sales and use tax revenues apportioned and distributed monthly to localities, beginning July 1, 2008. Identical to HB 487.

*Patron - Deeds*

**SB283 Elderly and permanently and totally disabled real estate tax relief.** Adds the Cities of Newport News and Hampton, and the Counties of Hanover and Powhatan to the list of localities that may provide real estate tax exemptions to elderly and handicapped persons whose income and net worth do not exceed limitations that are higher than the income and net worth limitations that apply in general to counties, cities, and towns. The bill also increases the income limitation from \$62,000 to \$67,000 for the Cities of Charlottesville, Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Richmond, Suffolk, Virginia Beach, and the Counties of Chesterfield, Goochland, Hanover, Henrico, and Powhatan. The bill incorporates HB 1428.

*Patron - Miller, J.C.*

**SB286 Income tax exemption for launch services and payload.** Grants an income tax exemption for income resulting from the sale of launch services to space flight participants or launch services intended to provide individuals the training or experience of a launch, without performing an actual launch. The bill also grants an income tax exemption for any gain recognized as a result of resupply services contracts for delivering

payload entered into with the Commercial Orbital Transportation Services division of the National Aeronautics and Space Administration or other space flight entity. This bill incorporates SB 401 and is identical to HB 238.

*Patron - Wampler*

**SB392 Sales and use tax exemption; school textbooks.** Extends the current sales and use tax exemption on sales of school textbooks to students attending nonprofit colleges and other institutions of learning to students attending for-profit institutions of learning. The bill has a delayed enactment clause of July 1, 2010.

*Patron - Martin*

**SB462 Transient occupancy tax; Arlington County.** Extends the sunset date from January 1, 2009, to January 1, 2012, for Arlington County's additional transient occupancy tax of one-fourth of one percent. Under current law, revenues from the tax are required to be used by the county for promoting tourism and business travel in the county.

*Patron - Whipple*

**SB561 Voluntary contributions of tax refunds; new organizations.** Adds community foundations to the list of organizations that may receive contributions of taxpayer refunds. The foundations will be added to the bottom of the list of other organizations waiting to appear on the income tax return. A "community foundation" is any institution that meets the membership requirements for a community foundation established by the Council on Foundations.

*Patron - Obenshain*

**SB582 Income tax; conformity with IRC.** Advances the date as of which Virginia conforms with the Internal Revenue Code (IRC) from December 31, 2006, to December 31, 2007. Identical to HB 912.

*Patron - Colgan*

**SB591 Local tourism zones.** Increases from 10 to 20 the number of years in which tax incentives may be provided in a local tourism zone.

*Patron - Norment*

**SB665 Tire recycling fee.** Extends, until July 1, 2011, the \$1.00 recycling fee imposed on each new tire sold; thereafter, the fee is reduced to 50 cents. Identical to HB 1398.

*Patron - Whipple*

**SB668 Retail sales and use tax; exemption for certain computer equipment.** Creates an exemption from the retail sales and use tax for computer equipment used in data centers that (i) are located in a Virginia locality having an unemployment rate above 4.9 percent for the calendar quarter ending November 2007 and (ii) that meet certain investment and job creation criteria. The investment in the computer equipment would be made in accordance with a memorandum of understanding entered into or amended between January 1, 2008, and December 31, 2008.

*Patron - Ruff*

**SB700 Neighborhood Assistance Act tax credits.** Changes the Neighborhood Assistance Act tax credit program by allowing individuals to receive tax credits for donations of marketable securities.

*Patron - Miller, J.C.*

**SB770 Transient occupancy tax for the Historic Triangle area.** Makes changes to the Williamsburg Area Destination Marketing Committee, which is responsible for administering the local transient occupancy tax for the Historic



Triangle area. The bill also would provide for the Greater Williamsburg Chamber and Tourism Alliance to serve as the fiscal agent for the Committee.

*Patron - Norment*

## Failed

**HB41 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, 7.7 percent for gasoline and gasohol, and 6.8 percent 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.*

**HB56 Sales and use tax exemption; certain energy-efficient products.** Expands the time frame for the sales and use tax exemption for certain energy-efficient products to include a four-day period in April, in addition to the current four-day period in October. The bill has a sunset date of July 1, 2012.

*Patron - Lingamfelter*

**HB57 Sales and use tax exemption; computers and computer-related equipment.** Adds computers and computer-related equipment with a sales price of \$1,500 or less to the school supplies and clothing that are exempt from sales and use tax during a three-day period in August. The bill incorporates HB's 758, 442, and 263.

*Patron - Lingamfelter*

**HB74 Real estate tax rates.** Requires each locality to lower its real estate tax rate for the forthcoming tax year to produce no more than 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 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. The bill has a delayed effective date of January 1, 2009.

*Patron - Purkey*

**HB102 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. The bill applies for tax years beginning on or after January 1, 2009.

*Patron - Albo*

**HB125 Nanotechnology subordinated debt and equity investment tax credit.** Provides a tax credit, beginning January 1, 2009, in an amount equal to 50% of the taxpayer's cash investments in the form of equity or subordinated debt in certain qualified nanotechnology businesses. A qualified business must be domiciled in the Commonwealth, be engaged in business primarily or do substantially all of its production in the Commonwealth, and primarily engaged in the research, development, or commercialization of nanotechnology with applications in (i) energy, conservation, and the environment, (ii) microelectronics, or (iii) lifespan biology and medicine. The credit shall not exceed the lesser of the tax imposed on the taxpayer for the taxable year in which the credit is sought or \$50,000. Any unused credit may be carried over for 15 years. Total credits available for any calendar year shall be \$15 million. If such investments are not held for at least three years,

the taxpayer must forfeit used and unused credits, plus penalty, to the Department of Taxation. Includes HB's 1092 and 1194.

*Patron - Purkey*

**HB162 Income tax; Certified EarthCraft House tax credit.** Provides a one-time income tax credit in the amount of \$750 for taxable years beginning on January 1, 2008, and ending December 31, 2012, to taxpayers who purchase and reside in a newly constructed home that meets the EarthCraft House requirements as an environmentally friendly home and has been awarded an EarthCraft House Certificate.

*Patron - Toscano*

**HB170 Corporate tax subtraction and sales tax exemption for space flight entities.** Provides a corporate income tax subtraction for any gain recognized as a result of (i) passenger ticket sales on a suborbital spaceflight and (ii) resupply services contracts entered with NASA. It also extends the current sales and use tax exemption to include the sale of spaceflight services or activities to spaceflight participants and it extends the sunset date for the exemption to July 1, 2015. HB 170 is rolled into HB 238.

*Patron - Kilgore*

**HB183 Real property tax exemption for elderly and handicapped persons.** Requires that persons seeking exemptions under current law demonstrate that they have a right to be legally present in the United States to be eligible.

*Patron - Marshall, R.G.*

**HB184 Real property tax relief for certain rehabilitated, renovated, or replacement real property.** Requires that a person seeking partial tax exemptions or credits on real property taxes for certain rehabilitated, renovated, or replacement property demonstrate that he has the right to be legally present in the United States.

*Patron - Marshall, R.G.*

**HB194 Sales and use tax; absorption and payment by seller.** Permits any seller not to collect sales and use tax from the purchaser, and to absorb such tax himself. A dealer electing to absorb such taxes shall be liable for payment of such taxes to the Tax Commissioner in the same manner as he is for tax collected from a purchaser.

*Patron - Orrock*

**HB197 State recordation tax; refinances.** Provides that in any case in which a debt is refinanced, the state recordation tax shall only apply to the principal amount of the new debt which is in addition to the original debt. Under current law, only in cases in which a debt is refinanced with the same lender is there an exemption from the tax on the principal amount of the original debt. The bill also would provide refunds to certain persons who refinanced a debt between January 1, 2007, and June 30, 2008, and paid a state recordation tax on the total principal amount of the new debt. The refund would equal that portion of the state recordation tax that relates to the principal amount of the original debt.

*Patron - Marshall, R.G.*

**HB213 Income tax; TRICARE physicians tax credit.** Provides a one-time credit in the amount of \$2,500 to physicians who enter into a TRICARE contract to provide health care services to patients covered by the TRICARE military health care system, for taxable years beginning on and after January 1, 2008. An additional annual credit of \$1,000 is allowed to those physicians who contract to provide health care services to TRICARE patients and do so for at least 100 TRICARE patients each year.

*Patron - Cole*

**HB219 Sales and use tax; Energy Star products tax holiday.** Adds a second four-day period when certain Energy Star products are exempt from the sales and use tax. Currently, the Energy Star products tax holiday is during the month of October and this legislation places the second one in April.

*Patron - Kilgore*

**HB263 Sales and use tax; school supplies sales tax holiday.** Adds computers and related equipment costing no more than \$1,500 to the list of property exempt from tax during the school supplies sales and use tax holiday, beginning in 2008. This bill was incorporated into HB 57.

*Patron - Ware, O.*

**HB270 Real property tax exemptions for the elderly and handicapped.** Raises the maximum income eligibility restriction from \$62,000 to \$65,000 in the Cities of Charlottesville, Chesapeake, Norfolk, Portsmouth, Richmond, Suffolk, and Virginia Beach and the Counties of Chesterfield, Goochland, and Henrico. This bill was incorporated into HB 1503.

*Patron - Miller, P.J.*

**HB275 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. All motor fuels taxes will be indexed every two years beginning July 1, 2009, 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*

**HB292 State Lottery; privatization of the administration of the lottery.** Requires the State Lottery Board, on or before December 1, 2008, to complete an implementation study for the privatization of the administration of the state lottery. The bill also requires that by December 15, 2008, the State Lottery Board report to the Governor and the chairmen of the House Committee on Appropriations and the Senate Committee on Finance the results of its implementation study and makes its recommendations to achieve the privatization of the administration of the state lottery. The bill requires that the administration of the lottery be privatized on or before July 1, 2010. The bill contains an emergency clause.

*Patron - Poisson*

**HB316 Neighborhood Assistance Act.** Permits a neighborhood organization to make available to donors any remaining balance of its fiscal year 2006-2007 allocation of tax credits, if the organization was ineligible to participate under the Neighborhood Assistance Act in fiscal year 2007-2008 solely because the organization submitted its proposal for tax credits after the due date. The neighborhood organization would be allowed to make the tax credits available for donations made between July 1, 2007, and December 31, 2007, to a program conducted by the organization, which program otherwise would have been eligible for an allocation of tax credits had the organization's proposal been submitted by the due date.

*Patron - Morgan*

**HB333 Installation of automatic sprinkler systems; tax credit for initial installation.** Requires that all buildings that (i) are more than 75 feet high or more than six stories high, (ii) are being used to house individuals or to provide guest rooms for occupancy, and (iii) are not equipped with an automatic sprinkler system would be equipped with an automatic sprinkler system by December 31, 2017. The Board of Housing and Community Development would be required to promul-

gate regulations establishing standards for the automatic sprinkler system. The bill also would make available to the owners of such building an income tax credit equal to 45% of the total amount paid by the owner for the initial installation of the sprinkler system. The tax credit could be carried forward for 10 years.

*Patron - McClellan*

**HB351 Income tax exemption for launch services and payload.** Grants an income tax exemption for income resulting from the sale of launch services to space flight participants or launch services intended to provide individuals the training or experience of a launch, without performing an actual launch. The bill also grants an income tax exemption for any gain recognized as a result of resupply services contracts for delivering payload entered into with the Commercial Orbital Transportation Services division of the National Aeronautics and Space Administration or other space flight entity. HB 351 is rolled into HB 238.

*Patron - Cole*

**HB414 Income tax; deduction for naturalization fees.** Provides a deduction when calculating taxable income for fees and costs paid to a governmental entity for the purpose of becoming a naturalized U.S. citizen, for taxable years beginning on and after January 1, 2008.

*Patron - Griffith*

**HB420 Income tax; qualifying educational expenses tax credit.** Provides a tax credit for certain qualifying educational expenses paid for public and private elementary and secondary schools and home schooling, for taxable years beginning on and after January 1, 2008. The credit amount allowed to be claimed is the lesser of the amount actually paid or (i) \$2,000 for home schooling, and (ii) \$3,000 for public and private elementary and secondary schools.

*Patron - Marshall, R.G.*

**HB442 Sales and use tax exemption; computers and computer-related equipment.** Adds computers and computer-related equipment with a sales price of \$1,500 or less to the school supplies and clothing that are exempt from sales and use tax during a three-day period in August. This bill was incorporated into HB 57.

*Patron - Rust*

**HB450 Vehicle repair services; Northern Virginia and Hampton Roads.** Prohibits any entity that is a party to an insurance policy or agreement, an extended service agreement, a vehicle maintenance agreement, or other written indemnification agreement under which it has agreed or agrees to pay for vehicle repair services for a vehicle that is registered in a county or city embraced by the Hampton Roads Transportation Authority or the Northern Virginia Transportation Authority to require or recommend that the vehicle owner utilize a repair facility in a city or county that is not embraced by the Hampton Roads Transportation Authority or the Northern Virginia Transportation Authority, unless it provides the vehicle owner the option of utilizing a repair facility in a city or county that is embraced within the area of the Hampton Roads Transportation Authority or the Northern Virginia Transportation Authority.

*Patron - Rust*

**HB472 Local piggyback income tax and personal property tax.** Allows localities to impose a local income tax at a rate of either 0.50 percent or one percent upon the Virginia taxable income of individuals, trusts, estates, and corporations provided the personal property tax rate does not exceed \$0.01 per \$100 of value on personally owned motor vehicles. The

Tax Commissioner collects the tax and returns it to localities based on taxpayers' residences. A new classification for personal property tax purposes is created for motor vehicles used for nonbusiness purposes. The provisions of the act will take effect January 1, 2009.

*Patron - Watts*

**HB490 Transportation funding; motor fuels tax and abusive driver fees.** Repeals certain abusive driver fees and increases the motor fuels tax rate by \$0.015 per gallon from \$0.175 to \$0.19. The bill further provides for a refund of any abusive driver fees paid, with interest.

*Patron - Amundson*

**HB602 Real estate assessments; burden of proof on appeal.** Provides that when any assessment of real property is 20% greater than the previous assessment, in any appeal of the assessment to a board of equalization or circuit court, the burden of proof is on the commissioner of revenue or other local assessing official to show that the assessment was accurately computed according to generally accepted appraisal practices.

*Patron - O'Bannon*

**HB612 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, 2008.

*Patron - Poisson*

**HB620 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*

**HB647 Renewable and alternative energy production tax credit.** Provides a tax credit for taxable years beginning on or after January 1, 2009, to the owners of a commercial facility in Virginia in the amount of \$0.001 per kWh, or its equivalent, of renewable or alternative energy produced in a taxable year. This bill was incorporated into HB 139.

*Patron - Hogan*

**HB681 Real property tax exemptions and deferrals for certain residential or farm property.** Authorizes local governing bodies to exempt, partially exempt, or defer the taxation of real property of up to 20 percent of the fair market value of real property that is residential or farm property designed for continuous habitation and occupied as the primary dwelling of the individual owners. The bill is contingent on a constitutional amendment authorizing the exemption. This bill is identical to SB 10.

*Patron - Miller, P.J.*

**HB683 Reports by owners of income-producing property.** Requires the owners of certain income-producing property to submit the current year's federal tax return related to the property or a certified income and expense statement for the current year to each locality's duly authorized real estate assessor, board of assessors, or department of real estate assessments.

*Patron - Miller, P.J.*

**HB686 Sales and use tax exemption; compact fluorescent light bulbs.** Exempts from sales and use tax Energy

Star-rated fluorescent light bulbs. The bill sunsets on July 1, 2013.

*Patron - Englin*

**HB702 Secrecy of tax information; local commissioners of the revenue and treasurers.** Allows local commissioners of the revenue and treasurers to provide access to their databases to their local police and fire departments for investigative purposes when there is no other means of acquiring such information.

*Patron - BaCote*

**HB727 Natural resources funding.** Allocates annually to natural resources funding a percentage of the revenue generated by a one percent sales and use tax. The allocations would be as follows: (i) 5 percent of the revenue generated by a one percent sales and use tax for the 2008-2009 fiscal year; (ii) 7.5 percent for the 2009-2010 fiscal year; (iii) 10 percent for the 2010-2011 fiscal year; and (iv) 12.5 percent for the month of July 2011 and for each month thereafter but ending for the month of June 2018. The allocation for any fiscal year would not exceed \$175 million. Of the sales tax allocation, one-third would be used to provide matching grants to the local purchase of development rights programs and two-thirds would be distributed to the Agricultural Best Management Practices Cost-Share Program for agricultural best management practices. For the moneys allocated to agricultural best management practices, five percent would be distributed to soil and water conservation districts to provide technical assistance for the implementation of agricultural best management practices. The remaining moneys would be used for matching grants for agricultural best management practices with 60 percent of the moneys used for lands exclusively in the Chesapeake Bay watershed and 40 percent of the moneys used for all other lands in the Commonwealth. For the moneys allocated to provide matching grants to local purchase of development rights programs, 60 percent of the moneys would be used for grants for local purchase of the development rights programs of counties and cities wholly or partly within the Chesapeake Bay watershed and 40 percent of the moneys would be used for grants for local purchase of the development rights programs of all other counties and cities. In general, for each \$1 received, the local purchase of development rights program would be required to provide a \$1 match.

*Patron - Scott, E.T.*

**HB732 Income tax; energy-efficient equipment tax credit.** Grants an income tax credit for taxable years beginning on or after January 1, 2008, 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*

**HB743 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, 2008.

*Patron - Caputo*

**HB744 Income tax; energy-efficient equipment deduction.** Provides an income tax deduction for taxable years beginning on or after January 1, 2008, 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*

**HB758 Sales and use tax; school supplies sales tax holiday.** Adds computers and related equipment to the list of property exempt from tax during the school supplies sales and use tax holiday, beginning in 2008. This bill was incorporated into HB 57.

*Patron - Poindexter*

**HB795 Sales and use tax; Energy Star sales tax holiday.** Adds WaterSense qualified products to the items that qualify for the exemption provided during the Energy Star sales tax holiday. This bill was incorporated into HB 1229.

*Patron - Englin*

**HB868 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 - Johnson*

**HB874 Income tax exemption for launch services and payload.** Grants an income tax exemption for income resulting from the sale of launch services to space flight participants or launch services intended to provide individuals the training or experience of a launch, without performing an actual launch. The bill also grants an income tax exemption for any gain recognized as a result of resupply services contracts for delivering payload entered into with the Commercial Orbital Transportation Services division of the National Aeronautics and Space Administration or other space flight entity. HB 874 is rolled into HB 238.

*Patron - Johnson*

**HB898 Local sales and use tax; additional one-half percent authorized.** Permits any locality to impose an additional one-half percent sales and use tax provided that all revenue generated from the additional tax is used solely for public educational purposes.

*Patron - Scott, J.M.*

**HB911 Classification of certain items as intangible personal property.** Classifies as intangible personal property idle equipment, hardware or software, of a research and development or technology, high technology, or nanotechnology business.

*Patron - Purkey*

**HB927 Tax rates.** Requires each locality to fix tax rates for an ensuing year at least 30 days prior to approval of the budget for the ensuing year, with separate public notices and separate public hearings. The bill also requires each locality to lower its real estate tax rate for the forthcoming tax year to produce no more than 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 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. The bill has a delayed effective date of January 1, 2009.

*Patron - Nixon*

**HB975 Corporate income tax; Real Estate Investment Trusts.** Includes certain dividend income in calculating the Virginia taxable income of "Captive REITs" to be certain their shareholders/owners are taxed in the same manner as any other corporation's shareholders/owners.

*Patron - Shannon*

**HB985 Income tax; teacher expenses tax credit.** Provides an income tax credit of up to \$250 for costs incurred by teachers for materials they use teaching children in grades kindergarten through 12 or to fulfill the education mission of the school division, for taxable years beginning on or after January 1, 2008.

*Patron - Nutter*

**HB986 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, 2008, 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 - Nutter*

**HB1031 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 percent 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 \$1 million annually for taxable years 2009 and 2010. This bill is supported by the joint subcommittee studying telework opportunities in the Commonwealth (HJ 144, 2006).

*Patron - Frederick*

**HB1045 Real property tax exemptions and deferrals for certain residential or farm property.** Authorizes local governing bodies to exempt, partially exempt, or defer the taxation of real property of up to 20 percent of the fair market value of up to one acre of real property that is residential or farm property designed for continuous habitation and occupied as the primary dwelling of the individual owners. The maximum amount of the exemption must be the same for all such properties within the locality, and the maximum dollar amount of the exemption shall not exceed 20 percent of the median price for such properties within the locality. The bill is contingent on passage of a constitutional amendment authorizing the exemption.

*Patron - Watts*

**HB1050 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 and not reimbursed for such expenses. 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*

**HB1080 Income tax credits for the care, protection, and adoption of certain animals.** Allows a nonrefundable credit for taxable years beginning on or after January 1, 2008, to (i) veterinarians of \$50 for any medical procedure performed at no cost on animals from public pounds and 501(c)(3) shelters, and (ii) individuals of an amount equal to the lesser of \$50

or the fees and charges paid to a public pound or 501(c)(3) shelter for adopting any animal held in a public pound or shelter.

*Patron - Suit*

**HB1092 Virginia Biotechnology Investment Tax Credit.** Creates a research and development tax credit, not to exceed 50 percent of the tax liability due and not to exceed \$500,000, for biotechnology companies in Virginia and permits the credit to be carried over for up to 10 years, for taxable years beginning on and after January 1, 2008. This tax credit, not to exceed 15 percent of the qualified investment, can be claimed for each of the five tax years beginning on and after January 1, 2008. In no event will more than \$5 million in either of the credits be allowed annually. This bill was incorporated into HB 125.

*Patron - Sickles*

**HB1111 Income tax; historic rehabilitation tax credit.** Changes the definition of "material rehabilitation" for the cost of rehabilitation expenses for owner-occupied buildings from 25 percent of the assessed value of the building for local real estate tax purposes to a flat \$10,000 for taxable years beginning on and after January 1, 2008.

*Patron - Cole*

**HB1118 Real property tax exemptions and deferrals for certain residential or farm property.** Authorizes local governing bodies to exempt, partially exempt, or defer the taxation of real property of up to 20 percent of the assessed value or the assessment for real property that is residential or farm property designed for continuous habitation and occupied as the primary dwelling of the individual owners. The bill is contingent on a constitutional amendment authorizing the exemption. This bill is identical to SB 496.

*Patron - Miller, P.J.*

**HB1120 Sales and use tax; compensation to dealers.** Modifies the current formula that compensates dealers with a percentage of the sales and use tax they collect by including the local sales and use tax collected in the Northern Virginia Transportation District and the Hampton Roads Transportation District on motor vehicle repair services. This bill was incorporated into HB 579.

*Patron - Purkey*

**HB1145 Sales and use tax exemption; certain works of art.** Exempts from sales and use tax works of art created in a locality and sold for less than \$500 in an art district designated by and located within the locality.

*Patron - Fralin*

**HB1151 Corporate tax subtraction and sales tax exemption for space flight entities.** Provides a corporate income tax subtraction for any gain recognized as a result of (i) passenger ticket sales on a suborbital spaceflight and (ii) resupply services contracts entered with NASA. It also extends the current sales and use tax exemption to include the sale of spaceflight services or activities to spaceflight participants and it extends the sunset date for the exemption to July 1, 2015. HB 1151 is rolled into HB 238.

*Patron - Phillips*

**HB1155 Income tax; Habitat for Humanity tax credit.** Allows an income tax credit to business firms that make contributions to Habitat for Humanity of Virginia in the form of financial assistance, labor, materials, or technical advice. The credit amount is equal to 50 percent of the value of the

contribution but no more than \$5,000 annually for taxable years beginning on and after January 1, 2008.

*Patron - Phillips*

**HB1161 Income tax exemption; education outreach programs.** Grants an income tax exemption for the amount of expenses incurred as part of an education outreach program in any elementary or secondary school in the Commonwealth. To qualify for the deduction the expenses shall be directly attributable to the development or operation of an education outreach program in a science-, math-, or technology-related field that involves a live presentation by the resident, or employee of the resident, claiming the deduction. The maximum amount of the collective deduction claimed by residents or business entities in the Commonwealth is \$500,000.

*Patron - Saxman*

**HB1164 Income tax; Public/Private Education Investment tax credit.** Creates income tax credits for business entities and individual taxpayers who make contributions to eligible public school foundations and eligible scholarship foundations. For individual taxpayers, the amount of the annual credit is 100 percent of the contribution but may not exceed \$800 for individual taxpayers and \$1,200 for married taxpayers filing jointly. The amount of the annual credit for business entities is 90 percent of the contribution with no limit on the dollar amount. The public school foundations are required to disburse annually 90 percent of the contributions for capital improvement projects approved by the local school board and for extracurricular activities. The scholarship foundations are required to disburse 90 percent of the 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, 2010. No tax credit shall be approved until teacher salaries meet the national average and until the Commonwealth attains the standards of quality for public education.

*Patron - Saxman*

**HB1191 Income tax; tax credit for long-term care insurance premiums paid by small business employers.** Provides a tax credit for taxable years beginning on or after January 1, 2008, to employers who pay the annual long-term care insurance premium for each employee. The amount of the credit is the 20 percent of the amount paid per employee. The credits are available to employers with 50 or fewer full-time employees and are refundable.

*Patron - Moran*

**HB1194 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 percent of such investments, effective for taxable years beginning on or after January 1, 2009. 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. This bill was incorporated into HB 125.

*Patron - Moran*

**HB1246 Sales and use tax; taxability of certain transactions by government contractors.** Codifies a provision in the current appropriations act that requires the true object test to apply to each separate work order, statement of work, and task order, rather than the true object of the underlying contract between a government entity and a contractor.

*Patron - Hugo*

**HB1247 Income tax; indexing rates, filing thresholds, personal exemptions, and standard deductions.** Indexes to the rate of inflation the amount in the income tax brackets for tax rates, filing thresholds, personal exemptions, and standard deductions, for taxable years beginning on and after January 1, 2009.

*Patron - Hugo*

**HB1266 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*

**HB1267 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*

**HB1274 Real property tax exemptions for the elderly and handicapped.** Raises the maximum income eligibility restriction from \$62,000 to \$67,000 in the Cities of Charlottesville, Chesapeake, Norfolk, Portsmouth, Richmond, Suffolk, and Virginia Beach and the Counties of Chesterfield, Goochland, and Henrico. This bill was incorporated into HB 1503.

*Patron - Spruill*

**HB1283 Land preservation tax credit; elimination of verification of conservation value.** Eliminates Department of Conservation and Recreation verification of conservation value of land donations that will result in \$1 million or more in land preservation tax credits. Currently, as a condition of the issuance of a land preservation tax credit, the Department must verify the conservation value of donations that will result in \$1 million or more in tax credits. The bill also would establish a review and administrative appeal process in which proposed conveyances of donations would be reviewed by the Department of Taxation for purposes of determining whether the proposed donation would qualify for a land preservation tax credit. The review process would eliminate the current requirement that the taxpayer execute or record the land donation prior to applying for a land preservation tax credit.

*Patron - Athey*

**HB1347 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*

**HB1365 Income tax credit; animal adoption fee 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, 2008. The credit amount shall equal the adoption fee or \$100, whichever is less, and may only be taken by the taxpayer for the taxable year in which the animal is adopted.

*Patron - Cline*

**HB1411 Income tax; age deduction income indexing.** Requires the \$50,000 and \$75,000 adjusted federal adjusted gross income amounts related to the age deduction to be indexed according to the CPI-U, for taxable years beginning on and after January 1, 2009.

*Patron - Ingram*

**HB1428 Real property tax; exemptions for elderly and handicapped.** Adds Powhatan County to the list of localities that may use higher income limits (\$62,000 rather than \$50,000) and net worth limits (\$350,000 rather than \$200,000) in determining eligibility for real property tax exemptions for the elderly and handicapped. This bill was incorporated into HB 698.

*Patron - Ware, R.L.*

**HB1433 Sales and use tax exemption; telecommunications companies.** Provides a sales and use tax exemption for telecommunication companies.

*Patron - Hugo*

**HB1434 Sales and use tax exemption; energy-efficient light bulbs.** Exempts from sales and use tax Energy Star-rated light bulbs.

*Patron - Hugo*

**HB1450 County food and beverages tax.** Allows any county to impose a levy on food and beverages provided there is a public hearing and the local governing body passes an ordinance that dedicates the revenues raised by the tax to public school construction and renovation in the county.

*Patron - Bowling*

**HB1539 Income tax; biodiesel fuels producers income tax credit.** Allows an income tax credit to biodiesel fuels producers in Virginia who produce at least one million gallons of biodiesel fuels a year. The amount of the credit is \$0.01 per gallon annually for taxable years beginning on January 1, 2008, and ending December 31, 2015. Any unused credit may be transferred for use by another taxpayer. This bill was incorporated into HB 139.

*Patron - Moran*

**HB1553 Motor fuel sales tax collection in certain transportation districts; compromise and settlement.** Prohibits the Tax Commissioner from compromising and settling motor fuels taxes imposed in certain transportation districts without the consent of the transportation commission of the applicable transportation district.

*Patron - Lingamfelter*

**HB1560 Real estate taxes; deferral.** Requires localities to permit real property owners to defer that portion of real estate taxes that exceed 105 percent of the previous year's tax. This bill was incorporated into HB 1009.

*Patron - Lingamfelter*

**HB1561 Local license tax; exemption for new businesses.** Permits any locality to provide an exemption from local license taxes, to any business that has not previously been licensed in the locality, for the first five years that the business operates in the locality.

*Patron - Lingamfelter*

**SB10 Real property tax exemptions and deferrals for certain residential or farm property.** Authorizes local governing bodies to exempt, partially exempt, or defer the taxation of real property of up to 20 percent of the fair market value of real property that is residential or farm property designed for

continuous habitation and occupied as the primary dwelling of the individual owners. The bill is contingent on a constitutional amendment authorizing the exemption. This bill is identical to HB 681.

*Patron - Northam*

**FSB83 Political candidate contribution tax credit.** Increases the maximum amount of the annual tax credit for contributions to state and local candidates for office from \$25 to \$50 for individuals and from \$50 to \$100 for joint filers.

*Patron - Cuccinelli*

**FSB117 Income tax and sales and use tax; credit and exemption 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. For taxable years beginning on and after January 1, 2008, 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 \$10 million cap on the total amount of income tax credits that may be allowed in any tax year. The sales and use tax exemption is phased in beginning January 1, 2009, with 25% of the purchase price being exempt and increasing to 100% by 2011.

*Patron - Edwards*

**FSB168 Individual income tax; volunteer firefighters and emergency medical services personnel tax credit.** Provides an income tax credit for individuals who volunteer as firefighters or emergency medical services personnel and are in good standing in an amount ranging from \$500 to \$3,000 annually, depending on length of service and satisfaction of certain training requirements.

*Patron - Stuart*

**FSB193 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 percent 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 \$1 million annually for taxable years 2009 and 2010. This bill is supported by the joint subcommittee studying telework opportunities in the Commonwealth (HJ 144, 2006).

*Patron - Herring*

**FSB194 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, 2008.

*Patron - Herring*

**FSB239 Taxpayer information; access.** Allows local officials to provide direct access, including direct computer access, to taxpayer information for use by fire, rescue, or police personnel for official actions in the line of duty. In order to provide direct access, the local official would be required to enter into an agreement with the director of the local emergency services department. The agreement would provide for

the implementation of information systems security measures and other security measures relating to taxpayer information for purposes of ensuring that direct access is limited to use by fire, rescue, or police personnel for official actions.

*Patron - Locke*

**FSB280 Sales and use tax exemption; energy-efficient light bulbs.** Exempts from sales and use tax Energy Star-rated light bulbs.

*Patron - Miller, J.C.*

**FSB289 Local real estate tax deferral programs.** Authorizes localities to allow homeowners at least 65 years old to defer 100 percent of the real estate tax imposed upon the property owned by the taxpayer, for any property that is covered under the locality's deferral program.

*Patron - Barker*

**FSB293 Individual income tax; subtraction for military pay of members of the National Guard or Reserves.** Provides an individual income tax subtraction for the military pay and allowances of members of the National Guard or Reserves on extended active duty for periods in excess of 90 days in areas outside the United States that are not combat zones or qualified hazardous duty areas.

*Patron - Puller*

**FSB317 Income tax; Certified EarthCraft House tax credit.** Provides a one-time income tax credit in the amount of \$500 for taxable years beginning on and after January 1, 2008, to taxpayers who purchase and reside in a newly constructed home that meets the EarthCraft House requirements as an environmentally friendly home and has been awarded an EarthCraft House Certificate. The credit will expire on July 1, 2010.

*Patron - Wagner*

**FSB334 Property tax bills; notice.** Requires localities to include with all property tax bills, comparative information regarding tax rates, assessed values, and tax amounts owed for the current year and the previous year, as well as information indicating how the revenue derived from the amount of the taxpayer's bill is apportioned among the various services and governmental functions provided by the locality, including debt service.

*Patron - Cuccinelli*

**FSB385 Business, professional and occupational license tax requirements; illegal workers.** Requires applicants seeking a local business license to certify that they do not employ persons who cannot provide legal documents proving they are legally eligible to work in the United States.

*Patron - Martin*

**FSB401 Income tax exemption for launch services and payload.** Grants an income tax exemption for income resulting from the sale of launch services to space flight participants or launch services intended to provide individuals the training or experience of a launch, without performing an actual launch. The bill also grants an income tax exemption for any gain recognized as a result of resupply services contracts for delivering payload entered into with the Commercial Orbital Transportation Services division of the National Aeronautics and Space Administration or other space flight entity. This bill is incorporated into SB 286.

*Patron - Puckett*

**FSB424 Real property tax relief for certain new or rehabilitated, renovated, or replacement real property.** Authorizes local governing bodies to require that a person seeking partial tax exemptions or credits on real property taxes

for certain new or rehabilitated, renovated, or replacement property demonstrate that he has the right to be legally present in the United States.

*Patron - Barker*

**FSB425 Real property tax exemptions and deferrals; individuals.** Authorizes counties, cities, and towns to require that persons seeking real estate tax exemptions and deferrals under current law demonstrate that they have the legal right to be present in the United States in order to be eligible.

*Patron - Barker*

**FSB444 Funding for transportation and transportation-related alternatives.** Repeals certain abusive driver fees and increases the state motor fuels tax rate by \$0.02 per gallon with (i) one-half of the revenues deposited into the Biofuels Production Fund to fund grants for biofuels production and (ii) one-half of the revenues deposited into the Highway Maintenance and Operating Fund. This bill was incorporated into SB 1.

*Patron - Petersen*

**FSB459 Sales and use tax exemptions; nonprofit entities.** Adds organizations exempt from federal income taxes under § 501 (c) (19) to those nonprofit entities that may be eligible for a sales and use tax exemption on their purchases of tangible personal property. In general, § 501 (c) (19) organizations include posts or organizations of past or present members of the armed forces of the United States.

*Patron - Ruff*

**FSB468 Sales tax exemption, 4-H Clubs.** Exempts 4-H Clubs from having to collect sales tax on sales made by the Club in fundraising.

*Patron - Hanger*

**FSB469 Transportation funding.** Repeals certain abusive driver fees, increases the state motor fuels tax rate by \$0.02 per gallon, and repeals the sales tax on charges for labor or services in automobile repairs. The bill further provides for a refund of any abusive driver fees paid, with interest. This bill was incorporated into SB 1.

*Patron - Hanger*

**FSB496 Real property tax exemptions and deferrals for certain residential or farm property.** Authorizes local governing bodies to exempt, partially exempt, or defer the taxation of parcels of real property not to exceed 20 percent of the value of the parcel provided that the parcel is residential or farm property designed for continuous habitation and occupied as the primary dwelling of the individual owners. The bill provides that any such tax relief for residential or farm property shall not curtail or reduce local tax relief programs for the elderly or permanently and totally disabled. The bill is contingent on a constitutional amendment authorizing the exemption. This bill is identical to HB 1118.

*Patron - Northam*

**FSB502 Individual income tax; subtraction for National Guard/Reserve personnel pay.** Allows a subtraction when calculating Virginia taxable income for National Guard and Reserve personnel military pay when they serve, outside the United States, on extended active duty for periods of 90 days or longer.

*Patron - Northam*

**FSB686 Duty to file lists of tenants, renters, or members with commissioner of revenue.** Adds the owners and operators of storage facilities to the list of entities that are required to provide the name and address of renters or tenants

to the local commissioner of revenue upon his request. The bill also would require property owners' associations, condominium unit owners' associations, and proprietary lessees' associations to provide a list of owners of the properties administered by such associations to the extent that such list is maintained to the commissioner upon his request.

*Patron - McDougle*

**FSB713 Motor fuels taxes.** Increases the state motor fuels tax rate by \$0.05 per gallon in increments of \$0.01 per gallon in each of the next five fiscal years with the revenues deposited to the Highway Maintenance and Operating Fund.

*Patron - Saslaw*

**FSB729 Northern Virginia Transportation Authority; revenues of the Authority.** Authorizes the Authority to impose a 0.50 percent retail sales and use tax in the counties and cities embraced by the Authority with the revenues therefrom dedicated to the Authority. Any such tax imposed by the Authority shall not apply to "food purchased for human consumption. The bill provides that if the Authority imposes the retail sales and use tax, then, beginning at such time that the tax is first imposed, the Authority shall no longer be authorized to impose the (i) additional, one-time vehicle registration fee of one percent of the value of the vehicle for vehicles registered in a county or city embraced by the Authority; (ii) five percent sales tax on labor or services charged in the repair of motor vehicles occurring within a county or city embraced by the Authority; or (iii) additional annual \$10 vehicle inspection fee for vehicles inspected in a county or city embraced by the Authority.

*Patron - Saslaw*

**FSB774 Notice of change in property value assessments.** Provides that, in Campbell County, notice of change in assessment other than one in which the change arises solely from the construction or addition of new improvements to the real estate need only include where the date, time, and other information regarding the public hearing may be obtained if the tax rate that will apply to the newly assessed value has not been established for the county.

*Patron - Hurt*

**FSB798 Revenues for the Hampton Roads Transportation Authority.** Establishes certain state taxes and fees with the revenues therefrom to be used by the Hampton Roads Transportation Authority for transportation purposes.

*Patron - Wagner*

**FSB800 State lottery revenues.** Requires that net lottery revenues be transferred on a biweekly basis to the Lottery Proceeds Fund for payment to counties, cities, and towns, and the school divisions thereof, by check issued by the State Treasurer. Moneys in the Lottery Proceeds Fund would not be commingled with any other fund or asset.

*Patron - Obenshain*

## Carried Over

**CHB58 The Keep Our Promise Act of 2008.** Reinstates the Personal Property Tax Relief Act of 1998 at 100% reimbursement for qualifying vehicles effective January 1, 2009.

*Patron - Frederick*

**CHB59 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, 2009, 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*

**☐HB76 Recordation taxes; basis.** Changes the basis on which recordation taxes are calculated on the transfer of real estate to the stated consideration for the real estate. Under current law the basis is the consideration for the real estate or the value of the real estate, whichever is greater.

*Patron - Toscano*

**☐HB77 Recordation tax exemption.** Expands the recordation tax exemption for certain nonprofit providers of affordable housing by removing the restriction under current law that it is only applicable in Amherst County and the City of Lynchburg.

*Patron - Toscano*

**☐HB124 Machinery and tools taxation.** Exempts certified pollution control equipment and facilities, placed in service on or after January 1, 2010, from state and local taxation pursuant to Article X, Section 6 (d) of the Constitution of Virginia. The measure also provides that certain machinery and tools placed in service on or after January 1, 2010, are taxable as intangible personal property, thereby excluding such property from local taxation.

*Patron - Purkey*

**☐HB215 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*

**☐HB230 Sales and use tax; public schools.** Exempts from sales and use tax tangible personal property purchased by a contractor when such property will be used in the construction or repair of a public elementary or secondary school that is owned by a locality or a local school board.

*Patron - Cosgrove*

**☐HB331 Real property assessments; damaged or destroyed buildings.** Removes certain blighted property, derelict property, and property on which drug blight exists from the categories of real property that have been damaged or destroyed that must be given a lower assessment before the usual next assessment date.

*Patron - McClellan*

**☐HB406 BPOL tax; proof of state licensure for contractors.** Requires certain contractors to provide proof of valid state licensure before being issued a local business license.

*Patron - Oder*

**☐HB465 Real property tax exemptions for certain elderly and disabled persons; income limits.** Provides a local option formula for determining net combined financial worth that allows individuals who depend on investment income rather than pension income to qualify for real estate tax relief.

*Patron - Watts*

**☐HB473 Individual income tax; subtraction for National Guard/Reserve personnel pay.** Allows a subtraction when calculating Virginia taxable income for National Guard and Reserve personnel military pay when they serve outside

the United States on extended active duty for periods of 90 days or longer.

*Patron - Watts*

**☐HB699 Real property tax rates; classifications.** Permits localities to (i) tax single family dwellings, (ii) multifamily dwellings, and (iii) commercial property at different rates from each other and from all other real property.

*Patron - BaCote*

**☐HB794 Sales and use tax; Energy Star sales tax holiday.** Removes the "purchased for noncommercial home or personal use" limitation from the Energy Star sales tax holiday beginning in 2008.

*Patron - Englin*

**☐HB924 Income tax and sales and use tax; credit and exemption 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. For taxable years beginning on and after January 1, 2008, 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 \$10 million cap on the total amount of income tax credits that may be allowed in any tax year. The sales and use tax exemption is phased in beginning January 1, 2009, with 25% of the purchase price being exempt and increasing to 100% by 2011.

*Patron - Byron*

**☐HB994 Motor fuels tax; exemption for certain alternative fuel.** Exempts from the motor fuels tax waste vegetable oil that has been collected and purified by a person solely for use in his own diesel powered vehicle and such vehicle is used for non-business purposes.

*Patron - Bell*

**☐HB1009 Property taxes; assessments, bills, and deferral.** Requires localities (i) to include the tax rate that will apply to reassessed real property in the notice to taxpayers regarding the reassessment, (ii) to attach to each property tax bill the tax rate that will apply, the assessed value of the property, the total amount of the new tax levy, the total amount of the prior year's tax levy, and the percentage change in the new tax levy from the immediately prior year's tax levy, and (iii) to permit taxpayers to defer a portion of the increase in real property taxes on the primary dwelling owned and occupied by the taxpayer until the property is transferred or until the taxpayer's death. The bill has a delayed effective date of January 1, 2009. The bill incorporates HB 1560.

*Patron - Hugo*

**☐HB1049 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*

**☐HB1204 Sales and use tax exemption; custom structural metal fabrication in an economically distressed area.** Provides a sales and use tax exemption for tangible personal property purchased by a contractor and used by the contractor in custom structural metal fabrication in an economically dis-

tressed area, pursuant to a real property contract to be performed outside of Virginia by the contractor.

*Patron - Melvin*

**☐HB1275 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*

**☐HB1284 Sales and use tax exemption; nonprofit schools.** Exempts any non-profit school that is accredited by an entity approved by the Department of Education and any school licensed by the Department of Education as a school for students with disabilities from the requirement to submit an audit to the Department of Taxation to obtain a sales and use tax exemption, if the school submits a federal 990 tax form.

*Patron - Athey*

**☐HB1326 Sales and use tax exemption; school textbooks.** Extends the current sales and use tax exemption on sales of school textbooks to student attending nonprofit colleges and other institutions of learning to students attending for-profit colleges and institutions of learning.

*Patron - Peace*

**☐HB1348 Local consumer utility tax; tax rate.** Provides that the local consumer utility tax shall not exceed \$3 in any month for residential customers. Currently, the local consumer utility tax may be imposed at a rate not to exceed 20 percent, and up to the first \$15 charged in each month by the utility for residential customers. This results in a cap of \$3 per month for residential customers. The bill would not change the monthly cap but would allow the tax rate to apply to amounts billed in excess of \$15 while maintaining the \$3 per month cap.

*Patron - Barlow*

**☐HB1364 Individual income tax; subtraction for National Guard/Reserve personnel pay.** Allows a subtraction when calculating Virginia taxable income for National Guard and Reserve personnel military pay when they serve, outside the United States, on extended active duty for periods of 90 days or longer.

*Patron - Cline*

**☐HB1393 Income, retail sales and use, and motor vehicle sales and use taxes; motion picture production company tax incentives.** Provides for and expands a series of tax incentives for motion picture production companies that make films and episodic television series in the Commonwealth. The tax incentives include refundable income tax credits, retail sales and use tax exemptions, and motor vehicle sales tax exemptions.

*Patron - Miller, J.H.*

**☐HB1394 Recordation taxes; basis.** Changes the basis on which recordation taxes are calculated on the transfer of real estate to the stated consideration for the real estate. Under current law the basis is the consideration for the real estate or the value of the real estate, whichever is greater.

*Patron - Miller, J.H.*

**☐HB1513 Income tax; deduction for donations to health care sharing organizations.** Provides an income tax deduction for individuals who make donations to tax-exempt, nonprofit health care sharing organizations that oversee the collection and distributions of funds for medical expenses of their members, for taxable years beginning on and after January 1, 2008.

*Patron - Byron*

**☐HB1514 Corporate income tax; apportionment for manufacturers.** Allows manufacturers to elect an apportionment formula of multiplying their income by the sales factor or using the formula prescribed for other businesses, whether the manufacturers have a sales factor or not. The provisions of the bill would be effective July 1, 2010.

*Patron - Byron*

**☐SB2 Retail sales and use tax on fuels.** Extends the retail sales and use tax to fuels sales. The revenue generated by the four percent state retail sales tax on fuels would be deposited into the Transportation Trust Fund. The revenue generated by the one percent local retail sales tax on fuels would be used by the respective county or city solely for transportation purposes.

*Patron - Puller*

**☐SB89 Sales and use tax exemption; custom structural metal fabrication in an economically distressed area.** Provides a sales and use tax exemption for tangible personal property purchased by a contractor and used by the contractor in custom structural metal fabrication in an economically distressed area, pursuant to a real property contract to be performed outside of Virginia by the contractor.

*Patron - Lucas*

**☐SB147 Sales and use tax; absorption and payment by seller.** Permits any seller not to collect sales and use tax from the purchaser, and to absorb such tax himself. A dealer electing to absorb such taxes shall be liable for payment of such taxes to the Tax Commissioner in the same manner as he is for tax collected from a purchaser.

*Patron - Stosch*

**☐SB259 Land preservation tax credit; elimination of verification of conservation value.** Eliminates Department of Conservation and Recreation verification of conservation value of land donations resulting in \$1 million or more in tax credits if the grantee for the donation is the Virginia Outdoors Foundation. Currently, as a condition of the issuance of a land preservation tax credit, the Department must verify the conservation value of donations that will result in \$1 million or more in tax credits.

*Patron - Deeds*

**☐SB299 Real property taxes; affordable rental housing.** Classifies as affordable rental housing (i) real property operated as affordable rental housing for each of the 12 months of the most recently ended tax year in accordance with the definition of or criteria for affordable rental housing established by the locality, provided that during such year all building code violations have been abated or remedied, or (ii) real property with one or more of such units designated by the locality as committed for affordable rental housing. Under current law, rent restrictions and restrictions on conveyances of affordable rental housing are taken into consideration in determining fair market value.

*Patron - Whipple*

**☐SB445 Funding for transportation and transportation-related alternatives.** Increases the state motor fuels tax rate by \$0.01 per gallon with the revenues deposited into the Biofuels Production Fund to fund grants for biofuels production.

*Patron - Petersen*

**☐SB471 Short-term real property rental businesses; taxation.** Clarifies that the short-term rental of dwellings to transients for less than 30 consecutive days is subject to state and local retail sales and use taxes and local license and tran-

sient occupancy taxes. Short-term rentals are rentals for which advertising has been used or for which the dwelling has been rented on numerous occasions during the calendar year as set forth in the bill.

*Patron - Hanger*

**CSB543 Sales and use tax exemption; nonprofit schools.** Exempts any non-profit school that is accredited by an entity approved by the Department of Education and any school licensed by the Department of Education as a school for students with disabilities from the requirement to submit an audit to the Department of Taxation to obtain a sales and use tax exemption, if the school files a federal 990 tax form with the Internal Revenue Service and provides a copy to the Department of Taxation.

*Patron - Obenshain*

**CSB551 Recordation taxes; basis.** Changes the basis on which recordation taxes are calculated on the transfer of real estate to the stated consideration for the real estate. Under current law the basis is the consideration for the real estate or the value of the real estate, whichever is greater.

*Patron - Hurt*

**CSB641 Land preservation tax credit; conveyance for public parks, recreational areas, or trails.** Provides that the land preservation tax credit would equal 60 percent of the fair market value of any land that is conveyed for the purpose of a public park, public recreational facility, or public trail access easement. The board of supervisors of the county or the council of the city in which such land is located would be required to pass a duly adopted resolution that states (i) its approval of the conveyance, and (ii) that the conveyance is in accordance with the comprehensive plan in effect for the county or city.

*Patron - Ticer*

**CSB650 Tax credit for waste motor oil equipment.** Repeals the provision that provides a tax credit in an amount equal to 50 percent of the purchase price paid for equipment used exclusively for burning waste motor oil at a business facility.

*Patron - Ticer*

**CSB667 Income, retail sales and use, and motor vehicle sales and use taxes; motion picture production company tax incentives.** Provides for and expands a series of tax incentives for motion picture production companies that make films and episodic television series in the Commonwealth. The tax incentives include refundable income tax credits, retail sales and use tax exemptions, and motor vehicle sales tax exemptions.

*Patron - Lucas*

**CSB744 Land preservation tax credit.** Establishes a process by which properties are to be registered with the Department of Taxation prior to any tax credit being allowed for a donation. The registration process requires a written certification by a licensed reviewer certifying that the property, or interest therein, is in compliance with pre-registration standards established by the Department. The pre-registration standards would include standards for the public benefit derived from the donation and standards for the use of the property by the donee. The Department would be authorized to license qualified applicants to perform the review for certification. The Department would be allowed to levy and collect fees for licensure to cover the direct expenses for the administration of the registration program. The Department would be required to implement a limited appeals process by which prospective credit claimants could seek to register with the Department

notwithstanding the lack of a written certification from a licensed reviewer.

*Patron - Hanger*

**CSB779 Property taxes; assessments, bills, and deferral.** Requires localities (i) to include the tax rate that will apply to reassessed real property in the notice to taxpayers regarding the reassessment, (ii) to attach to each property tax bill the tax rate that will apply, the assessed value of the property, the total amount of the new tax levy, the total amount of the prior year's tax levy, and the percentage change in the new tax levy from the immediately prior year's tax levy, and (iii) to permit taxpayers to defer a portion of the increase in real property taxes on the primary dwelling owned and occupied by the taxpayer until the property is transferred or until the taxpayer's death. The bill has a delayed effective date of January 1, 2009.

*Patron - Smith*

**CSB789 Real estate assessments; burden of proof on appeal.** Provides that when any assessment of real property is 20% greater than the previous assessment, in any appeal of the assessment to a board of equalization or circuit court, the burden of proof is on the commissioner of revenue or other local assessing official to show that the assessment was accurately computed according to generally accepted appraisal practices.

*Patron - Quayle*

## Trade and Commerce

### Passed

**P HB228 Fire-safe cigarettes; civil penalties.** Prohibits the manufacture, sale, or offer for sale of cigarettes within the Commonwealth, or to persons located in the Commonwealth, unless the cigarettes have been tested to determine that they meet a performance standard for fire safety. The test predicts the likelihood that a cigarette will ignite material with which it comes in contact. Cigarette manufacturers are required to file a certification with the Commissioner of Agriculture and Consumer Services that their cigarettes meet the mandated performance standard as measured by the prescribed test. Cigarette packages are required to be marked so that compliant cigarettes may be distinguished from those not certified as compliant. The specific mark is determined by the manufacturer, subject to Commissioner approval. This measure provides that cigarettes compliant with similar New York regulations will be compliant with these requirements and that manufacturers may use the same package markings they use in that state. The requirements do not apply to cigarettes sold in North Carolina or South Carolina, or packaged for sale outside the United States. Manufacturers are assessed a fee of \$250 per brand, the proceeds from which are divided between the Commissioner of Agriculture and Consumer Services and the State Fire Marshal. Violators are subject to civil penalties. Fees assessed on manufacturers and civil penalties collected from violators are deposited in a Cigarette Fire Safety Standard and Firefighter Protection Act Fund, to be split between implementation of this measure and use by the State Fire Marshal in carrying out the Statewide Fire Prevention Code. The measure will become effective 13 months after its enactment, and will expire on the effective date of any federal reduced cigarette ignition propensity standard that preempts the measure. SB 208 is identical. HB 1072 is incorporated into this bill.

*Patron - Cosgrove*

**P HB408 Foreclosure rescue; prohibition; penalties.** Makes persons participating in or servicing foreclosure rescues

for profit with the intent to defraud a consumer a violation of the Virginia Consumer Protection Act. HB 947 is incorporated into this bill.

*Patron - Oder*

**HB633 Personal Information Privacy Act; social security numbers.** Prohibits the dissemination of another person's social security number, regardless of whether such number is obtained from a public or private record. Currently, the prohibition against dissemination only applies to social security numbers obtained from private sources. This bill is a recommendation of the Freedom of Information Advisory Council and the Joint Commission on Technology and Science. This bill is identical to SB 133.

*Patron - May*

**HB1311 Freezing access to credit reports.** Authorizes any consumer to freeze access to his credit report. If a consumer has placed a freeze on his credit report, a consumer reporting agency is prohibited from releasing the credit report, or any information in it, without the consumer's express authorization. The measure provides a means by which a consumer can release his report, permanently, temporarily, or to a specific third party. Certain disclosures are exempt from the freeze. A fee of up to \$10 may be charged for establishing a freeze, except identity theft victims are not required to pay a fee. A person who willfully fails to comply with the requirements is liable to a consumer for actual damages of between \$100 and \$1,000, punitive damages, and reasonable attorney fees. A person who negligently fails to comply with the requirements is liable to a consumer for actual damages and reasonable attorney fees. The Attorney General is authorized to take enforcement actions. SB 576 is identical. HB 1339, HB 785, HB 607, HB 897, HB 1307, HB 35, HB 345, HB 4, HB 175, and HB 16 are incorporated in this bill.

*Patron - Byron*

**HB1330 Economic development grants; aerospace engine manufacturing.** Establishes three grant programs relating to aerospace engine manufacturing. Grants would be paid to manufacturers of aerospace engines who (i) make a capital investment of at least \$500 million in real and personal property and (ii) create in excess of 540 jobs relating to aerospace engine manufacturing or activities ancillary or supportive of such manufacturing. Under this grant program, a maximum of \$35 million in grants would be paid beginning in the 2013-2014 fiscal year and ending in the 2022-2023 fiscal year. A second grant program would provide training grants in the amount of \$9,000 for each new job created by a manufacturer of aerospace engines or an affiliate thereof. Training grants would not exceed \$5,778,000 in total. In addition, a supplemental training grant in the amount of \$3 million would be paid to an aerospace engine manufacturer who has invested at least \$153.9 million in real and personal property and has hired at least 176 new employees. A final grant program would provide up to \$5 million in grants to an aerospace engine manufacturer who attracts certain suppliers to locate or expand operations in the Commonwealth. Under this grant program, in order for the aerospace engine manufacturer to be paid the full \$5 million in grants, such suppliers would be required to create at least 300 jobs and make a capital investment of at least \$50 million.

*Patron - Ingram*

**HB1363 Trademarks and service marks; penalties.** Expands the scope of laws protecting trademarks and service marks to include such marks registered with the federal government and makes it unlawful to reproduce, counterfeit, or colorably imitate a registered mark and apply it to patches, fabric, stickers, badges, emblems, medallions, charms, boxes, con-

tainers, cans, cases, handbags, documentation, packaging, or other components in connection with the sale distribution or advertising of such goods or services. The penalties for violations are increased. Violations are punishable as a Class 1 misdemeanor unless the offense involves possession of 100 or more identical counterfeit registered marks or such items valued at \$200 or more, in which case it is a Class 6 felony. This bill is identical to SB 577.

*Patron - Cline*

**HB1508 Extended service contracts.** Revises the definition of an extended service contract to mean a contract or agreement for a specific duration, in return for a segregated charge by the purchaser, to perform the repair or replacement of any consumer product, including a motor vehicle, or for indemnification for repair or replacement, for the operational or structural failure of any consumer product, including a motor vehicle, due to a defect in materials, workmanship, inherent defect, or normal wear and tear, with or without additional provisions for incidental payment of indemnity under limited circumstances, including, but not limited to, towing, rental, and emergency road service and road hazard protection. The measure provides that extended service contracts may provide for the repair or replacement of any consumer product for damage resulting from power surges or interruption or accidental damage from handling. The measure further declares that extended service contracts are not insurance in the Commonwealth or otherwise regulated under Title 38.2.

*Patron - Sickles*

**SB133 Personal Information Privacy Act; social security numbers.** Prohibits the dissemination of another person's social security number, regardless of whether such number is obtained from a public or private record. Currently, the prohibition against dissemination only applies to social security numbers obtained from private sources. This bill is a recommendation of the Freedom of Information Advisory Council and the Joint Commission on Technology and Science. This bill is identical to HB 633.

*Patron - Houck*

**SB208 Reduced cigarette ignition propensity; civil penalties.** Prohibits the manufacture, sale, or offer for sale of cigarettes within the Commonwealth, or to persons located in the Commonwealth, unless the cigarettes have been tested to determine that they meet a performance standard for fire safety. The test predicts the likelihood that a cigarette will ignite material with which it comes in contact. Cigarette manufacturers are required to file a certification with the Commissioner of Agriculture and Consumer Services that their cigarettes meet the mandated performance standard as measured by the prescribed test. Cigarette packages are required to be marked so that compliant cigarettes may be distinguished from those not certified as compliant. The specific mark is determined by the manufacturer, subject to Commissioner approval. This measure provides that cigarettes compliant with similar New York regulations will be compliant with these requirements and that manufacturers may use the same package markings they use in that state. The requirements do not apply to cigarettes sold in North Carolina or South Carolina, or packaged for sale outside the United States. Violators are subject to civil penalties. Fees assessed on manufacturers and civil penalties collected from violators are deposited in a Cigarette Fire Safety Standard and Firefighter Protection Act Fund, to be split between implementation of this measure and use by the State Fire Marshal in carrying out the Statewide Fire Prevention Code. The measure will become effective on January 1, 2010, except that a provision prohibiting localities from enacting or enforcing conflicting provisions becomes effective July 1, 2008. The measure will expire on the effective date of any federal reduced ciga-

rette ignition propensity standard that preempts the measure. HB 228 is identical.

*Patron - Stosch*

**SB576 Freezing access to credit reports.** Authorizes any consumer to freeze access to his credit report. If a consumer has placed a freeze on his credit report, a consumer reporting agency is prohibited from releasing the credit report, or any information in it, without the consumer's express authorization. The measure provides a means by which a consumer can release his report, permanently, temporarily, or to a specific third party. Certain disclosures are exempt from the freeze. A fee of up to \$10 may be charged for establishing a freeze, except identity theft victims are not required to pay a fee. A person who willfully fails to comply with the requirements is liable to a consumer for actual damages of between \$100 and \$1,000, punitive damages, and reasonable attorney fees. A person who negligently fails to comply with the requirements is liable to a consumer for actual damages and reasonable attorney fees. The Attorney General is authorized to take enforcement actions. HB 1311 is identical. SB 325 and SB 461 are incorporated in this bill.

*Patron - Saslaw*

**SB577 Trademarks and service marks; penalties.** Expands the scope of laws protecting trademarks and service marks to include such marks registered with the federal government and makes it unlawful to reproduce, counterfeit, or colorably imitate a registered mark and apply it to patches, fabric, stickers, badges, emblems, medallions, charms, boxes, containers, cans, cases, handbags, documentation, packaging, or other components in connection with the sale distribution or advertising of such goods or services. The penalties for violations are increased. Violations are punishable as a Class 1 misdemeanor unless the offense involves possession of 100 or more identical counterfeit registered marks or such items valued at \$200 or more, in which case it is a Class 6 felony. This bill is identical to HB 1363.

*Patron - Saslaw*

**SB651 Economic development grants; aerospace engine manufacturing.** Establishes three grant programs relating to aerospace engine manufacturing. Grants would be paid to manufacturers of aerospace engines who (i) make a capital investment of at least \$500 million in real and personal property and (ii) create in excess of 540 jobs relating to aerospace engine manufacturing or activities ancillary or supportive of such manufacturing. Under this grant program, a maximum of \$35 million in grants would be paid beginning in the 2013-2014 fiscal year and ending in the 2022-2023 fiscal year. A second grant program would provide training grants in the amount of \$9,000 for each new job created by a manufacturer of aerospace engines or an affiliate thereof. Training grants would not exceed \$5,778,000 in total. In addition, a supplemental training grant in the amount of \$3 million would be paid to an aerospace engine manufacturer who has invested at least \$153.9 million in real and personal property and has hired at least 176 new employees. A final grant program would provide up to \$5 million in grants to an aerospace engine manufacturer who attracts certain suppliers to locate or expand operations in the Commonwealth. Under this grant program, in order for the aerospace engine manufacturer to be paid the full \$5 million in grants, such suppliers would be required to create at least 300 jobs and make a capital investment of at least \$50 million.

*Patron - Quayle*

**SB714 Petroleum products franchises; rights of dealers upon sale of franchise.** Provides that when any franchise between a dealer and a refiner located in Planning District 8 is

sold or assigned to a third party, the acquiring third party is required to comply with the provisions of the Virginia Petroleum Products Franchise Act that are required of or enforceable against the assigning refiner-franchisor. However, the 1.5-mile divorcement requirement will apply only to a franchise location sold or assigned on or after January 1, 2008.

*Patron - Howell*

## Failed

**HB4 Freezing access to credit reports; penalty.** Authorizes any consumer to freeze access to his credit report. If a consumer has placed a freeze on his credit report, a consumer reporting agency is prohibited from releasing the credit report, or any information in it, without the consumer's express authorization. The measure provides a means by which a consumer can release his report, permanently, temporarily, or to a specific third party. Certain disclosures are exempt from the freeze. A violation is a prohibited practice under the Consumer Protection Act. This bill is incorporated into HB 1311.

*Patron - Tata*

**HB16 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. This bill is incorporated into HB 1311.

*Patron - Ware, R.L.*

**HB35 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 \$5 for each freeze, removal of the freeze, or temporary lift of the freeze; however, no charge shall be assessed to victims of identity theft or to consumers age 65 or older. A violation is a prohibited practice under the Consumer Protection Act. This bill is incorporated into HB 1311.

*Patron - Oder*

**HB101 Telephone solicitations; charitable organizations for law-enforcement officers.** Requires a person associated with a criminal justice agency who makes a telephone call for the purpose of soliciting contributions for a charitable organization comprised of members who are current or retired law-enforcement officers to state that he is not calling on behalf of the criminal justice agency or in the course of the criminal justice agency's official duties, and that the charitable organization on whose behalf the telephone call is being made is comprised of members who are current or retired law-enforcement officers. These disclosures are in addition to the identifying disclosures required when telephone solicitation calls are made for commercial purposes.

*Patron - Albo*

**HB175 Credit reports; military personnel and their spouses.** Authorizes Virginia domiciled members of the armed

services and their spouses to freeze access to their credit reports. 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 the service member or spouse can release his report. 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. The measure also prohibits a credit account from being opened in the name of such a consumer who has a security freeze in effect without his express prior written authorization. Violations are prohibited practices under the Virginia Consumer Protection Act. This bill is incorporated into HB 1311.

*Patron - Ware, O.*

**HB345 Credit reports; freezing access.** 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. Violations are a prohibited practice under the Consumer Protection Act. This bill is incorporated into HB 1311.

*Patron - Plum*

**HB607 Freezing access to credit reports.** Authorizes any consumer to freeze access to his credit report. If a consumer has placed a freeze on his credit report, a consumer reporting agency is prohibited from releasing the credit report, or any information in it, without the consumer's express authorization. The measure provides a means by which a consumer can release his report, permanently, temporarily, or to a specific third party. Certain disclosures are exempt from the freeze. A consumer reporting agency may charge a fee of no more than \$5 for establishing a freeze, removing a freeze, or temporarily lifting a freeze; however, victims of identity theft shall not be charged a fee. Violations are a prohibited practice under the Consumer Protection Act. This bill is incorporated into HB 1311.

*Patron - Eisenberg*

**HB670 Regulation of abortion provider businesses; penalties.** Provides that an abortion provider business shall be permitted to operate only in any location at which applicable zoning and land use regulations permit the operation of a hospital; however, the operation of an abortion provider business is prohibited if the location is within 1,500 feet of a church, synagogue, regular place of religious worship, public or private elementary or secondary school, licensed day-care center, public park, residential district, or child or family entertainment business. If an abortion provider business is operating on July 1, 2008, in violation of these location restrictions, it is a nonconforming use, which may continue for a maximum of two years, after which time the continued operation of the nonconforming business shall be unlawful. The measure makes it a Class 1 misdemeanor to own, operate, or manage an abortion provider business in violation of these location restrictions, unless its operation is permitted as a nonconforming use. It is also a Class 1 misdemeanor to operate an abortion provider business if an owner, operator, manager, or employee (i) has been convicted of a criminal activity or is awaiting trial on pending charges of a felony or misdemeanor, (ii) has had a previous license under any health care statute or regulation or abortion provider business statute from any state or locality denied, suspended, or revoked, (iii) has any unsatisfied judgments for indebtedness or damages incurred as a result of the provision of health care or the conduct of an abortion provider

business, (iv) has falsely answered a question or request for information on any health care or business licensing form, (v) is under the age of 18 years, (vi) has had a health care license or certification revoked or suspended by any licensing or regulatory authority within the preceding 10 years, (vii) uses an alias or any name other than his legal name by which to identify himself to persons using the services of the abortion provider business, (viii) has operated or performed services in an abortion provider business while intoxicated by the use of alcoholic beverages or controlled substances, (ix) refused to allow prompt inspection of the business by state or local government inspectors, (x) had patient contact when not licensed by the appropriate health care agency for that level of patient contact, (xi) permitted any person to have patient contact who is not licensed by the appropriate health care agency for that level of patient contact, (xii) permitted the possession, use, or sale of controlled substances on the premises other than as prescribed by a physician, (xiii) permitted the sale, use, or consumption of alcoholic beverages on the premises, (xiv) permitted the illegal dissemination of prescription drugs on the premises, (xv) permitted the performance of abortions on a minor without the parents' or court's permission, or (xvi) permitted the performance of abortions with the assistance of any person who is not licensed by the appropriate health care agency for that level of patient contact. The measure further makes it a Class 1 misdemeanor (a) to own, operate, or manage an abortion provider business at a premises that has not been approved by its jurisdiction's health department, fire department, and the building department as being in compliance with all applicable local, state, and federal laws, regulations, and statutes governing outpatient surgical facilities, (b) to allow a person under age 18 to enter or be on the premises of an open abortion provider business without the permission of the minor's parents or the approval of a court, (c) for the operator of an abortion provider business to fail to ensure that an attendant is stationed at each public entrance to the abortion provider business at all times during such abortion provider business's regular business hours, and (d) for an attendant to fail to prevent any person under the age of 18 years from entering the abortion provider business without the permission of the minor's parents or approval of a court. Courts are authorized to enjoin violations. Persons injured by violations may recover treble damages, including consequential damages, emotional damages, and loss of consortium, and litigation expenses.

*Patron - Marshall, R.G.*

**HB733 Restroom Access Act; created; civil penalty.** Requires a retail establishment that has a toilet facility for its employees to allow a customer to use that facility during normal business hours if the following conditions are met: (1) the customer requesting the use of the employee toilet facility suffers from an eligible medical condition or utilizes an ostomy device; (2) three or more employees of the retail establishment are working at the time the request is made; (3) the retail establishment does not normally make a restroom available to the public; (4) the employee toilet facility is not located in an area where providing access would create an obvious health or safety risk to the customer; and (5) a public restroom is not immediately accessible to the customer. The bill also provides that a retail establishment is not required to make any physical changes to an employee toilet facility. Creates a penalty of not more than \$100 for a violation of the Act.

*Patron - Caputo*

**HB754 Horse racing; local referendum; definition of town.** Specifies that for the purposes of local referenda on pari-mutuel wagering on horse racing by a town with a population of 5,000 or more, population shall be calculated based upon the most recent population estimate by the United State Bureau of the Census or the most recent population update from the Wel-

don Cooper Center for Public Service at the University of Virginia.

*Patron - Peace*

**HB785 Freezing access to credit reports.** Authorizes any consumer to freeze access to his credit report. If a consumer has placed a freeze on his credit report, a consumer reporting agency is prohibited from releasing the credit report, or any information in it, without the consumer's express authorization. The measure provides a means by which a consumer can release his report, permanently, temporarily, or to a specific third party. Certain disclosures are exempt from the freeze. A consumer reporting agency may charge a fee of no more than \$5 for establishing a freeze or removing a freeze; however, victims of identity theft shall not be charged a fee and a fee shall not be charged for temporarily lifting a freeze. A system shall be in place by September 1, 2008, to allow for a security freeze to be removed or lifted within 15 minutes if a request is received through an electronic contact method. Violations are a prohibited practice under the Consumer Protection Act. This bill is incorporated into HB 1311.

*Patron - Brink*

**HB859 Gift certificates.** Prohibits the issuer of a gift certificate from (i) charging, within the 12 months following the date of its issuance, a maintenance fee or inactivity fee on a gift certificate or (ii) issuing a gift certificate that, within the 24 months following the date of its issuance, automatically expires, diminishes in value, or otherwise becomes unredeemable. Merchants issuing gift certificates with a permissible maintenance fee or inactivity fee are required to disclose to the purchaser the terms pertaining to such a fee. If a gift certificate is issued with an expiration date or other time limit on its redemption, the issuer is required to provide a statement thereof. The required disclosures shall be provided prior to the completion of the certificate's purchase. Required information may be imprinted on the packaging material attached to the certificate at the time of sale. 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.

*Patron - Ebbin*

**HB897 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 not charge a fee for setting up or lifting a freeze. A violation is a prohibited practice under the Consumer Protection Act. This bill is incorporated into HB 1311.

*Patron - Lohr*

**HB1072 Fire-safe cigarettes; civil penalties.** Prohibits the manufacture, sale, or offer for sale of cigarettes unless the cigarettes have been tested to determine that they meet a performance standard for fire safety. The test predicts the likelihood that a cigarette will ignite material with which it comes in contact. Cigarette manufacturers are required to file a certification with the Commissioner of Agriculture and Consumer Services that their cigarettes meet the mandated performance standard as measured by the prescribed test. Cigarette packages are required to be marked so that compliant cigarettes may be distinguished from those not certified as compliant. The specific mark is determined by the manufacturer, subject to Commissioner approval. This measure provides that cigarettes compliant with similar New York regulations will be compliant

with these requirements and that manufacturers may use the same package markings they use in that state. Violators are subject to civil penalties. The measure will become effective January 1, 2010, and will expire on the effective date of any federal reduced cigarette ignition propensity standard that preempts the measure. This bill is incorporated into HB 228.

*Patron - Caputo*

**HB1307 Credit freeze; fee exemption for military personnel.** Prohibits any credit reporting agency that permits consumers to freeze access to their credit reports from charging a fee for establishing, temporarily lifting, or removing a security freeze to any consumer domiciled in Virginia who is a member of the United States military services or the Virginia National Guard, or the spouse of such a person. This bill is incorporated into HB 1311.

*Patron - Morgan*

**HB1339 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 \$5 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. This bill is incorporated into HB 1311.

*Patron - Barlow*

**HB1537 Horse racing; definitions; percentage retained.** Redefines simulcast horse racing to include live or pre-recorded horse races. The bill also provides that notwithstanding current allocations of proceeds from pari-mutuel pools, on pari-mutuel pools generated by wagering on pre-recorded simulcast horse racing at each Virginia satellite facility and the racetrack, after payment of all prizes to winning wagers, the Commonwealth Transportation Trust Funds shall receive 51 percent of the pool to be used for highway maintenance and any other purposes determined by law; the licensee shall receive 45 percent of the pool; and the horsemen's purse account shall receive four percent of the pool. Proceeds of pari-mutuel tickets unredeemed 180 days from the date on which the wager was made and the legitimate breakage from this form of simulcast horse racing shall be retained by the licensee.

*Patron - Gear*

**HB1541 Vehicle protection product warranties; penalty.** Establishes requirements regarding the provision of warranties in connection with the sale of vehicle protection products. A vehicle protection product warranty is an agreement providing that if a vehicle protection product, such as an alarm system, body part marking products, steering lock, ignition lock, ignition kill switch, or satellite tracking device, fails to prevent loss or damage to a vehicle from a specific cause, that the warrantor will pay specified incidental costs resulting from such failure. These warranties are exempted from insurance regulation. Persons providing such warranties through the sale of vehicle protection products are required to register with the Commissioner of the Department of Agriculture and Consumer Services. The warrantors are required to disclose that their financial responsibility obligations are either guaranteed under a warranty reimbursement insurance policy or are backed by the full faith and credit of the warrantor. Violations of these requirements are prohibited practices under the Vir-

ginia Consumer Protection Act. A knowing and willful violation of any provision is a Class 3 misdemeanor.

*Patron - Hugo*

**HB1545 Consumer Protection Act; advertising at price after rebate.** Makes it a prohibited practice under the Virginia Consumer Protection Act to advertise goods for sale in a manner that would lead a reasonable person to conclude that the price of the goods is the ultimate price paid by the purchaser after the purchaser redeems the manufacturer's rebate offered for the advertised goods. The practice would not be prohibited if the supplier provides the amount of the manufacturer's rebate to the purchaser at the time of purchase.

*Patron - Alexander*

**SB325 Credit report security freezes for armed services members.** Authorizes Virginia-domiciled members of the armed services who are deployed to another country and their spouses to freeze access to their credit reports. 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 the service member or spouse can release his report, permanently, temporarily, or to a specific third party. A consumer reporting agency may not charge a fee for establishing a credit freeze, but may charge a fee of no more than \$5 for removing or temporarily lifting a freeze. Violations are a prohibited practice under the Consumer Protection Act. This bill is incorporated into SB 576.

*Patron - Wagner*

**SB461 Credit report security freezes for armed services members.** Authorizes Virginia-domiciled members of the armed services or National Guard and their spouses to freeze access to their credit reports. 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 the service member or spouse can release his report, permanently, temporarily, or to a specific third party. 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. This bill is incorporated into SB 576.

*Patron - Whipple*

**SB597 Virginia Racing Commission; simulcast horse racing; allocations.** Authorizes wagering on historical horse racing and allocates the proceeds.

*Patron - Norment*

## Carried Over

**HB329 Gift certificates.** Requires each gift certificate that is charged a fee for maintenance, service, or inactivity to include a telephone number or Internet address where the holder of the certificate may obtain information regarding such fees. The measure also requires that any gift certificate that has a limit on the time for redemption, other than an expiration date, to include a telephone number or Internet address where the holder of the certificate may obtain information regarding about such limit.

*Patron - McClellan*

**HB628 Antique, vintage, and collectible items; penalty.** Requires any person, firm, partnership, association, or corporation engaged in the business of buying or selling

antique, vintage, or collectible items to designate such items as being antique, vintage, or collectible when selling or displaying such items for sale. The bill defines "antique" as any item manufactured or produced more than 100 years ago, "vintage" as any item manufactured or produced between 50 and 99 years ago, and "collectible" as any item manufactured or produced less than 50 years ago. The bill provides that a violation of the requirement to properly designate items being sold is a misdemeanor punishable by a fine not to exceed \$500.

*Patron - May*

**HB887 Scrap metal processors.** Requires each seller of scrap metal to provide his driver's license number to the scrap metal processor in connection with each sale, and requires the scrap metal processor to keep a record thereof, in addition to the other identifying information currently required.

*Patron - Lohr*

## Unemployment Compensation

### Passed

**HB96 Unemployment compensation; Indian tribes.** Provides that unemployment compensation benefits based on service in the employ of an Indian tribe are payable to the same extent as benefits payable to other employees covered by the Virginia Unemployment Compensation Act. The measure provides Indian tribes with the option to make reimbursement payments to the unemployment trust fund, in lieu of tax payments, to the same extent currently allowed for local governments. If an Indian tribe fails to make required payments, the tribe will become liable for the FUTA tax and the Virginia Employment Commission may remove tribal services from unemployment coverage. SB 359 is identical.

*Patron - Purkey*

**HB366 Unemployment compensation; testing for controlled substances.** Disqualifies an individual from receiving unemployment compensation benefits if he is discharged from employment as a result of a confirmed positive test for a nonprescribed controlled substance conducted in a United States Department of Transportation-qualified drug screen, conducted in accordance with an employer's bona fide drug policy. Currently, an individual is ineligible for unemployment benefits if he fails a drug test conducted in accordance with scientifically recognized standards by a laboratory accredited by the United States Department of Health and Human Services, or the College of American Pathology, or the American Association for Clinical Chemistry, or the equivalent.

*Patron - Carrico*

**HB547 Unemployment compensation; minimum earnings; maximum weekly benefit.** Increases the wages an employee must have earned in the two highest earnings quarters of his base period in order to be eligible for unemployment benefits from \$2,700 to \$3,000 for claims effective on or after July 5, 2009. The measure also increases the maximum weekly unemployment compensation benefit from \$363 to \$378 for claims effective on or after July 6, 2008.

*Patron - Nixon*

**HB881 Virginia Employment Commission orders.** Authorizes final orders of the Virginia Employment Commission (VEC) with respect to overpayments of unemployment benefits to be recorded, enforced and satisfied as orders or



decrees of a circuit court upon certification of such orders by the Commissioner of the VEC.

*Patron - Loupassi*

**HB925 Virginia Employment Commission; employment stabilization.** Requires the Virginia Employment Commission to provide Virginia State Job Service services, as described in Title 60.2, according to the provisions of the Wagner-Peyser Act (29 U.S.C. 49f), as amended by the Workforce Investment Act. SB 253 is identical.

*Patron - Byron*

**SB253 Virginia Employment Commission; employment stabilization.** Requires the Virginia Employment Commission to provide Virginia State Job Service services, as described in Title 60.2, according to the provisions of the Wagner-Peyser Act (29 U.S.C. 49f), as amended by the Workforce Investment Act. HB 925 is identical.

*Patron - Ruff*

**SB359 Unemployment compensation; Indian tribes.** Provides that unemployment compensation benefits based on service in the employ of an Indian tribe are payable to the same extent as benefits payable to other employees covered by the Virginia Unemployment Compensation Act. The measure provides Indian tribes with the option to make reimbursement payments to the unemployment trust fund, in lieu of tax payments, to the same extent currently allowed for local governments. If an Indian tribe fails to make required payments, the tribe will become liable for the FUTA tax and the Virginia Employment Commission may remove tribal services from unemployment coverage. HB 96 is identical.

*Patron - Watkins*

## Failed

**HB24 Virginia Employment Commission; employment office closures.** Requires the Virginia Employment Commission to close Commonwealth-operated employment offices, if required to close any such offices as a result of reductions in the amount of Federal Unemployment Tax Act revenue distributed to the Commission for administration of the unemployment insurance program, in the order established by its ranking of such offices based on the unemployment rate in the political subdivision or subdivisions served by the office.

*Patron - Marshall, D.W.*

**HB599 Unemployment compensation; services not constituting employment.** Provides that services performed by an individual on a temporary basis in several circumstances do not constitute "employment" for purposes of the Unemployment Compensation Act. The circumstances include situations where (i) the individual is aware prior to commencing the work assignment that its duration is for a specific period of time and acknowledges in writing that he will not be eligible for unemployment benefits with respect to the assignment; (ii) the individual has been released from incarceration within the preceding year or is a socially and economically disadvantaged individual and the temporary assignment is arranged by a staffing agency that cannot readily find continual work for the individual at the end of an initial assignment; (iii) his staffing or employment agency has subcontracted with a second staffing or employment agency that provides temporary workers to a client firm, and the subcontracting agency does not have the ability to supervise or control the performance of the individual's services; (iv) the services are performed for a small business or minority-owned business that is a temporary staffing agency with fewer than 1,000 temporary workers; and (v) the services are performed for a small business or minority-owned

business that is a temporary staffing agency that hires individuals who either have been released from incarceration within the preceding year or are unskilled workers.

*Patron - McClellan*

**HB1223 Virginia Employment Commission; regional offices.** Requires the Virginia Employment Commission to maintain at least one regional office in each planning district in Virginia.

*Patron - Bowling*

**HB1314 Virginia Employment Commission.** Transfers responsibility for collection of employment taxes from the Virginia Employment Commission to the Department of Taxation.

*Patron - Byron*

**HB1349 Unemployment compensation; trailing spouse of clergy.** Provides that good cause for leaving employment exists if an employee voluntarily leaves a job to accompany the employee's spouse to a new location from which the employee's place of employment is not reasonably accessible, when (i) the spouse is a minister, priest, rabbi, or accredited practitioner of any religious organization or denomination usually referred to as a church and (ii) the church has involuntarily reassigned the spouse to serve a congregation in such new location. Benefits paid to qualifying claimants shall be charged against the pool rather than against the claimant's employer.

*Patron - Barlow*

**SB339 Unemployment compensation; not speaking English is misconduct.** Provides that an employee's inability or refusal to speak English at the workplace, in violation of a known policy of the employer, constitutes misconduct. An individual who is found by the Virginia Employment Commission (VEC) to have been discharged for misconduct connected with his work is disqualified from receiving unemployment compensation benefits. The VEC may consider evidence of mitigating circumstances in determining whether misconduct occurred.

*Patron - Cuccinelli*

## Virginia Energy Plan

### Passed

**SB320 Covenants restricting solar energy collection devices.** Provides that a community association shall not prohibit an owner from installing or using any solar energy collection on the owner's property; but such association may establish reasonable restrictions concerning the size, place, and manner of placement of the solar energy collection devices. The bill allows a community association to prohibit or restrict the placement of such devices on the common areas. The bill provides that nothing shall be construed to (i) invalidate any provision of a restrictive covenant that prohibits or restricts the installation or use of any solar collection device if such provision was in effect before July 1, 2008, or (ii) prohibit the amendment of a restrictive covenant on or after July 1, 2008, to prohibit or restrict the installation or use of any solar collection device if such amendment is adopted by the membership of the community association in accordance with such association's governing documents.

*Patron - Wagner*

**SB718 Renewable energy and energy conservation.** Requires investor-owned electric utilities to report annually on

their efforts to conserve energy. The measure also requires the Virginia Energy Plan to be updated by July 1, 2010, and every four years thereafter. Currently, the Energy Plan is required to be updated in July 2012 and every five years thereafter. The measure also requires utilities to report annually on their efforts to meet the renewable portfolio standard goals, renewable generation overall, and relevant advances in renewable energy generation technology.

*Patron - Puller*

## Failed

**HB1421 Renewable Energy Research Grant Program; established.** Establishes the Renewable Energy Research Grant Program and Fund under the Virginia Energy Plan. Moneys in the Fund shall be used for the sole purpose of attracting public and private research funding for institutions of higher education in order to increase renewable energy research capacity and development opportunities in Virginia. The program has four components: (i) a matching funds program to leverage federal and private research dollars; (ii) a strategic enhancement program to upgrade the research capacity of those academic departments that have demonstrated the ability to perform innovative research in renewable energy fields that have strong potential to contribute to economic development in the Commonwealth; (iii) a program to upgrade renewable energy research capacity in key departments of the institutions in order to attract specific companies to locate or expand in Virginia; and (iv) a program to enhance the capability of the institutions of higher education to commercialize renewable energy technologies or applications developed through their research.

*Patron - Caputo*

## Waters of the State, Ports and Harbors

## Passed

**HB171 Virginia Resources Authority financing.** Authorizes the Virginia Resources Authority to finance energy conservation and energy efficiency projects.

*Patron - Kilgore*

**HB211 Virginia Water Protection Permit.** Exempts landowners from the requirement to obtain a Virginia Water Protection permit for impacts to state waters caused by the construction or maintenance of farm stock ponds and impoundments that do not fall under the authority of the Virginia Soil and Water Conservation Board.

*Patron - Cole*

**HB233 Phosphorus prohibition; dishwashing detergents.** Bans the use of phosphorus in detergents for household dishwashing machines. Phosphorus is one of the primary sources of water pollution. The bill contains a delayed effective date of July 1, 2010. This bill incorporates HB 82 and HB 341.

*Patron - Cosgrove*

**HB555 Wetlands banks.** Authorizes localities to establish and operate single-user wetlands and stream mitigation banks so long as the banks are operated in accordance with state and federal law. These single-user banks may only be

used by localities for compensatory mitigation where the locality is the permittee.

*Patron - Pogge*

**HB632 Virginia Resources Authority; broadband services.** Clarifies that the Virginia Resources Authority may be used as a funding mechanism for all projects involving the provision of broadband services, and not just those utilizing wireless broadband technologies.

*Patron - May*

**HB723 Virginia Resources Authority; parks and recreation.** Authorizes the Virginia Resources Authority to finance park and recreation projects. This bill is identical to SB 473.

*Patron - Scott, E.T.*

**HB1206 VPA police.** Allows a Virginia Port Authority (VPA) police officer to provide enhanced supply chain security beyond the locality where VPA property is located. This bill is identical to SB 465.

*Patron - Melvin*

**HB1211 VPA employee retirement benefits.** Enables the Virginia Port Authority to establish a trust to help offset its OPEB (other postemployment benefits) liability. The changes mirror changes made to VRS during the 2007 Session.

*Patron - Melvin*

**HB1212 VPA employee retirement plans.** Encourages employees of the Virginia Port Authority (VPA) to save for retirement. The bill provides VPA the same legislative authority as VRS with regards to automatic enrollment into VPA's deferred compensation plan.

*Patron - Melvin*

**HB1457 Virginia Resources Authority financing.** Authorizes the Virginia Resources Authority to finance the construction of local government buildings.

*Patron - Nichols*

**SB56 Virginia Resources Authority financing.** Authorizes the Virginia Resources Authority to finance the construction of local government buildings.

*Patron - Colgan*

**SB242 Financing of energy conservation projects.** Authorizes the Virginia Resources Authority to finance energy conservation and energy efficiency projects.

*Patron - Locke*

**SB378 Reuse and reclamation of water.** Authorizes the Virginia Soil and Water Conservation Board to adopt regulations that promote the reclamation and reuse of stormwater in order to protect state waters and the public health and to minimize the direct discharge of pollutants into state waters.

*Patron - Stuart*

**SB465 VPA police.** Allows a Virginia Port Authority (VPA) police officer to provide enhanced supply chain security beyond the locality where VPA property is located. This bill is identical to HB 1206.

*Patron - Miller, Y.B.*

**SB466 VPA employee retirement plans.** Encourages employees of the Virginia Port Authority (VPA) to save for retirement. The bill provides VPA the same legislative authority as VRS with regards to automatic enrollment into VPA's deferred compensation plan.

*Patron - Miller, Y.B.*

**PSB467 VPA employee retirement benefits.** Enables the Virginia Port Authority to establish a trust to help offset its OPEB (other postemployment benefits) liability. The changes mirror changes made to VRS during the 2007 Session.

*Patron - Miller, Y.B.*

**PSB473 Virginia Resources Authority; parks and recreation.** Authorizes the Virginia Resources Authority to finance park and recreation projects. This bill is identical to HB 723.

*Patron - Hanger*

## Failed

**FHB341 Phosphorus prohibition; dishwashing detergents.** Bans the use of phosphorus in detergents for household dishwashing machines. Phosphorus is one of the primary sources of water pollution. The bill contains a delayed effective date of July 1, 2010. This bill was incorporated into HB 233 (Delegate Cosgrove).

*Patron - Plum*

**FHB645 Virginia Water Protection Permit.** Requires the State Water Control Board, prior to issuing a Virginia Water Protection Permit, to consider the permitted project as part local or regional water supply plans.

*Patron - Hogan*

**FHB689 Combined Sewer Overflow Fund.** Designates funds to be deposited in the Combined Sewer Overflow Fund for use by the Cities of Lynchburg and Richmond for the completion of their combined sewer overflow projects in certain years when direct general appropriations to the fund are less than \$5 million. Deposits shall neither exceed \$5 million per year nor \$50 million over 10 years. Any funds shall be divided equally between the Cities of Lynchburg and Richmond.

*Patron - Valentine*

**FHB822 Phosphorus prohibition; dishwashing detergents.** Bans the use of phosphorus in detergents in for household dishwashing machines. Phosphorus is one of the primary sources of water pollution. The ban will take effect on January 1, 2010. This bill was incorporated into HB 233.

*Patron - Morgan*

## Carried Over

**CSB361 Stream mitigation banks.** Authorizes Henrico County to establish and operate stream mitigation banks so long as the banks are operated in accordance with state and federal law.

*Patron - Watkins*

## Welfare (Social Services)

### Passed

**PHB3 Screened Family Day Home Provider List.** Requires the Department of Social Services to establish and maintain, on a website created by the Department, the Screened Family Day Home Provider List. This bill provides that the List shall include the names of individuals who wish to offer their services as family day home providers, who are not required to be licensed or regulated, who voluntarily apply for inclusion on the List, and who have been found, after a national

criminal history background check and review of the records maintained by the Child Protective Services registry, to have no convictions for certain offenses or founded complaints of child abuse or neglect. This bill also establishes a Screened Family Day Home Provider Fund to receive application fees and disburse funds for the administration of the List. The provisions of the bill are subject to the appropriation of funds by the 2008 General Assembly.

*Patron - Tata*

**PHB138 Filing of petition for adoption.** Provides that a petition filed while a child is under 18 years of age shall not become invalid because the child reaches 18 years of age prior to the entry of a final order of adoption and that any final order of adoption entered after a child reaches 18 years of age, where the petition was filed prior to the child turning 18 years of age, shall have the same effect as if the child was under 18 years of age at the time the order was entered by the circuit court, provided the court has obtained the consent of the adoptee.

*Patron - Peace*

**PHB149 Independent living services and independent living arrangements.** Defines independent living arrangement as placement of a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency and has been placed by the local board or licensed child placing agency in a living arrangement which does not include daily parental supervision. Defines independent living services to include services and activities provided to a child in foster care who is 16 years of age or older or to a person who was in foster care on his 18th birthday and has not yet reached the age of 21. This bill requires, for children aged 14 years and older that the child's needs and goals in specified areas are included in the written foster care plan for that child. This bill is identical to SB 249.

*Patron - Fralin*

**PHB251 Adult Fatality Review Team.** Establishes the Adult Fatality Review Team to review suspicious deaths of any incapacitated adult aged 18 or older and any adult aged 60 or older (i) who was the subject of an adult protective services investigation, (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 creates a Freedom of Information Act exemption for information and records acquired during a review of any death conducted by a family violence fatality review team or during a review of any adult death conducted by the adult fatality review team to the extent made confidential by state law.

*Patron - O'Bannon*

**PHB285 Consent revocation period for parental placement adoptions.** Provides that consent to an adoption may be revoked by a birth parent for up to seven days after it is executed and that the seven day revocation period may be waived in writing at the time of consent provided that the child is at least 10 days old and the birth parent acknowledges having received independent legal counsel regarding the effect of such waiver. In the case of two consenting birth parents, the waiver by one consenting birth parent shall not affect the right of the second consenting birth parent to retain his seven-day revocation period. This bill eliminates the provision barring revocation of consent after a child is 10 days old.

*Patron - Toscano*

**PHB478 Child Day-Care Council.** Appoints one representative of the YMCA to the Child Day-Care Council and

removes one representative from a nonprofit child day center operator.

*Patron - Cox*

**HB811 TANF; waiver of ineligibility period.** Provides that the 24-month period of ineligibility shall not apply when a child is removed from his parents' home as the result of a child protective services report or complaint as defined in regulations promulgated by the Board and placed with a relative. This bill provides that in such cases, the relative with whom the child is placed shall be eligible for TANF financial assistance immediately and without waiting for the 24-month period to run. This bill incorporates HB 1387.

*Patron - Ward*

**HB825 Foster and adoption workers; minimum training requirements.** Requires the Department of Social Services to establish minimum training requirements and to provide educational programs for foster and adoption workers and their supervisors.

*Patron - BaCote*

**HB850 Foster care; Code of Ethics agreement.** Requires Board of Social Services to approve, in foster care policy, the language of the written agreement to be entered into by local boards and licensed child-placing agencies. This bill also provides that such agreements shall include at a minimum a Code of Ethics and mutual responsibilities for all parties to the agreement. This bill is identical to SB 643.

*Patron - Orrock*

**HB861 Virginia Caregivers Grant Program application; allow physician assistant or nurse practitioner to certify.** Allows that a licensed physician assistant or nurse practitioner may provide certification necessary for the Virginia Caregiver's Grant Program application.

*Patron - Ebbin*

**HB871 Healthy marriages and strong families.** Authorizes the Department of Social Services to establish a program to support educational programs intended to promote healthy marriages and strong families. The bill also authorizes the Department, to the extent authorized by federal law, to allocate up to one percent of all funds received under the federal Temporary Assistance for Needy Families program to support this program.

*Patron - Johnson*

**HB946 Adoption; period of validity of home study.** Provides that any home study conducted for the purpose of parental placement or agency placement shall be valid for a period of 36 months from the date of completion of the study. However, the Board may, by regulation, require an additional state criminal background check before finalizing an adoption if more than 18 months have passed from the completion of the home study.

*Patron - Iaquinto*

**HB1141 Foster care; independent living services.** Provides that any person who was committed or entrusted to a local board or licensed child-placing agency may choose to discontinue receiving independent living services any time before his 21st birthday in accordance with regulations adopted by the Board. The local board or licensed child-placing agency shall restore independent living services at the request of that person provided that (i) the person has not yet reached 21 years of age and (ii) the person has entered into a written agreement, less than 60 days after independent living services have been discontinued, with the local board or licensed child-placing

agency regarding the terms and conditions of his receipt of independent living services. This bill incorporates HB 813.

*Patron - Fralin*

**HB1143 Foster care; visitation rights for birth siblings.** Grants circuit courts and juvenile and domestic relations district courts the authority to grant visitation rights to siblings, in addition to the natural parents and grandparents, of any child entrusted or committed to foster care.

*Patron - Fralin*

**HB1257 Department of Social Services to establish Intensive Case Monitoring pilot programs for child support enforcement.** Authorizes the Department of Social Services to establish Intensive Case Monitoring pilot programs in four judicial districts within the Commonwealth to provide case management and other services to persons referred to the program by the court after failure to pay child support as required by an administrative action. The provisions of this act shall not become effective unless general funds effectuating the purposes of this act are included in the general appropriation act passed by the 2008 Session of the General Assembly, which becomes law.

*Patron - Marsden*

**HB1382 Department of Social Services; petitions.** Authorizes designated nonattorney employees of the Department of Social Services to complete, sign, and file petitions and motions in Department cases relating to the establishment, modification, or enforcement of support on forms approved by the Supreme Court of Virginia. The bill also provides that any orders entered prior to the effective date of this bill are not deemed void or voidable solely because the petitions and motions were signed by nonattorney employees. This bill is identical to SB 788.

*Patron - Iaquinto*

**HB1530 Relating to placement of siblings; visitation.** Requires that all reasonable steps must be taken to place siblings together in the same foster home and requires that, where siblings are placed in separate foster homes, a plan shall be developed to encourage frequent and regular visitation or communication.

*Patron - Nixon*

**SB15 Notice to recipients; earned income tax credit.** Requires the Department of Social Services to provide notice of the federal and state earned income tax credit to all recipients of Temporary Assistance for Needy Families (TANF), food stamps, or certain medical assistance. Notice shall be mailed to recipients annually and shall include information on the qualifying income levels, the amount of credit available, the process for applying for the credit, and the availability of assistance in applying for the credit.

*Patron - Edwards*

**SB171 Adoption by former stepparents.** Allows former step-parents to adopt the child they were a step-parent to, if they stood in loco parentis to the child, as if they were still the step-parent of the child. Also allows parents who adopted a child in a foreign jurisdiction, who then divorced before the child was adopted in Virginia, to adopt or readopt the child.

*Patron - Blevins*

**SB228 Mandatory child abuse reporters; EMS personnel.** Adds emergency medical services personnel certified by the Board of Health to the list of mandatory reporters of child abuse and neglect and requires emergency medical services personnel to report child abuse and neglect to the Department of Social Services, unless such personnel immediately

reports the matter directly to the attending physician at the hospital to which the child is transported, who shall make such report forthwith.

*Patron - McDougle*

**SB249 Foster care; independent living services for children 14 and older.** Requires that every foster care plan for a child 14 years of age or older include an independent living services plan. The bill defines the terms "independent living arrangement" and "independent living services," and replaces the term "independent living placement" with the term "independent living arrangement." The bill mandates children 14 years and older have a foster care plan that describes in writing their needs and goals in the areas of counseling, education, housing, employment, and money management skills. Local departments and licensed child placing agencies may provide independent living services to children over the age of 14 as part of foster care services or to persons between 18 and 21 years of age who are in the process of transitioning from foster care to self-sufficiency. The bill requires for children ages 16 and over, documentation of the services to be provided to assist the child in transitioning to an independent living arrangement. This bill is identical to HB 149.

*Patron - Howell*

**SB251 TANF; waiver of ineligibility period.** Provides that the 24-month period of ineligibility shall not apply to a child who is removed from his parents' home as the result of a child protective services report or complaint as defined in regulations promulgated by the Board and placed with a relative. This bill provides that in such cases, the child shall be eligible for TANF financial assistance immediately and without waiting for the 24-month period to run.

*Patron - Miller, Y.B.*

**SB472 Licensure of group homes and residential facilities for children.** Eliminates the interdepartmental regulation of children's residential facilities and group homes, and provides that the Departments of Mental Health, Mental Retardation and Substance Abuse Services, Social Services, and Juvenile Justice shall regulate and license children's residential facilities and group homes for which they are the primary licensing agency. This bill provides that each licensing agency shall conduct background checks of persons working or volunteering at children's residential facilities and group homes. This bill further provides that the Department of Education shall be the sole entity responsible for licensure of educational programs in children's residential facilities and group homes.

*Patron - Hanger*

**SB493 Foster and adoption workers; minimum training requirements.** Requires the Department of Social Services to establish minimum training requirements and to provide educational programs for foster and adoption workers and their supervisors. Under the bill the costs associated with establishing the training requirements are to be absorbed by the Department within the funds appropriated for training and assistance to local staff.

*Patron - Puller*

**SB637 Required reporting of child abuse; animal control officers.** Adds animal control officers to the list of persons with the duty to report suspected child abuse. Animal control officers already receive training in the recognition of child abuse and neglect and information on how complaints are filed.

*Patron - Ticer*

**SB643 Foster care; Code of Ethics agreement.** Requires the Board of Social Services to approve, in foster care

policy, the language of the written agreement to be entered into by local boards and licensed child-placing agencies. This bill also provides that such agreements shall include at a minimum a Code of Ethics and mutual responsibilities for all parties to the agreement. This bill is identical to HB 850.

*Patron - Ticer*

**SB788 Department of Social Services; petitions.** Authorizes designated nonattorney employees of the Department of Social Services to complete, sign, and file petitions and motions in Department cases relating to the establishment, modification, or enforcement of support on forms approved by the Supreme Court of Virginia. The bill also provides that any orders entered prior to the effective date of this bill are not deemed void or voidable solely because the petitions and motions were signed by nonattorney employees. This bill is identical to HB 1382.

*Patron - Quayle*

## Failed

**HB276 Transitional benefits; TANF noncash benefits.** Requires the Department of Social Services to continue to provide noncash TANF benefits for a period of five months after TANF cash benefits have been terminated.

*Patron - Watts*

**HB286 Notice to recipients; earned income tax credit.** Requires the Department of Social Services to provide notice of the earned income tax credit to all applicants for or recipients of assistance.

*Patron - Toscano*

**HB365 Substance abuse screening and assessment of public assistance applicants and recipients.** Requires local departments of social services to conduct a screening of all VIEW participants. This bill provides that, where a screening indicates reasonable cause to believe an applicant or recipient is using illegal drugs, the participant may be required to submit to drug testing. Where a drug test indicates that the participant is using illegal drugs, the person shall become ineligible for TANF payments for a period of twelve months. The person may reapply for TANF assistance once 12 months have elapsed from the date of initial ineligibility.

*Patron - Carrico*

**HB439 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 to circumvent the requirement that organizations determine the legal status of applicants before granting assistance. This bill also provides that no organization receiving state or local funds shall use the funds to provide benefits or assistance to persons who are otherwise ineligible for them.

*Patron - Miller, J.H.*

**HB813 Independent living services.** Provides that a person who is otherwise eligible for independent living services from the Department of Social Services shall not become ineligible for services upon refusing services. This bill provides that a person who is otherwise eligible and who refuses services may, following such refusal, request and receive services. This bill was incorporated into HB 1141.

*Patron - Ward*

**HB1387 TANF; waiver of ineligibility period.** Provides that the 24-month period of ineligibility shall not apply to a child who is removed from his parents' home as the result of

a child protective services report or complaint as defined in regulations promulgated by the Board and placed with a relative. This bill provides that in such cases, the child shall be eligible for TANF financial assistance immediately and without waiting for the 24-month period to run. This bill was incorporated into HB 811.

*Patron - Albo*

**HB1401 Administrative support remedies; fees.** Provides that the \$25 annual fee charged by the State Board of Social Services for enforcing child support obligations on behalf of individuals who are not receiving public assistance shall be assessed against the noncustodial parent. Currently, the fee is assessed to the individual seeking enforcement of the support order.

*Patron - Gear*

**HB1461 Exempting certain assisted living facilities from the requirement to have a license.** Provides that an assisted living facility that has not been found to be in violation of licensing requirements during the most recent five-year period shall be exempt from licensing requirements.

*Patron - Spruill*

**SB22 Foster care background checks; fingerprints.** Provides that the requirement that an individual with whom a child in foster care may be placed submit fingerprints for the purpose of obtaining criminal history record information may be waived if an officer of the Department of State Police determines that it is impossible for the individual to submit fingerprints or impossible for him to submit fingerprints that are legible for identification purposes.

*Patron - Reynolds*

**SB27 Social services; time limit on receipt of TANF.** Allows the child of a VIEW participant to continue receiving TANF financial assistance beyond the initial 24-month period if (i) the VIEW-participating parent is no longer the child's legal guardian, (ii) legal custody of the child has been placed with a relative of the child after a complaint of child abuse or neglect filed against the child's parent has been deemed founded or after an order for removal of the child from the child's home has been issued pursuant to § 16.1-251 or 16.1-252, and (iii) the child otherwise meets the eligibility requirements set forth in §§ 63.2-602 through 63.2-607. This bill is contingent upon appropriation of funds.

*Patron - Miller, Y.B.*

**SB250 Foster care; independent living services for persons between the ages of 18 and 21.** Establishes that children who are in foster care when they reach 18 years of age shall receive independent living services from the appropriate local board of social services or licensed child-placing agency until they reach 21 years of age. Currently, the provision of such services to children between the ages of 18 and 21 is discretionary. The bill also defines the terms "independent living services" and "independent living arrangement."

*Patron - Howell*

**SB296 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 incorporates SB 642.

*Patron - Puller*

**SB404 Substance abuse screening and assessment of VIEW applicants and participants.** Requires local departments of social services to conduct a screening of all applicants

and participants of VIEW. This bill provides that where a screening indicates probable cause to believe an applicant or participant is using illegal drugs, the applicant or participant may be required to submit to drug testing. Where a drug test indicates that the applicant or participant is using illegal drugs, the person shall be referred to a treatment program and all TANF payments shall be made to a third party payee for the benefit of members of the applicant's or recipient's household. If a person fails or refuses to participate in a screening, assessment, or required rehabilitation program, that person shall be ineligible for TANF assistance. Persons deemed ineligible for TANF assistance on the basis of failure or refusal to participate in a screening, assessment, or required rehabilitation program, will be ineligible for a period of twelve months but shall have one opportunity to comply and be reinstated once during the twelve month period.

*Patron - Puckett*

**SB482 Data collection; Title IV-E expenditures.** Requires the State Executive Council to oversee the development and implementation of a program for the collection of data on (i) the cost of services purchased through the CSA program, (ii) treatment foster care services and residential services payments made through the Medicaid program, and (iii) child-specific payments made through the Title IV-E foster care program. This bill also requires the Department of Social Services to collect data on child-specific payments made through the Title IV-E foster care program and to report data collected to the Office of Comprehensive Services. This bill has been incorporated into SB 483.

*Patron - Hanger*

**SB497 Definition of abused or neglected child; Abraham's law.** Removes language specifying that a decision by parents 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.

*Patron - Northam*

**SB630 Child support; accrual of interest on debts due.** Provides that interest shall not accrue on child support debts due where an obligor is incarcerated in a state facility, during the period of incarceration.

*Patron - Ticer*

**SB642 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 has been incorporated into SB 296.

*Patron - Ticer*

## Carried Over

**HB1174 Office of Immigrant Assistance; created.** Establishes in the Department of Social Services an Office of Immigrant Assistance, to assist persons lawfully entering the United States and the Commonwealth for the purpose of becoming citizens. The Office shall provide (i) advice and

assistance regarding the citizenship application process, and (ii) assistance with finding and securing employment, housing, and services for which such persons may be eligible.

*Patron - Lingamfelter*

**CSB36 Child support; administrative fees.** Eliminates the \$25 fee that a person not receiving public assistance must pay each year if more than \$500 of child support is collected by the Department of Social Services in order to utilize the support enforcement services of the Department.

*Patron - Deeds*

**CSB387 Guardian ad litem; mandatory reporting of child abuse or neglect.** Requires any guardian ad litem who has been appointed by a court to represent a child to report suspected child abuse or neglect to a local department of social services or to the Department of Social Services' toll-free child abuse and neglect hotline.

*Patron - Martin*

**CSB738 Adult protective services; reports by financial institution employees of financial abuse of elder or dependent persons.** Requires employees of banks and trust companies, savings banks, building and loan associations, savings and loan companies or associations, and credit unions to report the suspected financial abuse of elder or dependent persons, based on information obtained in their professional or official capacity.

*Patron - Edwards*

## Wills and Decedents' Estates

### Passed

**P HB412 Wills and decedents' estates; order in which debts of decedents to be paid.** Increases from \$2,000 to \$3,500 the amount available from the estate to pay funeral expenses when there are insufficient assets for the satisfaction of all demands against the estate. This bill is identical to SB 735.

*Patron - Griffith*

**PSB735 Wills and decedents' estates; order in which debts of decedents to be paid.** Increases from \$2,000 to \$3,500 the amount available from an estate to pay funeral expenses where there are insufficient assets for the satisfaction of all the demands against the estate. This bill is identical to HB 412.

*Patron - Smith*

### Carried Over

**CHB280 Unsupervised probate.** Allows a will to be probated without supervision or intervention of the court if the will requests such probate or all beneficiaries of the will agree to such probate.

*Patron - Watts*

## Workers' Compensation

### Passed

**PSB615 Workers' compensation; Capitol Police.** Expands the definition of law-enforcement officer to include members of the Capitol Police for the purpose of providing that a claim for workers' compensation benefits incurred by such a person while undertaking a law-enforcement or rescue activity in an off-duty capacity or outside an assigned shift or work location is deemed to be in the course of employment.

*Patron - Stolle*

### Failed

**F HB532 Infectious disease presumption; emergency declaration by Governor.** Authorizes the Governor to declare that a communicable, contagious or infectious disease, or any condition that leads to the disease, is a disease or condition that is covered by the existing infectious disease presumption for firefighters, paramedics, emergency medical technicians, and certain law-enforcement officers under the Virginia Workers Compensation Act. The presumption currently exists for hepatitis, meningococcal meningitis, tuberculosis, and HIV. Such a declaration may be made after the Board of Health has issued an order for the purpose of suppressing the outbreak of the disease and the Governor has declared a state of emergency due to an outbreak of the disease that poses a danger to the life and health of the public.

*Patron - Mathieson*

**F HB664 Workers' compensation for court-appointed attorneys.** Provides coverage under workers' compensation laws for court-appointed attorneys who are injured by the indigent client while engaged in activities directly related to the representation of the client.

*Patron - Miller, J.H.*

**F SB161 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 agreement may authorize or require the use of an agreed list of health care providers, which shall be the exclusive source of examinations, treatment, and testimony provided under the Workers' Compensation Act. 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 - McEachin*

**F SB500 Infectious disease presumption; emergency declaration by Governor.** Authorizes the Governor to declare that a communicable, contagious or infectious disease, is a disease that is covered by the existing infectious disease presumption for firefighters, paramedics, emergency medical technicians, and certain law-enforcement officers under the Virginia Workers Compensation Act. The presumption currently exists for hepatitis, meningococcal meningitis, tuberculosis, and HIV. Such a declaration may be made after the Board

of Health has issued an order for the purpose of suppressing the outbreak of the disease and the Governor has declared a state of emergency due to an outbreak of the disease that poses a danger to the life and health of the public.

*Patron - Northam*

## Youth and Family Services

### Failed

**HB585 Juvenile facilities; smoke detectors, etc.** Requires the Board of Juvenile Justice to promulgate regulations requiring smoke detectors, fire suppression systems, and fire-safe construction materials for use in juvenile facilities.

*Patron - Marsden*

## Constitutional Amendments

### Failed

**HB6 Constitutional amendment (voter referendum); property exempt from taxation.** Provides for a referendum at the November 2008 election on approval of a proposed constitutional amendment relating to property tax exemptions. The proposed amendment authorizes the General Assembly to enact legislation that will allow localities by ordinance to exempt or partially exempt from real property taxes, or defer real property taxes on, up to 20 percent of the value of residential or farm property that is the owner-occupant's primary dwelling and lived in continuously. This bill is identical to HB 272 and SB 9. This bill has been incorporated into HB 11.

*Patron - Brink*

**HB272 Constitutional amendment (voter referendum); property exempt from taxation.** Provides for a referendum at the November 2008 election on approval of a proposed constitutional amendment relating to property tax exemptions. The proposed amendment authorizes the General Assembly to enact legislation that will allow localities by ordinance to exempt or partially exempt from real property taxes, or defer real property taxes on, up to 20 percent of the value of residential or farm property that is the owner-occupant's primary dwelling and lived in continuously. This bill is identical to HB 6 and SB 9. This bill has been incorporated into HB 11.

*Patron - Miller, P.J.*

**HJ3 Constitutional amendment (second 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 percent of the value of residential or farm property that is the owner-occupant's primary dwelling and lived in continuously. This resolution is identical to HJR 56 and HJR 121. This resolution has been incorporated into HJR 4.

*Patron - Brink*

**HJ56 Constitutional amendment (second 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 percent of the value of residential or farm property that is the owner-occupant's primary dwelling and lived in continuously. This resolution is identical to HJR 3

and HJR 121. This resolution has been incorporated into HJR 4.

*Patron - Miller, P.J.*

**HJ121 Constitutional amendment (second 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 percent of the value of residential or farm property that is the owner-occupant's primary dwelling and lived in continuously. This resolution is identical to HJR 3 and HJR 56. This resolution has been incorporated into HJR 4.

*Patron - Moran*

**SB9 Constitutional amendment (voter referendum); property exempt from taxation.** Provides for a referendum at the November 2008 election on approval of a proposed constitutional amendment relating to property tax exemptions. The proposed amendment authorizes the General Assembly to enact legislation that will allow localities by ordinance to exempt or partially exempt from real property taxes, or defer real property taxes on, up to 20 percent of the value of residential or farm property that is the owner-occupant's primary dwelling and lived in continuously. This bill is identical to HBs 6 and 272.

*Patron - Whipple*

**JSJ6 Constitutional amendment (second 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 percent of the value of residential or farm property that is the owner-occupant's primary dwelling and lived in continuously.

*Patron - Whipple*

### Carried Over

**HB11 Constitutional amendment (voter referendum); property exempt from taxation.** Provides for a referendum at the November 2008 election on approval of a proposed constitutional amendment relating to property tax exemptions. The proposed amendment authorizes the General Assembly to enact legislation that will allow localities by ordinance to exempt or partially exempt from real property taxes, or defer real property taxes on, up to 20 percent of the value of residential or farm property that is the owner-occupant's primary dwelling and lived in continuously. If approved by the voters, the amendment will take effect January 1, 2009. This bill incorporates HBs 6 and 272.

*Patron - Albo*

**HJ4 Constitutional amendment (second 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 percent of the value of residential or farm property that is the owner-occupant's primary dwelling and lived in continuously. This resolution incorporates HJR 3, HJR 56, and HJR 121.

*Patron - Albo*

**HJ18 Constitutional amendment (first resolution); property tax exemption for certain veterans.** Directs the General Assembly to exempt from taxation real property that is the principal residence of a veteran (or widow or widower of a veteran) if the veteran has been determined by the United States Department of Veterans Affairs or its successor agency



pursuant to federal law to have a 100 percent combat-related, permanent, and total disability.

*Patron - Lingamfelter*

**☐HJ19 Constitutional amendment (first resolution); assessments of real property 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*

**☐HJ20 Constitutional amendment (first resolution); restriction on entities that may impose taxes.** Prohibits any entity from imposing taxes other than the Commonwealth, counties, cities, towns, or regional governments. The resolution grandfathered any such taxes imposed prior to the effective date of the amendment.

*Patron - Marshall, R.G.*

**☐HJ21 Constitutional amendment (first resolution); restriction on entities that may impose taxes.** Prohibits any entity from imposing taxes other than the Commonwealth, counties, cities, towns, or regional governments. The amendment applies to such taxes imposed before the effective date of the amendment but not to any such taxes collected before the effective date of the amendment.

*Patron - Marshall, R.G.*

**☐HJ28 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 the leaders of 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*

**☐HJ29 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, 2009, 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*

**☐HJ36 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*

**☐HJ37 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*

**☐HJ38 Constitutional amendment (first resolution); property tax exemption for certain veterans.** Directs the General Assembly to exempt from taxation real property that is the principal residence of a veteran (or widow or widower of a veteran) if the veteran has been determined by the United States Department of Veterans Affairs or its successor agency pursuant to federal law to have a service-connected, permanent, and 100 percent total disability.

*Patron - Ware, O.*

**☐HJ48 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, 2009, 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.*

**☐HJ67 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 Commonwealth any funds in anticipation of the collection of sales or use taxes by that person for the Commonwealth.

*Patron - Saxman*

**☐HJ70 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 - Plum*

**☐HJ120 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. This resolution is identical to SJ 5.

*Patron - Amundson*

**☐HJ122 Constitutional amendment (first resolution); real estate tax partial exemption.** Requires localities to compute real estate taxes based on no more than a five percent increase in the assessed value on the primary residence of an owner after he has occupied it for five years. The taxes of any new owner of the dwelling shall be based on fair market value until the new owner has occupied the dwelling for five years.

*Patron - Loupassi*

**☐HJ123 Constitutional amendment (first resolution); due process of law; obligation of contracts; taking of private property; prohibited discrimination; jury trial in civil cases.** Defines the term "public uses" and specifies permitted public uses for which private property may be taken. The definition is the same definition enacted in 2007 and set out in § 1-219.1 of the Code of Virginia.

*Patron - Joannou*

**☐HJ124 Constitutional amendment (first resolution); English as the official language of the Commonwealth.** Provides that English is the official language of Virginia, that the provision is self-executing, and that the General Assembly may pass laws to implement the provision.

*Patron - Joannou*

**☐HJ180 Constitutional amendment (first resolution); Governor's term of office.** Extends the Governor's term to six years, 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 - Barlow*

**☐HJ181 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 Com-

mission is directed to certify district plans for the General Assembly within thirty days of receipt of the new census data and for the House of Representatives within sixty days of such receipt.

*Patron - Barlow*

**☐HJ182 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 - Hall*

**☐HJ245 Constitutional amendment (first resolution); school boards.** Amends Section 7 of Article VIII to state that the General Assembly may provide by general law or special act that responsibility for supervision of schools may be exercised by a local governing body and the locality's chief administrative officer rather than a school board.

*Patron - Poisson*

**☐SJ5 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. This resolution is identical to HJ 120.

*Patron - Deeds*

**☐SJ7 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 Y.B.*

**☐SJ8 Constitutional amendment (first resolution); property tax exemption for certain veterans.** Authorizes the General Assembly to exempt from taxation real property that is the principal residence of a veteran (or widow or widower of a veteran) if the veteran has been determined by the United States Department of Veterans Affairs or its successor agency

pursuant to federal law to have a service-connected, permanent, and 100 percent total disability. This resolution is identical to SJ 10.

*Patron - Puller*

**CSJ10 Constitutional amendment (first resolution); property tax exemption for certain veterans.** Authorizes the General Assembly to exempt from taxation real property that is the principal residence of a veteran (or widow or widower of a veteran) if the veteran has been determined by the United States Department of Veterans Affairs or its successor agency pursuant to federal law to have a service-connected, permanent, and 100 percent total disability. This resolution is identical to SJ 8.

*Patron - Reynolds*

**CSJ48 Constitutional amendment (first resolution).** Authorizes the General Assembly by general law to classify separately real estate devoted to historical uses and to permit localities to provide tax relief for such real estate.

*Patron - Stuart*

**CSJ59 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 from a list of 15 retired judges prepared by the Chief Justice of the Supreme Court as follows: one each by the Governor, President pro tempore of the Senate, and Speaker of the House of Delegates and those three Commission members to appoint two additional members from the list. However, the last two appointments will be made by the minority party leaders of the Senate and House of Delegates if the Governor, President pro tempore, and Speaker are all members of the same party. The five members shall elect one of their number to serve as chairman. The Commission is directed to submit to the General Assembly 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 General Assembly may amend the Commission's plan by a two-thirds vote not to affect any district's population by more than two percent. 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. If the General Assembly fails to pass the plan, the Supreme Court will devise the final plan.

*Patron - Miller, J.C.*

**CSJ60 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 the assessed value, provided that such property has been the primary residence of its owners for at least five years.

*Patron - Miller, J.C.*

**CSJ73 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.

*Patron - Hanger*

**CSJ88 Constitutional amendment (first resolution); taking of private property for public uses.** Establishes limitations on takings of private property. Except for property taken for public service companies or railroads, property may not be taken if the primary purpose of the taking is private financial gain, private benefit, an increase in tax base or tax revenues, or an increase in employment. No more property shall be taken than is necessary to achieve the stated public use.

*Patron - Obenshain*

**CSJ91 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, and Priority Transportation Fund. All revenues dedicated to Transportation Funds on January 1, 2009, 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 the three years. The amendment also 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 - Norment*

## Other Resolutions

### Passed

**PHJ5 Designating October as Right Choices for Youth Month in Virginia.** Designates October in 2008, and in each year thereafter, as Right Choices for Youth Month in Virginia to promote the formation of character and integrity in young Virginians.

*Patron - Peace*

**PHJ26 Dyslexia Awareness Month.** Designating October, in 2008 and in each succeeding year, as Dyslexia Awareness Month in Virginia.

*Patron - Wright*

**PHJ27 Valentines, Virginia Day.** Designates February 14, in 2008 and in each succeeding year, as Valentines, Virginia Day in the Commonwealth.

*Patron - Wright*

**PHJ41 Virginia Adoption Awareness Month.** Designates November in 2008, and in each succeeding year, as Virginia Adoption Awareness Month.

*Patron - Peace*

**PHJ76 Town of Independence.** Recognizes the Town of Independence as the Official Home of the Grand Privy Race in Virginia.

*Patron - Carrico*

**PHJ79 Barring physicians or other health care practitioners from prescribing an alternative brand of medication because of financial incentives.** Requests the Governor and the Secretary of Health and Human Resources to develop a policy barring physicians or other health care practitioners from prescribing an alternative brand of medication because of financial incentives without first disclosing the incentives to the patient or the patient's parent, legal guardian, or other authorized representative.

*Patron - Hamilton*

**PHJ130 President Ronald Reagan Day.** Designates February 6, in 2008 and in each succeeding year, as Ronald Reagan Day in Virginia.

*Patron - O'Bannon*

**PHJ131 Plumbing Industry Week.** Designates April 27 through May 3, 2008, as Plumbing Industry Week in Virginia to correspond to the plumbing industry's celebration of 125 years of existence in 2008.

*Patron - Scott, E.T.*

**PHJ132 Brain Injury Awareness Month.** Designates March, in 2008 and in each succeeding year, as Brain Injury Awareness Month in Virginia in conjunction with March as National Brain Injury Awareness Month and the Governor's proclamation of the month in Virginia in 2006.

*Patron - Nutter*

**PHJ147 V-Prize Foundation.** Commends the V-Prize Foundation and encourages the Federal Aviation Administration's Commercial Space Transportation office to conduct a comprehensive study of the domestic and international legal issues associated with transoceanic point-to-point space flight.

*Patron - Kilgore*

**PHJ184 Wild Spanish mustangs; resolution.** Recognizes the historic value and importance of the last known wild herd of Spanish mustangs living on the barrier islands of Virginia.

*Patron - Suit*

**PHJ220 Philippine Independence Day.** Designates June 12, in 2008 and in each succeeding year, as Philippine Independence Day in Virginia in conjunction with other celebrations of the day in the nation.

*Patron - Hall*

**PHJ231 Board of Game and Inland Fisheries resolution.** Requests that the Board of Game and Inland Fisheries and the Department of Game and Inland Fisheries provide better communication and opportunities for public participation when proposing or changing regulations.

*Patron - Saxman*

**PHJ362 Ms. Wheelchair Virginia Day.** Designates April 14, in 2008 and in each succeeding year, as Ms. Wheelchair Virginia Day in Virginia.

*Patron - Howell, W.J.*

**PSJ41 Virginia Commonwealth University Day in Virginia.** Designates July 1, 2008, as Virginia Commonwealth University Day in Virginia, commemorating the 40th anniversary of the establishment of the university.

*Patron - McEachin*

**PSJ49 Parkinson's Disease Awareness Month.** Designates April, in 2008 and in each succeeding year, as Parkinson's

Disease Awareness Month in Virginia to coincide with the national week.

*Patron - Stuart*

**PSJ64 Plumbing Industry Week.** Designates April 27 through May 3, 2008, as Plumbing Industry Week in Virginia to correspond to the plumbing industry's celebration of 125 years of existence in 2008.

*Patron - Houck*

**PSJ108 Children's Miracle Network Day.** Designates October 1, in 2008 and in each succeeding year, as Children's Miracle Network Day in Virginia.

*Patron - Newman*

**PSJ171 Battle of Craney Island Day.** Designates June 22, 2008, as the Battle of Craney Island Day in Virginia.

*Patron - Quayle*

## Failed

**FHJ2 Requesting the Governor to implement the recommendations of the 2002 Governor's Commission on Efficiency and Effectiveness.** Requests the Governor to implement such recommendations of the 2002 Governor's Commission on Efficiency and Effectiveness as can be addressed through his executive powers, and to request of the General Assembly such additional statutory authority as may be needed in order fully to carry out the recommendations, in order to provide funding to address critical transportation needs.

*Patron - Marshall, R.G.*

**FHJ42 Memorializing Congress to repeal or amend the federal Real ID Act.** Expresses the sense of the General Assembly in opposition to the implementation of the federal Real ID Act unless the federal government provides adequate funds to the states to cover the costs of implementation and unless amendments are made to protect the privacy and preserve the essential civil rights and liberties of the citizens of the Commonwealth.

*Patron - Peace*

**FHJ44 Comprehensive information system to replace or revise the Service Fee Directory.** Requests that the Office of Comprehensive Services develop a comprehensive information system that would replace or revise the Service Fee Directory to capture and track, on an ongoing basis, key compliance, performance, and financial information, including rates, about residential services.

*Patron - Toscano*

**FHJ62 Public service academy.** Urges the United States Congress to create a national public service academy.

*Patron - Toscano*

**FHJ68 Resolution; Department of General Services; LEED standards for new state office buildings.** Encourages the Department of General Services to adopt the Leadership in Energy and Environmental Design (LEED) Green Building Rating System into state procurement practices for the design and procurement of construction services for new state office buildings.

*Patron - Plum*

**FHJ73 Resolution; local school divisions.** Urges all local school divisions in the Commonwealth to implement the nutri-

tion and physical activity standards of the Governor's Nutrition and Physical Activity Award Program.

*Patron - O'Bannon*

**EHJ80 Consolidating certain departments; report.** Requests the Governor to determine the most appropriate methods and timing for consolidating the Department for the Blind and Vision Impaired, the Department for the Deaf and Hard of Hearing, and the Department of Rehabilitative Services into a single department that will result in an enhancement of services.

*Patron - Marshall, R.G.*

**EHJ81 Consolidating certain departments; report.** Requests the Governor to determine the most appropriate methods and timing for consolidating the Department of Charitable Gaming, the Virginia Racing Commission, and the State Lottery Department into a single department under the State Lottery Department.

*Patron - Marshall, R.G.*

**EHJ82 Recognizing the need to establish a searchable budget database website.** Recognizes the need for the staff of the House Committee on Appropriations and the Senate Committee on Finance to establish a searchable budget database website detailing where, for what purpose, and what results are achieved for all taxpayer investments in state government. This bill is incorporated into HB 1360.

*Patron - Marshall, R.G.*

**EHJ86 Memorializing the Congress of the United States.** Withdraw the United States from the Security and Prosperity Partnership of North America and any other bilateral or multilateral activity which seeks to create a North American Union.

*Patron - Marshall, R.G.*

**EHJ94 Mid-Atlantic Regional Spaceport (MARS).** Encourages the Governor of the Commonwealth to initiate a memorandum of agreement with the Governor of Maryland to create a bi-state compact and commission to jointly fund and operate the Mid-Atlantic Regional Spaceport.

*Patron - Cosgrove*

**EHJ104 Standards of Quality and Standards of Learning; academic excellence of all students.** Requests the Board of Education to recommend changes to the Standards of Quality and the Standards of Learning to transition from minimum competency requirements to standards that require academic excellence of all students. The Board of Education must submit its report to the 2009 Regular Session of the General Assembly.

*Patron - Plum*

**EHJ125 Illegal immigration; memorializing Congress to act.** Requests Congress to provide federal agencies with the necessary resources for the enforcement of existing federal immigration laws or, if Congress chooses not to provide those resources, to enact legislation giving states the authority and funding to address the problem of illegal immigration.

*Patron - Bell*

**EHJ126 Encourage the Government of Turkey to grant certain rights to the Ecumenical Patriarch.** Encourages the Government of Turkey to grant the Ecumenical Patriarch appropriate international recognition, ecclesiastical succession, and the right to train clergy of all nationalities and to respect the property rights and human rights of the Ecumenical Patriarchate.

*Patron - Joannou*

**EHJ127 Resolution; school divisions of the Commonwealth.** Encourages the school divisions of the Commonwealth to consider launching a Project Lead the Way program in the division's high schools.

*Patron - Nutter*

**EHJ128 Resolution; encouraging international education programs.** Encourages the Commonwealth's public institutions of higher education to enhance opportunities for international educational programs. The Commonwealth's institutions of higher education are encouraged to (i) develop courses of study, academic programs, and enrichment opportunities to increase student understanding of global issues and cultural differences; (ii) promote courses in foreign languages to prepare students to seek careers in a global marketplace and enhance their understanding of other countries; (iii) provide opportunities for students in all majors to participate in programs to study abroad to enrich their academic training, intercultural perspectives, and personal development; (iv) provide opportunities for domestic and international students to interact effectively and routinely to share their views, perceptions, and experiences; and (v) develop innovative public education programs, methods, and venues to explore global issues and world cultures.

*Patron - Nutter*

**EHJ129 Resolution; increase energy security.** Expresses the General Assembly support for the 25X'25 Project.

*Patron - Poindexter*

**EHJ183 Requesting the Governor of the Commonwealth of Virginia to enter into Immigration Agreement.** Requests the Governor to enter into Memoranda of Agreement with the United States Department of Homeland Security, Immigration and Customs Enforcement, to allow designated members of the Department of State Police, Department of Corrections, and Department of Motor Vehicles to perform certain federal immigration law functions. Such a Memoranda of Agreement is frequently referred to as a "287 (g)" agreement.

*Patron - Frederick*

**EHJ185 Encouraging the school divisions of the Commonwealth to consider forming planning committees to establish academic year Governor's Schools in math, science, and technology.** Encourages the school divisions of the Commonwealth to consider forming planning committees to establish academic year Governor's Schools in math, science, and technology.

*Patron - Saxman*

**EHJ246 Encouraging the utilization of Mid-Atlantic Regional Spaceport (MARS).** Encourages the utilization of MARS by commercial space launch providers to re-supply and re-crew the orbiting International Space Station upon retirement of the space shuttle.

*Patron - Lewis*

**EHJ247 Resolution; International education.** Recognizes the importance of international education in higher education in Virginia.

*Patron - Tata*

**ESJ25 Resolution; "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 percent 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, Y.B.*

**ESJ58 Memorializing Congress to support participation of the Republic of China (Taiwan) in the World Health Organization.** Memorializes the Congress of the United States to support the Republic of China (Taiwan) in its efforts to be permitted full and meaningful participation in the activities of the World Health Organization.

*Patron - Deeds*

**ESJ69 Humane Treatment for Companion Animals Education Week.** Designates the first full week in February, in 2008 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 - Vogel*

**ESJ71 Resolution; high voltage transmission lines.** States that it is the intent of the General Assembly that the State Corporation Commission require any electric utility applying for approval to construct a high voltage transmission line comply with and strive to exceed certain provisions of state and federal law regarding energy conservation and the use of renewable energy sources, and that in determining whether an applicant has demonstrated need for the transmission line, compliance with these provisions be a prerequisite to the Commission's approval of its construction.

*Patron - Petersen*

**ESJ93 Illegal immigration; memorializing Congress to act.** Requests Congress to provide federal agencies with the necessary resources for the enforcement of existing federal immigration laws or, if Congress chooses not to provide those resources, to enact legislation giving states the authority and funding to address the problem of illegal immigration. This resolution has been incorporated into SJR 120.

*Patron - Stolle*

**ESJ94 Resolution; importance of Commission on Climate Change.** Recognizes the need for the Commission on Climate Change to provide leadership and assist the General Assembly and the Governor.

*Patron - Ticer*

**ESJ120 Illegal Immigration; federal responsibility.** Memorializes the Congress of the United States to develop a comprehensive immigration policy and to demonstrate leadership on the matter of illegal immigration. This resolution incorporates SJR 93.

*Patron - Colgan*

**ESJ130 Resolution; International education.** Recognizes the importance of international education in higher education in Virginia.

*Patron - Quayle*

**ESJ131 Memorializing Congress regarding birthright citizenship.** Urges the United States Congress to call for a constitutional convention to amend the Fourteenth Amendment of the Constitution to clarify specifically that a person born to a parent who is a U. S. Citizen is also a citizen of the United States.

*Patron - Cuccinelli*

## Carried Over

**CSJ26 Attorney General of Virginia; illegal immigration; report.** Requests the Attorney General to pursue all remedies through litigation to recover moneys owing from the United States government to the Commonwealth for reimbursement of costs incurred by the State in dealing with illegal immigration.

*Patron - Colgan*

## Miscellaneous (Including Budget and Bonds)

### Passed

**P HB29 Budget Bill.** Amending Chapter 847 of the 2007 Acts of Assembly, which appropriated the public revenues and provided 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 - Putney*

**P HB30 Budget Bill.** Provides a portion of revenues for the two years ending respectively on the thirtieth day of June, 2009, and the thirtieth day of June, 2010.

*Patron - Putney*

**P HB31 Bonds; institutions of higher learning.** Authorizes the issuance of 9(c) bonds in a principal amount not to exceed \$350,565,000 for revenue-producing capital projects at certain institutions of higher learning.

*Patron - Hamilton*

**P HB474 Virginia War Memorial.** Requires the State Comptroller to advance a loan of \$5.97 million for the state share of the construction of an educational wing for the Virginia War Memorial and the expansion of the Shrine of Memory to include Virginians killed in action in the War on Terror, in the form of a short-term treasury loan, with no interest, upon certification by the Governor or his designee that \$2 million in private funds have been raised, pledged, or expended to support the projects. The State Comptroller shall advance \$500,000 of the \$5.97 million upon certification that \$1 million in private funds have been raised, pledged, or expended for the educational wing.

*Patron - Cox*

**P HB688 Claims; Anthony Fields.** Provides relief for Anthony Fields, who was incarcerated for one year beyond the time he was required to serve due to an error in recording the date that he was incarcerated. Under the bill, the Commonwealth would provide a lump-sum payment to Mr. Fields of \$32,544, payable on or before August 1, 2008.

*Patron - Valentine*

**P HB1576 Award of service handgun.** Allows William A. Pruitt, retired Commissioner of the Virginia Marine Resources Authority, to purchase his service handgun.

*Patron - Morgan*

**PSB31 Bonds; institutions of higher learning.** Authorizes the issuance of 9(c) bonds in a principal amount not to exceed \$350,565,000 for revenue-producing capital projects at certain institutions of higher learning.

*Patron - Colgan*

## Failed

**HB295 Claims; Sumpter and Robin Priddy.** Provides relief in the amount of \$65,000 to Sumpter and Robin Priddy. Property owned by the Priddys was leased by Virginia Commonwealth University (VCU). The lease included an option for VCU to purchase the property with the price to be based on the average of two appraisals that were to be conducted at the end of the five-year lease. The Virginia Commonwealth University Real Estate Foundation (the "Foundation"), a VCU "affiliated organization," attempted to exercise the option based on appraisals done prior to the expiration of the lease. In a subsequent suit to enforce the option, the court held that in basing the purchase price on appraisals that were done prior to the expiration of the lease, VCU did not properly exercise its option. The amount of the claim is to reimburse the Priddys for attorney and appraisal fees and other costs associated with the Priddys' defense against the lawsuit.

*Patron - Hargrove*

**HB594 General obligation bonds; educational facilities.** Authorizes the issuance of 9(b) bonds in a principal amount not to exceed \$1,525,492,000 for certain educational facilities, subject to approval by the voters voting at the November 4, 2008, general election.

*Patron - Hamilton*

**HB1417 Claims; Kay F. Couch Johnson.** Provides \$161,875 in relief for Kay F. Couch Johnson. One-half of such sum is payable on or before July 1, 2008, and the balance is to be paid in five equal installments from July 1, 2009, through July 1, 2013, contingent upon written mental and physical evaluations, and upon her not returning to work as a nurse or if the VRS Medical Board finds she may work as a nurse without losing her VRS retirement benefits. Ms. Johnson was an employee of the Department of Mental Health, Mental Retardation and Substance Abuse Services at Catawba Hospital. In the course of her duties, Ms. Johnson was injured by a violent patient.

*Patron - Ware, O.*

**HB1501 Firefighters; task force to develop training standards.** Creates a task force, appointed by the Secretary of Public Safety, to develop criteria for the training and certification of all firefighters in Virginia. The bill sets out the membership of the task force and its duties.

*Patron - Amundson*

**SB29 Budget Bill.** Amending Chapter 847 of the 2007 Acts of Assembly, which appropriated the public revenues and provided 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 - Colgan*

**SB30 Budget Bill.** Provides a portion of revenues for the two years ending respectively on the thirtieth day of June, 2009, and the thirtieth day of June, 2010.

*Patron - Colgan*

**SB343 Transfer of state toll facilities.** Requires prior approval by local referendum of any contract or agreement that would transfer control of a state toll facility to any non-Commonwealth public or private entity.

*Patron - Cuccinelli*

**SB581 General obligation bonds; educational facilities.** Authorizes the issuance of 9(b) bonds in a principal amount not to exceed \$1,525,492,000 for certain educational

facilities, subject to approval by the voters voting at the November 4, 2008, general election.

*Patron - Colgan*

## Study Resolutions

### Passed

**HJ6 Study; Southeastern Public Service Authority; report.** Requests the Hampton Roads Planning District Commission to study the operation and finances of the Southeastern Public Service Authority.

*Patron - Peace*

**HJ72 Study; privatization of the ports of Virginia; report.** Establishes a joint subcommittee to study public-private partnerships regarding seaports in Virginia.

*Patron - Purkey*

**HJ75 Study; local incentives to private businesses; report.** Establishes a joint subcommittee to study local incentives provided to private businesses for economic development purposes. In conducting its study, the joint subcommittee shall (i) determine all incentives that localities are permitted to provide to private businesses; (ii) evaluate the impact of such incentives on smaller local competitors of the businesses provided the incentives; and (iii) evaluate the effectiveness of the incentives that are provided.

*Patron - Cole*

**HJ89 Study; Southeastern Public Service Authority; report.** Directs the Auditor of Public Accounts to collect, receive, and analyze data and information relating to the operation and finances of the Southeastern Public Service Authority.

*Patron - Cosgrove*

**HJ90 Continuing the Joint Subcommittee Studying Science, Math, and Technology Education at the Elementary, Secondary, and Undergraduate Levels.** Continues the joint subcommittee to review the curricula of existing public schools in the Commonwealth, including Governor's Schools and other specialized public schools devoted to math, science, or technology; study accessibility to specialized public schools by students throughout the Commonwealth; review and recommend innovative ways to interest students at all education levels in science, math, and technology; identify the key points during the K-12 education experience that will determine whether a student will become interested, and maintain that interest, in math, science, technology related subjects; and identify programs and activities that promote partnerships between educators at the Commonwealth's public schools and institutions of higher education, as well as with business and research entities in the science and technology sectors located in the Commonwealth. In addition, to address the shortage of science and engineering graduates in the Commonwealth, the joint subcommittee shall, in its deliberations, ascertain the factors contributing to the shortage of science and engineering graduates in the Commonwealth and recommend alternatives to mitigate its effect; determine the current supply and demand for science and engineering graduates in Virginia, and project the need for such graduates in the next decade; examine ways to promote and encourage collaboration and partnerships between science and engineering programs at the Commonwealth's institutions of higher education and science- and technology-based businesses in Virginia, including tax incentives; assess the feasibility of using the collaboration between Virginia Tech and the Virginia Community College System in the

Lynchburg area as a model for institutional partnerships; and identify incentives designed to attract and retain more students into science and engineering programs and prepare them for careers in these fields. This resolution incorporates HJ 115.

*Patron - Cosgrove*

**PHJ91 Study; Private institutions address Virginia's educational and workforce needs; report.** Establishes a joint subcommittee to study ways in which the Commonwealth may work with Virginia's private nonprofit colleges to meet state higher education needs. This bill incorporates HJ 99.

*Patron - Hamilton*

**PHJ105 Study; autism services; report.** Directs the Joint Legislative Audit and Review Committee to study autism services in Virginia to identify and evaluate best practices in the provision of services for the diagnosis, treatment, and management of autism; methods of providing services to persons with autism; ways to disseminate information regarding best practices; and provide autism education and training for law enforcement and judicial personnel. This resolution incorporates HJR 110.

*Patron - Valentine*

**PHJ113 Study; juvenile justice; Virginia State Crime Commission.** Directs the Commission to continue its study of juvenile justice. The Commission, in continuing its study of the juvenile justice system in the Commonwealth pursuant to House Joint Resolution 136 (2006), shall also (i) review the severity of offenses committed by juveniles in the Commonwealth; (ii) evaluate the effects on the learning environment and educational process, particularly for other students, when juvenile offenders are returned to the public school classroom; (iii) identify and examine more effective methods of rehabilitating juveniles, particularly juveniles who commit serious offenses; and (iv) recommend such changes as the Commission may deem necessary to provide a more effective juvenile justice system. This resolution incorporates HJ 160.

*Patron - Moran*

**PHJ119 Study; impact of eVA on small businesses in the Commonwealth.** Directs the Joint Legislative Audit and Review Commission (JLARC) to study the impact of eVirginia (eVA) on small businesses in the Commonwealth. In conducting its study, JLARC shall (i) identify the total number of contracts and the total dollar amount awarded to small businesses in the Commonwealth, annually, since the implementation of the eVA procurement system; and (ii) examine the impact of the fee structure and the mandatory use of eVA on the procurement opportunities of small businesses in the Commonwealth.

*Patron - Nutter*

**PHJ155 Study; requesting the Hampton Roads Planning District Commission (HRPDC) to study automatic aide for emergency responses across jurisdictional lines; report.** Requests the HRPDC to study emergency responses across jurisdictional lines in the Hampton Roads region and to issue a report with its findings and recommendations.

*Patron - Suit*

**PHJ159 U.S. Route 460 Communications Committee; report.** Extends the U.S. Route 460 Communications Committee until commencement of construction of the U.S. Route 460 project as approved by the Commonwealth Transportation Board in November 2005. The Committee must submit an executive summary of its findings and recommendations no later than the first day of the Regular Session of the 2009 and 2010 Sessions of the General Assembly.

*Patron - Jones, S.C.*

**PHJ177 Study; single sales factor; report.** Establishing a joint subcommittee to study the benefits of adopting a single sales factor to apportion the income of multistate corporations for purposes of the corporation income tax.

*Patron - Byron*

**PHJ178 Study; Urban Development Areas; report.** Establishes a joint subcommittee to study development and land use tools in Virginia's localities. The two-year study will examine and monitor the transition to channeling development into Urban Development Areas, and determine if additional legislation is needed to help localities as they transition to Urban Development Areas. The joint subcommittee shall also make a comprehensive evaluation of all existing land use planning tools and infrastructure financing options, as well as consider matters addressed in HJR 22 (2008). This resolution incorporates HJR 22.

*Patron - Athey*

**PHJ194 Study; transportation network of Hampton Roads.** Establishes a 10-member joint subcommittee to conduct a one-year study of the transportation network of Hampton Roads.

*Patron - Jones, S.C.*

**PHJ195 Study; transfer of development rights; report.** Establishes a nine-member joint subcommittee to study transfer of development rights (TDR) and examine ways in which the existing TDR legislation may be modified to make it more appealing to localities.

*Patron - Lohr*

**PHJ196 Study; Bureau of Insurance; licensure of insurance agents; report.** Requests the Bureau of Insurance of the State Corporation Commission to collect certain demographic and other information from agent licensing examination candidates.

*Patron - Hargrove*

**PHJ248 Study; Development and enhancement of the biosciences and biotechnology.** Creates a joint subcommittee to study and advance the development and enhancement of the biosciences and biotechnology in the Commonwealth. In conducting its study, the joint subcommittee shall, among other things, (i) review and implement appropriate and efficacious recommendations of state and national research investigations in the disciplines of bioscience and biotechnology, including the Governor's Commission on Biotechnology; (ii) examine, continue, and enlarge the work begun by the Governor's Commission on Biotechnology, including, but not limited to, determining how Virginia's research universities, federal and state laboratories, biotechnology incubators, research parks, private industry, and other major resources can be leveraged to help make Virginia a more attractive location for the development and enhancement of the biosciences and biotechnology industry; (iii) determine how these resources may increase the development of the biotechnology industry through technology transfer and commercialization of new ideas and discoveries; (iv) assess how strategic initiatives in bioscience and biotechnology may generate economic development and investment in Virginia, particularly in rural and urban regions of the Commonwealth; (v) examine Virginia's workforce development status, including education, supply, and training needs relative to supporting viable bioscience research and biotechnology industry in the Commonwealth; (vi) evaluate the capacity of bioscience and biotechnology to protect and preserve Virginia's natural resources; and (vii) develop and recommend a strategic and visionary plan that implements certain of the recommendations deemed feasible and appropriate, establishes



Virginia as a national and global leader in bioscience and biotechnology research and application by 2018, and enables the Commonwealth to maintain its national and global leadership thereafter. During the course of its study, the joint subcommittee shall ensure the participation and contribution of representatives of Virginia's public research institutions of higher education, the Center for Innovative Technology, the private biotechnology industry, and the Secretary of Technology. The joint subcommittee shall also ensure the involvement of representatives of agricultural and tobacco interests, federal laboratories in Virginia involved in research and technology transfer in life sciences, and the not-for-profit life science and research institutions and laboratories in the Commonwealth.

*Patron - Sickles*

**PSJ42 Study; mental health; report.** Directs the Joint Commission on Health Care to receive, review, and evaluate the impact of certain recommendations and legislation on the mental health system in the Commonwealth. The Commission must consider and assess the recommendations of the Chief Justice's Commission on Mental Health Law Reform, the Virginia Tech Review Panel, the Office of the Inspector General for Mental Health, Mental Retardation and Substance Abuse Services, other committees and commissions proposing recommendations related to the involuntary commitment process specifically and the system of mental health services in the Commonwealth, and legislation enacted by the 2008 Session of the General Assembly and signed into law by the Governor. The Commission must report its findings and recommendations to the 2010 Session of the General Assembly.

*Patron - Lucas*

**PSJ46 Study; continuing the study of the mental health needs and treatment of minority young adults in the Commonwealth; report.** Directs the Joint Commission on Health Care to continue its study of the mental health needs and treatment of young minority adults in the Commonwealth. In conducting the study, the Joint Commission on Health Care shall continue, among other things, to (i) estimate the number of mentally disabled young adults by gender, age, and racial and ethnic classification, in the geographical regions of the Commonwealth; (ii) identify the prevailing mental health and emotional disorders and their etiology among minority young adults; (iii) identify the mental health needs of minority citizens, particularly minority young adults in Virginia; (iv) determine whether mental health care providers are trained to provide culturally competent mental health treatment; (v) assess the need for culturally competent mental health treatment in Virginia; and (vi) review federal and state laws and regulations governing the confidentiality of health care, mental health treatment, and medical records. The Commission must submit its findings and recommendations to the 2009 Regular Session of the General Assembly.

*Patron - Marsh*

**PSJ56 Study; Virginia Housing Commission; vacant residential units in densely populated urban areas; report.** Directs the Virginia Housing Commission to study the impact of abandoned and vacant residential buildings on densely populated urban areas.

*Patron - Locke*

**PSJ65 Study; Southeastern Public Service Authority; report.** Directs the Auditor of Public Accounts to collect, receive, and analyze data and information relating to the operation and finances of the Southeastern Public Service Authority. The Auditor must submit his findings to the 2009 Regular Session of the General Assembly.

*Patron - Quayle*

**PSJ70 Study; Development and land use tools in Virginia localities.** Establishes a joint subcommittee to study development and land use tools in Virginia's localities. In conducting its study, the joint subcommittee shall examine and monitor the transition to channeling development into Urban Development Areas, and determine if additional legislation is needed to help localities as they transition to Urban Development Areas. The joint subcommittee shall also make a comprehensive evaluation of all existing land use planning tools and infrastructure financing options and make any recommendations deemed appropriate. This resolution is identical to HJR 178 (Athey).

*Patron - Vogel*

**PSJ75 Study; continuing the Joint Subcommittee to Study the Comprehensive Services Program for At-Risk Youth and Families; report.** Continues the Joint Subcommittee to Study the Comprehensive Services Program for At-Risk Youth and Families, established by Senate Joint Resolution 96 (2006), to continue to review the administration of the Comprehensive Services Program and to develop additional legislative recommendations for the 2009 Session of the General Assembly.

*Patron - Hanger*

**PSJ77 Study; substance abuse and prevention programs.** Creates a joint subcommittee to study strategies and models for substance abuse prevention and treatment that effectively reduce the costly service demands created by substance abuse. In conducting its study, the joint subcommittee shall (i) identify and characterize the nature of substance abuse in the Commonwealth; (ii) identify current state policies and programs targeting substance abuse prevention and treatment; (iii) examine the cost of such policies and programs to the Commonwealth; (iv) identify and examine policies and prevention programs from other leading states in the field of substance abuse and prevention; and (v) benchmark the Commonwealth's substance abuse prevention and treatment programs and policies against those of the leading states.

*Patron - Hanger*

**PSJ92 Study; transportation entities; report.** Establishes a joint subcommittee to study the functions and authorities of entities with transportation responsibilities. The joint subcommittee shall focus its efforts first on the Hampton Roads region and shall review the statutory functions of the metropolitan planning organizations, planning district commissions, and transportation authorities, making recommendations to resolve ambiguities and overlapping functions.

*Patron - Stolle*

**PSJ99 Study; clerks' offices; report.** Continues the joint subcommittee to study the operations of circuit court clerks' offices.

*Patron - Stolle*

**PSJ101 Study; Adopting a single sales factor to apportion the income of multistate corporations for purposes of the corporation income tax; report.** Establishes a joint subcommittee to study the benefits of adopting a single sales factor to apportion the income of multistate corporations for purposes of the corporation income tax.

*Patron - Stosch*

**PSJ102 Study; support services for family caregivers of the frail elderly and disabled and community-based caregiver support organizations; report.** Directs the Joint Commission on Health Care to study support services for family

caregivers of the frail elderly and disabled and community-based caregiver support organizations.

*Patron - Stosch*

**PSJ122 Study; rapid transit service network; report.** Establishes a joint subcommittee to study the feasibility of creating a regional rapid transit network for connecting existing and emerging population centers in major transportation corridors. This resolution incorporates SJR 83.

*Patron - Colgan*

**PSJ129 Study; JLARC to study cost of VITA services; report.** Directs the Joint Legislative Audit and Review Commission (JLARC) to study services provided to state agencies and public bodies by the Virginia Information Technologies Agency (VITA). In conducting its study, JLARC shall (i) evaluate the quality, cost, and value of the services delivered to state agencies and public bodies and (ii) characterize the impact to state agencies and public bodies resulting from the transition to a fee-based services model and to the information technology infrastructure partnership with Northrop Grumman. The Commission must submit its report to the 2010 Session of the General Assembly.

*Patron - Stolle*

## Failed

**FHJ15 Study; security freezes on consumer credit reports.** Creates a joint subcommittee to study security freezes on consumer credit reports.

*Patron - O'Bannon*

**FHJ22 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. This resolution was incorporated into HJR 178.

*Patron - Marshall, R.G.*

**FHJ35 Study; indigent health care in the Commonwealth; report.** Directs the Joint Legislative Audit and Review Commission 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*

**FHJ43 Study; Online public institution of higher education; report.** Requests that the State Council of Higher Education study the feasibility of establishing an online public institution of higher education. The Council must submit its findings and recommendations to the 2009 Session and its final findings and recommendations to the 2010 Session of the General Assembly.

*Patron - Poisson*

**FHJ46 Comprehensive information system to replace or revise the Service Fee Directory.** Requests that the Office of Comprehensive Services develop a comprehensive information system that would replace or revise the Service Fee Directory to capture and track, on an ongoing basis, key compliance, performance, and financial information, including rates, about residential services.

*Patron - Landes*

**FHJ47 Study; severe shortage of medical doctors; report.** Establishes a joint subcommittee to study the current and impending severe shortage of medical doctors in Virginia. The joint subcommittee shall consider the impact of the current and impending shortage of medical doctors on the health care system in the Commonwealth, and identify options to prepare for and remedy the shortage. In conducting its study, the joint subcommittee shall, among other things, (i) determine whether a shortage of medical doctors exists in the Commonwealth per specialty and geographical region; (ii) identify and assess factors that contribute to the shortage of medical doctors, including medical school admissions, the costs of medical education, and the effect of excessive malpractice insurance premiums, malpractice laws and caps, the shortage of nurses, and ancillary regulations such as the Certificate of Public Need; and (iii) identify the medical specialties primarily affected by the shortage of doctors and recommend ways to alleviate such problems. The joint subcommittee must submit its findings and recommendations to the 2009 Session and its final findings and recommendations to the 2010 Session of the General Assembly.

*Patron - Purkey*

**FHJ52 Study; clerks' offices; report.** Continuing the joint subcommittee to study the operations of circuit court clerks' offices.

*Patron - Kilgore*

**FHJ53 Study; competition in the commercial health insurance market; report.** Directs the Joint Legislative Audit and Review Commission to study measures to increase competition in the commercial health insurance market in the Commonwealth. In conducting its study, the Commission shall (i) determine the extent of concentration in the commercial health insurance market; (ii) analyze the effects of such level of concentration on the cost and availability of commercial health insurance products in the Commonwealth; (iii) identify issues responsible for the extent of such market concentration; (iv) determine whether the requirement that health insurers offer to small employers the essential and standard health plan should be repealed; and (v) recommend solutions to address any negative effects of market concentration.

*Patron - O'Bannon*

**FHJ63 Study; Defense Base Closure and Realignment Commission's recommendations for Fort Belvoir; Report.** Creates a joint subcommittee to study the impact of the BRAC Commission's base realignment at Fort Belvoir on transportation, public schools, the environment, and affordable housing in Northern Virginia.

*Patron - Nichols*

**FHJ64 Study; DC Metro extension to Woodbridge and Potomac Mills.** Requests that the Secretary of Transportation study the extension of Metro from the Springfield station south on I-95 to Woodbridge and Potomac Mills.

*Patron - Nichols*

**FHJ69 Study; Alternative solutions to long-term care needs in the Commonwealth; report.** Directs the Joint Commission on Health Care to study alternative solutions to long-term care needs, including intentional communities of clustered homes.

*Patron - Plum*

**FHJ71 Study; 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*

**FHJ74 Continue study; childhood obesity in Virginia's public schools; report.** Continues the Joint Subcommittee to Study Childhood Obesity in Virginia's Public Schools. In conducting its study, the joint subcommittee shall continue to 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, in an effort to ascertain methods of combating childhood obesity in the public schools. The joint subcommittee shall also continue to gather data on programs implemented by local school divisions in the Commonwealth, as well as programs in other states, and their effectiveness at decreasing the rates of obesity in school-age children and increasing parental involvement and education to ensure proper nutrition of children.

*Patron - O'Bannon*

**FHJ83 Study; school funding recommendations; report.** Creates a joint subcommittee to study the feasibility and appropriateness of implementing the recommendations of the 2002 Review of Elementary and Secondary School Funding by the Joint Legislative Audit and Review Commission. In conducting its study, the joint subcommittee shall consider, among other things, the implication of requiring that (i) the costs of implementing the Standards of Quality be estimated on principles consistent with producing a current, prevailing cost; (ii) salaries, support costs, and fringe benefits be funded at the full anticipated levels in the budgetary biennium; (iii) the cost of competing factor for Planning Division 8 support salaries be fully funded; (iv) the use of the linear weighted average to determine prevailing costs be reviewed for any dampening effect on estimates of prevailing costs; and (v) recommendations be developed regarding establishing a teacher salary goal for the Commonwealth. The joint subcommittee must report its findings and recommendations to the 2009 Regular Session of the General Assembly.

*Patron - Rust*

**FHJ84 Study; Virginia Housing Commission; methods to procure affordable housing units for public employees working in areas where the median cost of a home exceeds \$300,000; report.** Directs the Virginia Housing Commission to study methods to procure affordable housing units for public employees working in areas where the median cost of a home exceeds \$300,000.

*Patron - Rust*

**FHJ85 Study; 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 2009 Session and its final findings and recommendations to the 2010 Session of the General Assembly.

*Patron - Rust*

**FHJ87 Study; real estate tax relief program; report.** Establishes a joint subcommittee to study for one year the treatment of income and asset qualifications for real estate tax relief.

*Patron - Watts*

**FHJ88 Study; Transition process from school to work for disabled students; report.** Establishes a joint subcommittee to study the transition process from school to work for students with disabilities. In conducting its study, the joint subcommittee shall examine the transition process from school to work for students with disabilities, including a review of pertinent state and federal laws and regulations, and the implementation of the required transition planning elements. The joint subcommittee shall consider such other related matters and make such recommendations as it deems appropriate, including cost implications, to ensure an effective and efficient transition process with the complement of needed post-school services to meet the needs of transition-age disabled students and to facilitate full compliance with state and federal laws. The joint subcommittee must report its findings and recommendations to the 2009 Session of the General Assembly.

*Patron - Amundson*

**FHJ92 Study; electronic license plate recognition systems; report.** Requests the Secretary of Public Safety to study the feasibility of increasing the use of electronic license plate recognition systems as a law-enforcement tool.

*Patron - Mathieson*

**FHJ93 Study; Department of Social Services to study foster care code of ethics; report.** Requests the Department of Social Services to study and develop a statewide foster care code of ethics and responsibility agreement. In conducting its study, the Department shall: (i) identify mutual responsibilities of foster parents, foster care workers, and directors of child-placing agencies, including local departments; (ii) develop a foster care code of ethics and responsibilities agreement to be signed by each foster care parent and worker, as well as the local department of social services' or child-placing agency's chief executive officer; and (iii) develop a grievance procedure to be used for violations of the code of ethics.

*Patron - Orrock*

**FHJ98 Study; bus rapid transit in Northern Virginia; report.** Creates a 10-member joint subcommittee to study the establishment of bus rapid transit corridors in Northern Virginia.

*Patron - Watts*

**FHJ99 Study; Year-Round Colleges and Universities; report.** Establishes a joint subcommittee to study the merits of operating colleges and universities in Virginia year-round. In conducting its study, the joint subcommittee shall (i) determine the benefits of a year-round college calendar in Virginia; (ii) identify and evaluate the economic and academic advantages and disadvantages of the year-round college calendar, including, but not limited to, cost savings, rising enrollments, more rapid graduation due to accelerated programming, higher tuition and institutional costs, administrative and curriculum problems, admissions, retention, and persistence concerns, barriers to student seasonal employment, availability and flexibility of federal financial aid and other public and private grants in aid for higher education, academic continuity, scheduling for research activities, and capacity and utilization of academic buildings, dormitories, and other facilities. The joint subcommittee must report its findings and recommendations to the

2009 Session of the General Assembly. This resolution was incorporated into HJR 91 (Hamilton).

*Patron - Poisson*

**EHJ100 Study; Department of Conservation and Recreation to study the privatization of hospitality-related services and functions; report.** Provides for the Department of Conservation and Recreation to study the privatization of hospitality-related services and functions at Virginia's state parks.

*Patron - Poisson*

**EHJ101 Study; Directs JCHC to study various responses to medical errors; report.** Directs the Joint Commission on Health Care to study the use of disclosure, apologies, alternative dispute resolution, and other measures in the case of medical errors and adverse medical outcomes and the impact of such measures on the cost and quality of care, patient confidence, and the medical malpractice system.

*Patron - O'Bannon*

**EHJ102 Study; providing an income tax credit to employers that provide health insurance for their employees in the Commonwealth; report.** Directs the Joint Legislative Audit and Review Commission to study providing an income tax credit to employers that provide health insurance for their employees in the Commonwealth. In conducting its study, the Commission shall, among other things, (i) quantify the cost to the Commonwealth of employer decisions not to sponsor employee health insurance; (ii) determine the effects of providing a reduced income tax rate, implemented through a tax credit program, for corporations and other business entities that provide health insurance for their employees; (iii) identify a mechanism by which the net societal savings resulting from such an income tax credit may be earmarked for funding health care in the Commonwealth; and (iv) determine what amount of an income tax credit would be sufficient to incentivize employers that are not currently providing health insurance for employees to do so.

*Patron - Hogan*

**EHJ103 Study; 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. The joint subcommittee is to report to the 2009 session.

*Patron - Moran*

**EHJ106 Recycling of fluorescent bulbs; study.** Requests the Virginia Recycling Markets Development Council to study the costs and benefits of recycling fluorescent light bulbs that contain mercury.

*Patron - Valentine*

**EHJ107 Study; underage drinking.** Requests the Department of Alcoholic Beverage Control to study underage drinking prevention programs. In conducting its study, the Department of Alcoholic Beverage Control shall identify programs and policies from other states targeted at preventing underage consumption of alcohol; review the effectiveness and cost of such programs and policies; and recommend programs and policies that would help prevent underage consumption of alcohol in Virginia.

*Patron - Armstrong*

**EHJ108 Study; affordable housing incentives; report.** Directs the Department of Housing and Community Develop-

ment and the Department of Taxation to study incentives for affordable housing. They are to complete their work by November 30, 2008.

*Patron - Caputo*

**EHJ109 Cost of investment in high-carbon-emitting generation; study.** Directs the Joint Legislative Audit and Review Commission to study the potential economic impact to the Commonwealth of further investment in high-carbon-emitting generation facilities, such as the power plant proposed for Wise County, if the federal government were to adopt a carbon tax, a cap-and-trade program, or other system to regulate the emission of greenhouse gases. The Commission shall provide recommendations for investment in electricity generation that would enable the Commonwealth to maximize its future financial and economic position. Recommendations may include consideration of varying fuel sources, emission control technology, and demand-side management.

*Patron - Englin*

**EHJ110 Study; Joint Legislative Audit and Review Commission to study autism education and training available to law-enforcement and judicial personnel.** Report. Directs the Joint Legislative Audit and Review Commission to study the autism education and training available to law-enforcement and judicial personnel. This resolution was incorporated into HJR 105.

*Patron - Englin*

**EHJ111 Study; Dillon Rule; report.** Creates an 11-member joint subcommittee for a two-year study of the Dillon Rule and its impact on Virginia's localities.

*Patron - Englin*

**EHJ112 Beverage container recycling; study.** Directs the Joint Legislative Audit and Review Commission to include in its 2007 authorized two-year study (SJR 361) an analysis of the effectiveness of the recovery and recycling of beverage containers as a waste minimization strategy.

*Patron - Morgan*

**EHJ114 Access to waterways; study.** Establishes a six-member joint subcommittee to study the public's right to float, fish, and navigate the waters of the Commonwealth

*Patron - Lohr*

**EHJ115 Continuing study; shortage of science and engineering graduates; report.** Continues the joint subcommittee to study science and technology education in business, law, and policy graduate programs in state institutions of higher education established by House Joint Resolution 611 (2007) as the Joint Subcommittee to Study the Shortage of Science and Engineering Graduates in the Commonwealth. This resolution was incorporated into HJR 90.

*Patron - Purkey*

**EHJ116 Study; options for energy-efficient office buildings and public buildings.** Establishes a joint subcommittee to study options for energy-efficient office buildings and public buildings. The joint subcommittee is directed to propose amendments to the Statewide Building Code and to public building procurement requirements that will make such buildings more energy efficient, at costs that are recoverable through savings in energy usage.

*Patron - Hugo*

**EHJ117 Study; Craney Island Dredged Materials Management Area; report.** Requests the Joint Legislative Audit and Review Commission to study the impact of increased elevations at the Craney Island Dredged Materials

Management Area. The Commission will study the efficiencies of ocean dumping compared to continued dumping on Craney Island; the stability of the dredged materials during and after a natural disaster; the risks of dike breaches; impacts on the harbor infrastructure and the environment; and reduced utility of the area after dredging has ceased.

*Patron - Joannou*

**EHJ118 Study; legislative efficiency; report.** Directs the Joint Legislative Audit and Review Commission to study the operations of each house and all agencies in the legislative branch to develop recommendations for improving efficiency. The Commission is required to report and submit its findings and recommendations to the 2009 Session of the General Assembly.

*Patron - Shannon*

**EHJ153 Study; competitive bidding under PPTA.** Establishes a 10-member joint subcommittee to study competitive bidding on projects under the Public-Private Transportation Act of 1995 and similar projects.

*Patron - Watts*

**EHJ154 Study; laws and policies relating to purchase, possession, and transport of firearms in the Commonwealth; report.** Creates a joint subcommittee to review existing laws regarding the purchase, possession, and transport of firearms in the Commonwealth, and to make recommendations for future legislation relating to firearms.

*Patron - Caputo*

**EHJ156 Study; Commission on Local Government; report.** Requests the Commission on Local Government to study the need for contingency plans for local governing bodies to operate in the event of public health emergencies.

*Patron - Sickles*

**EHJ157 Study; state transportation entities; report.** Directs the Joint Commission on Transportation Accountability to study the functions and authorities of state entities with transportation responsibilities.

*Patron - Bouchard*

**EHJ158 Study; decline in funding from federal Highway Trust Fund; report.** Establishes a 10-member joint subcommittee to study the impact on Virginia of a decline in funding from the federal Highway Trust Fund.

*Patron - Bouchard*

**EHJ160 Study; juvenile justice system; report.** Provides for a two-year study of the juvenile justice system and how to make it more effective at protecting society and rehabilitating juveniles. This resolution was incorporated into HJR 113.

*Patron - Phillips*

**EHJ161 Study; merit pay and bonus system for public school teachers in the Commonwealth.** Establishes a joint subcommittee to study the efficacy and appropriateness of establishing a merit pay and bonus system for public school teachers in the Commonwealth.

*Patron - Saxman*

**EHJ162 Study; Bonds and other investment actions by state entities.** Directs the Joint Legislative Audit and Review Commission to study the feasibility of consolidating the issuance and administration of bonds and other investment activity of state government now performed by numerous state entities.

*Patron - Saxman*

**EHJ163 Study; companion animals; report.** Creates a joint subcommittee to study issues related to companion animals including veterinary medicine, commercial breeding practices, overpopulation, animal shelters and pounds, dangerous animal laws, tethering practices, local registration and fee collection, and procedures for disaster preparedness.

*Patron - Saxman*

**EHJ164 Study; Virginia Commission on Immigration; report.** Requests the Virginia Commission on Immigration to study the pervasiveness of licensed contractors in Virginia hiring undocumented workers or otherwise violating the federal Immigration and Reform Act and the impact of such activities on Virginia's workforce and economy.

*Patron - Cosgrove*

**EHJ165 Study; cost of caring for "baby boomers"; report.** Establishes a joint subcommittee to study reducing the cost of caring for the aging population of the Commonwealth. In conducting its study, the joint subcommittee shall examine alternatives to nursing home care, including adult day care; evaluate cost containment efforts in other states; and seek the input of other interested parties, including both private and nonprofit entities who work with the aging population, in seeking cost containment strategies.

*Patron - Marshall, R.G.*

**EHJ166 Study; Use of certain cleaning and maintenance products in the public schools of the Commonwealth; report.** Requests the Board of Education, in cooperation with the Department of General Services, to study the use of certain cleaning and maintenance products in the public schools. The Board of Education is requested to establish a year-long pilot program, consisting of elementary and secondary schools representing rural, urban, and suburban school divisions, in which the participating schools are requested to purchase and use only cleaning products certified as environmentally sensitive, or "green," by the independent Green Seals national certification program. The Board is requested to require that participating schools compare and monitor the cost and efficacy of using "green" cleaning products vis-à-vis commercial cleaning products customarily used in the public schools. Working with the Department of General Services, the Board must confer with various representatives of other state agencies, the education community, business and industry, and other interested parties concerning the efficacy of implementing a "Green, and Clean Schools" program in Virginia. The Board and the Department must report jointly their findings and recommendations to the 2009 General Assembly, and their final findings and recommendations to the 2010 Session of the General Assembly.

*Patron - Lingamfelter*

**EHJ167 Study; Virginia Housing Commission; vacant residential units in densely populated urban areas; report.** Directs the Virginia Housing Commission to study the impact of abandoned and vacant residential buildings on densely populated urban areas.

*Patron - Melvin*

**EHJ168 Study; payday lending industry; report.** Directs the Joint Legislative Audit and Review Commission (JLARC) to study the payday lending industry in the Commonwealth. In conducting its study, JLARC shall (i) examine the effectiveness of payday lending in meeting the credit needs of residents of the Commonwealth, (ii) if legislation is enacted in the 2008 Session of the General Assembly that provides for the establishment of a database for monitoring payday lending practices, examine the effects of the database on payday lend-

ing in the Commonwealth, and (iii) consider such other issues as it deems appropriate.

*Patron - Sickles*

**EHJ169 Study; policies to reduce the negative impacts of plastic bags on the environment; report.** Requests the Department of Environmental Quality to convene stakeholders meetings to discuss and report on potential legislative actions that would mitigate the negative effects of improperly disposed of plastic bags on the Commonwealth's environment. Stakeholders shall include representatives of agriculture, conservation, local government, manufacturing, plastics industry, timber industry, and retailers. In the selection of feasible policies, the stakeholders shall review existing policies and programs adopted in the United States and other countries.

*Patron - Barlow*

**EHJ170 Study; Shortage of classroom teachers in Virginia.** Establishes a joint subcommittee to study the shortage of classroom teachers in Virginia. In conducting its study, the joint subcommittee shall consider, among other things, (i) factors affecting teacher recruitment and retention in Virginia; (ii) effective teacher retention initiatives in other states; (iii) ways in which conditions of employment in Virginia public schools might be enhanced to promote teacher retention; (iv) the work and recommendations of recent legislative and executive branch studies addressing teacher shortage and employment issues; and (v) such other related issues as it deems appropriate. The joint subcommittee must report its findings and recommendations to the 2009 General Assembly and submit its final findings and recommendations to the 2010 Regular Session of the General Assembly.

*Patron - Ingram*

**EHJ171 Study; endocrine disruptor compounds; report.** Requests the Department of Environmental Quality to examine the effects of endocrine disruptor compounds (EDCs), the pollutant identified as responsible for "intersex fish." The Department will: (i) consult with federal, state, regional, and local authorities as well as solid waste and wastewater associations and agencies to monitor the ongoing federal research and efforts to catalog and assess the effects of EDCs on the environment and human health; (ii) evaluate the fiscal and regulatory impact of potential changes to the federal standards for wastewater treatment, drinking water treatment, and stormwater management practices to manage the negative effects of EDCs; (iii) evaluate the feasibility of implementing a state-wide, public-private program to facilitate the collection and proper disposal of unused medicines containing EDCs; and (iv) examine current laws and regulations that may limit or prohibit viable medicinal take-back options at the state or local level.

*Patron - Bulova*

**EHJ172 Study; 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*

**EHJ173 Study; access to credit; report.** Establishes a 13-member joint subcommittee to study access to credit in the Commonwealth.

*Patron - Hugo*

**EHJ174 Study; directing the Joint Commission on Health Care to study considering competence of licensed health care professionals as a condition of license renewal; report.** Directs the Joint Commission on Health Care to study considering competence of licensed health care professionals as a condition of licensure renewal. Provides that in its deliberations, the Commission shall determine and consider how each of Virginia's 13 health regulatory boards currently measures the competence of practitioners subject to relicensure, and evaluate the strengths and weaknesses of various methods by which current competence might be demonstrated and measured. The Commission shall also consider existing proposals or pending proposals by health care professional organizations and others who have considered or made recommendations on the issue of continued competence of health care professionals. Finally, the Commission shall develop recommendations regarding any changes that may be necessary to ensure that health care professionals licensed in Virginia are competent at the time of relicensure.

*Patron - Hall*

**EHJ175 Study; 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 2009 Session and its final findings and recommendations to the 2010 Session of the General Assembly.

*Patron - Spruill*

**EHJ176 Study; JCOTS to study open education resources; report.** Directs the Joint Commission on Technology and Science to study opportunities to implement open education resources in the Commonwealth's K-12 public schools. In conducting its study, the Joint Commission on Technology and Science shall (i) evaluate opportunities to incentivise local school divisions to use open education resources, creative commons materials, and public domain texts; (ii) identify policies and legislation that would facilitate the use and sharing of educational materials developed by teachers in local school divisions across the Commonwealth; (iii) identify information technology barriers to greater implementation of open education resources and computer-based learning; and (iv) consider such other related issues as the joint commission deems appropriate.

*Patron - Peace*

**EHJ179 Study; chronic truancy and dropout prevention; report.** Requests the Board of Education to study the need for and ways of improving the coordination between chronic truancy and dropout prevention in Virginia. In conducting its study, the Board of Education shall, among other things, (i) review state laws and its policies relating to the enforcement of compulsory school attendance, truancy, and dropout prevention for consistency and clarity; (ii) evaluate the need for and duties of school attendance officers as provided by state law, and the need for conformity in statutory requirements pertaining to school attendance officers; (iii) evaluate the need to clarify and enhance the responsibilities of division superintendents to enforce compulsory school attendance laws; (iv) assess factors related to the causes of academic under-

achievement, chronic truancy, and school dropout and determine whether, and under what conditions, such students should also be considered "children in need of services" for compulsory school attendance purposes; (v) consider the need and efficacy of defining "truancy" and "chronic truancy" in the Code of Virginia; and (vi) recommend to the General Assembly such changes to state law and public policies, including funding, and such other initiatives as the Board may deem appropriate and necessary to effect a comprehensive approach to chronic truancy and dropout prevention. The Board must submit its findings and recommendations to the 2009 Session of the General Assembly.

*Patron - Hall*

**EHJ193 Study; 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. The Commission shall submit its findings and recommendations to the 2009 Session and its final findings and recommendations to the 2010 Session of the General Assembly.

*Patron - Sickles*

**EHJ207 Study; JCHC to study continuing competency of health care professionals; report.** Directs the Joint Commission on Health Care to study the feasibility, advisability, and necessity of considering the competence of licensed health care professionals as a condition of license renewal.

*Patron - Amundson*

**EHJ215 Study; mental health services in local and regional jails; report.** Creates a joint subcommittee to study mental health services in local and regional jails, including determining the need for mental health services in the Commonwealth's local and regional jails, identifying barriers to the provision of necessary services, and developing recommendations for actions to initiate or improve services to persons with mental illness incarcerated in the Commonwealth's local and regional jails.

*Patron - Tyler*

**EHJ238 Family caregivers of the frail elderly and disabled and community-based caregiver support organizations.** Joint Commission on Health Care to study support services.

*Patron - Shannon*

**ESJ17 Comprehensive information system to replace or revise the Service Fee Directory.** Requests that the Office of Comprehensive Services develop a comprehensive information system that would replace or revise the Service Fee Directory to capture and track, on an ongoing basis, key compliance, performance, and financial information, including rates, about residential services. The Office of Comprehensive Services is requested to make a preliminary report in 2009 and a final report in 2010.

*Patron - Deeds*

**ESJ28 Study; enhanced punishment for crimes committed in the presence of children; report.** Requests the Virginia Criminal Sentencing Commission to study the use of and need for enhanced punishment for crimes committed in the presence of children. In conducting its study, the Commission

shall examine the number of convictions for crimes, and the nature of these crimes, that were committed in the presence of children and whether the presence of such children during the commission of a crime was taken into account during sentencing.

*Patron - Marsh*

**ESJ31 Study; uniform risk assessment tool for parole determinations; report.** Requests that the Department of Corrections report on an ongoing pilot study of the use of a risk assessment instrument for parole determinations, work release programs, and other community activities.

*Patron - Puller*

**ESJ32 Study; options for energy efficient office buildings and public buildings.** Directs the Virginia Commission on Energy and Climate Change, created pursuant to SB 464 (2008), to study options for energy efficient office buildings and public buildings. The Commission is directed to propose amendments to the Statewide Building Code and to public building procurement requirements that will make such buildings more energy efficient, at costs that are recoverable through savings in energy usage.

*Patron - Puller*

**ESJ45 Study; juvenile transfers; report.** Requests the Advisory Committee on Juvenile Justice to study the process of determining whether a juvenile should be tried as an adult.

*Patron - Locke*

**ESJ47 Study; JLARC to study Board of Medicine; report.** Directs the Joint Legislative Audit and Review Commission to conduct a follow-up review of the effectiveness of the Board of Medicine in regulating the practice of medicine.

*Patron - Puller*

**ESJ50 Study; Craney Island Dredged Materials Management Area; report.** Requests the Joint Legislative Audit and Review Commission to study the impact of increased elevations at the Craney Island Dredged Materials Management Area. The Commission will study the efficiencies of ocean dumping compared to continued dumping on Craney Island; the stability of the dredged materials during and after a natural disaster; the risks of dike breaches; impacts on the harbor infrastructure and the environment; and reduced utility of the area after dredging has ceased.

*Patron - Lucas*

**ESJ55 Study; teacher shortage; report.** Establishes a joint subcommittee to study the teacher shortage in the Commonwealth. In conducting its study, the joint subcommittee shall review current teacher certification and licensure requirements as well as teacher preparation programs in Virginia; examine the effectiveness of existing programs designed to recruit and retain teachers, including Teach for America, and other alternative certification routes; identify barriers to teaching as a career choice and possible solutions; evaluate other states' initiatives aimed at teacher recruitment and retention; and identify incentives for bringing out-of-state teachers to Virginia. This resolution incorporates SJR 79.

*Patron - Locke*

**ESJ57 Study; organization of Virginia local government.** Creates a 15-member joint subcommittee to study the organization of Virginia local government, to review previous studies on this topic, and to make recommendations as appropriate.

*Patron - Deeds*

**ESJ61 Study; early reading proficiency and comprehension; report.** Establishes a joint subcommittee to study ways to promote and ensure early reading proficiency and comprehension among third graders in public schools. In conducting its study, the joint subcommittee shall (i) determine the number of third graders who read at grade level; (ii) rank the school divisions according to the number of third graders who passed the most recent third grade reading test; (iii) identify best practices utilized by school divisions with the highest percentage of third graders who read at grade level; (iv) examine the findings and recommendations of state and national studies pertaining to the efficacy of early reading proficiency and comprehension and its relationship to academic success, and recommend those recommendations appropriate for implementation in Virginia; and (v) determine strategies to increase the number of third graders who pass the third grade reading test and ways to improve and sustain the early reading proficiency of third grade students. The joint subcommittee must submit its findings and recommendations to the 2009 Session of the General Assembly.

*Patron - Miller, J.C.*

**ESJ62 Study; unforeseen circumstances that prevent a local governing body from convening a quorum for conducting business; report.** Establishes a joint subcommittee to study methods to alleviate the instances when unforeseen circumstances prevent a local governing body from convening a quorum for conducting business.

*Patron - Barker*

**ESJ66 Study; 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. This is a two-year study.

*Patron - Blevins*

**ESJ68 Study; state assistance for public school construction and renovation; report.** Establishes a joint subcommittee to study the level of state assistance to localities to assist with financing land acquisition, and the construction and renovation of school facilities. In conducting its study, the joint subcommittee must ascertain alternative methods of financing the construction and renovation of public school facilities in Virginia, including the feasibility of public-private partnerships. The joint subcommittee must report its findings and recommendations to the 2009 Regular Session of the General Assembly.

*Patron - Barker*

**ESJ74 Study; increasing the number of foster families in the Commonwealth; report.** Requests the Department of Social Services to study ways of increasing the number of foster families in the Commonwealth.

*Patron - Hanger*

**ESJ76 Study; 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 Farm-

lands. In conducting the study, the joint subcommittee would study alternative options for cost-sharing arrangements with local governments to provide funding for land preservation and new parks, the effectiveness and efficiency of local purchase of development rights programs as a tool for land preservation, the future needs of the Commonwealth for open-space land and parks, and sources of dedicated funds for long-term funding of land preservation and new parks. The joint subcommittee will also receive information from the Department of Conservation and Recreation on the funding of water quality improvements from agricultural land uses.

*Patron - Hanger*

**ESJ79 Study; Dedicated revenue stream for teacher salaries.** Establishes a joint subcommittee to study the feasibility of creating a dedicated revenue stream for teacher salaries. In conducting its study, the joint subcommittee shall examine the salary levels of beginning and veteran teachers in Virginia, review methods and initiatives employed by other states to increase and maintain competitive teacher salaries, and evaluate the feasibility of and identify appropriate sources for creating a dedicated revenue stream to fund teacher salaries. The joint subcommittee must report its findings and recommendations to the 2009 Session of the General Assembly. This resolution has been incorporated into SJR 55.

*Patron - Northam*

**ESJ80 Study; Virginia Housing Commission; incentives used by other states for targeted affordable housing development for the workforce; report.** Directs the Virginia Housing Commission to study incentives used by other states and jurisdictions for targeted development of affordable housing and whether such incentives may be used to foster the location of affordable housing for the workforce in appropriate areas of need.

*Patron - Northam*

**ESJ81 Study; income tax credits for certain homeowners based upon real property taxes and annual income; report.** Requests the Department of Taxation to study implications of a state income tax credit for homeowners with annual real property taxes exceeding a certain percentage of their annual incomes. In conducting its study, the Department of Taxation shall (i) examine state constitutional and statutory issues regarding real property tax exemptions, (ii) study the effectiveness and efficiency of local real property tax relief programs, (iii) study thresholds for real property tax liability used by other states for triggering eligibility for state income tax credits or other state assistance, (iv) consider the percentage of annual income that annual real property taxes would have to exceed for purposes of determining eligibility for state income tax credits, (v) examine the ability of low and moderate income homeowners to pay real property taxes, and (vi) consider such other issues as it deems appropriate.

*Patron - Miller, J.C.*

**ESJ82 Study; policies to reduce the negative impacts of plastic bags on the environment; report.** Requests the Department of Environmental Quality to convene stakeholder meetings to discuss and report on potential legislative actions that would mitigate the negative effects of improperly disposed of plastic bags on the Commonwealth's environment. Stakeholders shall include representatives of agriculture, conservation, local government, manufacturing, plastics industry, timber industry, and retailers. In the selection of feasible policies, the stakeholders shall review existing policies and programs adopted in the United States and other countries.

*Patron - Quayle*



**ESJ83 Study; mass transit options for Northern Virginia; report.** Requests the Department of Rail and Public Transportation to study mass transit options and potential improvements for Northern Virginia. This resolution has been incorporated into SJR 122.

*Patron - Barker*

**ESJ89 Study; Department of Treasury; Virginia Unclaimed Property Act; report.** Requests the Department of Treasury to study the reporting requirements established by the Virginia Unclaimed Property Act. In reviewing the Act, the Department shall study the feasibility of establishing a minimum threshold amount for reporting and transferring unclaimed property to the state.

*Patron - Obenshain*

**ESJ90 Study; restorative justice; report.** Directs the Virginia State Crime Commission to study restorative justice and specifically, victim-offender reconciliation programs.

*Patron - Norment*

**ESJ96 Study; ecological services incentives to forest landowner; report.** Requests the Board of Forestry to study the provision of ecological services incentives to private landowners to help them hold and preserve their forestland and receive compensation for the ecosystem services their forestlands provide.

*Patron - Ticer*

**ESJ98 Study; Department of Social Services to study foster care code of ethics; report.** Requests the Department of Social Services to study and develop a statewide foster care code of ethics and responsibility agreement. In conducting its study, the Department shall: (i) identify mutual responsibilities of foster parents, foster care workers, and directors of child-placing agencies, including local departments; (ii) develop a foster care code of ethics and responsibilities agreement to be signed by each foster care parent and worker, as well as the local department of social services' or child-placing agency's chief executive officer; and (iii) develop a grievance procedure to be used for violations of the code of ethics.

*Patron - Ticer*

**ESJ100 Study; nuclear power; report.** Establishes a joint subcommittee to study nuclear power within the Commonwealth. The joint subcommittee shall (i) address all aspects of the production of nuclear power, including the mining of uranium the impact of the new nuclear plants on electricity rates; (ii) examine the economic development potential of nuclear power; (iii) consider whether the General Assembly should take action to support the development of additional nuclear power facilities in the Commonwealth; and (v) examine the advisability of permitting the mining of uranium in Virginia. This resolution has been incorporated into SJR 133.

*Patron - Cuccinelli*

**ESJ107 Uranium Mining.** Establishes a joint subcommittee to study the mining of uranium in the Commonwealth. The joint subcommittee must review the findings of the study conducted by the National Academy of Sciences that has been authorized and funded in the appropriations act for the 2008-2010 biennium.

*Patron - Saslaw*

**ESJ119 Study; retroreflective material on stop sign posts; report.** Requests the Department of Transportation to study the feasibility, costs, and benefits of applying retroreflective material to stop sign and yield sign posts statewide.

*Patron - Barker*

**ESJ128 Study; JCHC to study continuing competency of health care professionals; report.** Directs the Joint Commission on Health Care to study the feasibility, advisability, and necessity of considering the competence of licensed health care professionals who are not granted deemed status as a condition of license renewal.

*Patron - Houck*

**ESJ133 Study; low-level radioactive waste; report.** Requests the Department of Health to study long-term options for the disposal of low-level radioactive waste. This resolution incorporates SJR 100.

*Patron - McEachin*

## Charters and Authorities

### Passed

**P HB7 Charter; Town of Brodnax.** Provides that town elections shall be held at the time of the November general election, extends terms of council members from 2 to 4 years and provides for staggered terms. This bill is identical to SB 460.

*Patron - Wright*

**P HB177 Charter; Town of Appomattox.** Clarifies the duties of the town manager and the town mayor. The bill also makes a technical change.

*Patron - Abbitt*

**P HB240 Charter; Town of Troutville.** Staggers the terms of the town council.

*Patron - Putney*

**P HB456 Charter; City of Martinsville.** Provides that the City may establish a municipal trust. The principal of the trust shall be (i) all of the proceeds of the sale of any City asset owned by the City that generates between \$10 million and \$20 million, (ii) one-half of any such proceeds in excess of \$20 million, (iii) such income generated by the trust remaining unexpended at the close of each fiscal year, and (iv) such other funds as the city council may by majority vote to contribute to the fund. This bill is identical to SB 92.

*Patron - Merricks*

**P HB639 Charter; Town of Purcellville.** Removes the residency requirement for the chief of police.

*Patron - May*

**P HB845 Charter; City of Winchester.** Rewrites language related to the city's budget. The new language complies with general law.

*Patron - Sherwood*

**P HB847 Charter; City of Winchester.** Clarifies that school board members who were in office on July 1, 2007, shall not be subject to the residency requirement that took effect on that date.

*Patron - Sherwood*

**P HB983 Charter; City of Radford.** Updates appointment provisions with regard to the director of finance and the city attorney.

*Patron - Nutter*

**HB1056 Charter; City of Falls Church.** Provides that the city attorney shall be appointed by and serve at the pleasure of the city council rather than serving a four-year term. Also, the city's zoning powers are amended to include provisions related to the availability of moderately priced housing. This bill is identical to SB 54.

*Patron - Scott, J.M.*

**HB1172 Charter; Town of Pound.** Eliminates the residency requirement for the town clerk and town treasurer.

*Patron - Phillips*

**HB1196 Charter; City of Bristol.** Formalizes an agreement between the city and the TVA regarding electric rates. This bill is identical to SB 349.

*Patron - Johnson*

**HB1215 Charter; City of Emporia.** Provides that the city council may set the membership of the Emporia Redevelopment and Housing Authority. The city council may appoint a council member as a commissioner of the Emporia Redevelopment and Housing Authority.

*Patron - Tyler*

**HB1217 Charter; Town of Lawrenceville.** Changes the office of town treasurer from an elected to an appointed position and makes other technical changes.

*Patron - Tyler*

**SB45 Charter; City of Norfolk.** Provides that employees, regardless of their positions, hired and permanently assigned to work for and under the supervision of the constitutional officers of the city or of the circuit court judges of the city on or after July 1, 2008 shall not be included in the classified service.

*Patron - Miller, Y.B.*

**SB54 Charter; City of Falls Church.** Provides that the city attorney shall be appointed by and serve at the pleasure of the city council rather than serving a four-year term. Also, the city's zoning powers are amended to include provisions related to the availability of moderately priced housing. This bill is identical to HB 1056.

*Patron - Whipple*

**SB92 Charter; City of Martinsville.** Provides that the City may establish a municipal trust. The principal of the trust shall be (i) all of the proceeds of the sale of any City asset owned by the City that generates between \$10 million and \$20 million, (ii) one-half of any such proceeds in excess of \$20 million, (iii) such income generated by the trust remaining unexpended at the close of each fiscal year, and (iv) such other funds as the city council may by majority vote to contribute to the fund. This bill is identical to HB 456.

*Patron - Reynolds*

**SB215 Charter; Town of Narrows.** Makes several technical amendments to bring the charter in conformance with general law.

*Patron - Edwards*

**SB349 Charter; City of Bristol.** Formalizes an agreement between the city and the TVA regarding electrical rates. This bill is identical to HB 1196.

*Patron - Wampler*

**SB375 Charter; Town of Colonial Beach.** Provides that the chief of police shall serve at the pleasure of the town council.

*Patron - Stuart*

**SB460 Charter; Town of Brodnax.** Provides that town elections shall be held at the time of the November general election, extends terms of council members from 2 to 4 years and provides for staggered terms. This bill is identical to HB 7.

*Patron - Ruff*

**SB505 Charter; Town of Bowling Green.** Amends the charter by: (i) providing for staggered four-year terms of office for the mayor and town council members; (ii) removing the salary cap for mayor and members of council; (iii) providing that the town council may employ a town clerk and a town treasurer rather than mandating that the town council appoint a town clerk and a town treasurer; (iv) clarifying the duties of the town clerk, town manager, and the town treasurer; (v) providing for a town attorney; (vi) providing that the town council may establish and maintain a police force and that the chief of police and the policemen and employees of such police force shall be under the control and supervision of the town manager; (vii) deleting outdated provisions; and (viii) making numerous technical changes. This bill contains an emergency clause.

*Patron - McDougle*

**SB603 Charter; City of Williamsburg.** Changes the definition of transient lodging to lodging for not more than 90 consecutive days, rather than 30 consecutive days.

*Patron - Norment*

**SB727 Charter; City of Fredericksburg.** Provides that the City of Fredericksburg may lease as lessee all or a portion of the lands, buildings, and improvements utilized for courthouses, including suitable space and facilities to accommodate the various courts and officials thereof, clerk's office and record room, and appurtenant facilities such as parking facilities.

*Patron - Houck*

**SB794 Clarksville-Boydton Airport Commission.** Authorizes the Commission to issue bonds; however, the bonds of the Commission shall not be a debt of the Commonwealth or any political subdivision thereof, other than the Commission. The Commission is authorized to and shall fix, revise, charge, and collect fees, rents and other charges for the use and services of any facilities. Such fees, rents, and other charges shall be so fixed and adjusted as to provide a fund sufficient with other revenues to pay the cost of maintaining, repairing, and operating the facilities and the principal and any interest on its bonds as the same shall become due and payable, including reserves therefore.

*Patron - Ruff*

## Failed

**HB1350 Charter; City of Williamsburg.** Removes a reference to lodging for not more than 30 consecutive days in provisions related to taxes on transient lodging and replaces it with a reference to 90 days. This bill is identical to SB 603.

*Patron - Barlow*

**SB282 Newport News Economic Development Authority.** Provides that the authority shall have the power, with the approval of the Newport News governing body or its designee, to form corporations, partnerships, joint ventures, trusts, or any other legal entity or combination thereof, on its

own behalf or with any person or public or private entity. However, the power of eminent domain shall not be exercised by any corporation, partnership, joint venture, trust, or any other legal entity or combination thereof formed pursuant to the provisions of this bill.

*Patron - Miller, J.C.*

## Carried Over

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**☐ HB761 Charter; Town of Herndon.** Provides that no excise tax shall be imposed or be effective in the town unless approved by the town council. There is a delayed effective date of January 1, 2010.

*Patron - Rust*



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