

Administration of the Government Generally

Passed

HB1617 Alzheimer's Disease and Related Disorders Commission; extends sunset. Extends the sunset on the Alzheimer's Disease and Related Disorders Commission until July 1, 2014, and adds a requirement that the Commission develop and promote strategies to encourage brain health and reduce cognitive decline.

Patron - Merricks

HB1660 Telework assistance to public and private employers; reporting requirements. Transfers certain responsibilities regarding telework assistance from the Secretary of Administration to the Office of Telework Promotion and Broadband Assistance.

Patron - Scott, J.M.

HB1732 Department of Veterans Services; processing of disability claims. Provides that, subject to the availability of sufficient nongeneral fund revenues, including, but not limited to, private donations and federal funds, the Department shall work in concert with applicable state and federal agencies to develop and deploy an automated system for the electronic preparation of veterans' disability claims. The Commissioner shall ensure that the system is efficient and statutorily compliant.

Patron - Cox

HB1761 Virginia Security for Public Deposits Act. Authorizes the Treasury Board to establish guidelines to permit banks to withdraw from the Virginia Security for Public Deposits pooling arrangement. A bank that complies with these guidelines will be responsible for making good on its own public deposits, and not responsible for contributing funds to a pool if another bank holding Virginia public deposits fails.

Patron - Kilgore

HB1775 Invasive species. Charges the Secretaries of Natural Resources and Agriculture and Forestry with the responsibility of developing an invasive species management plan to prevent the introduction of invasive species and to control and eradicate those species that are present on Virginia's lands and waters. The Secretary of Natural Resources will establish an advisory group consisting of state agency heads, and representatives of various stakeholder groups to develop the plans and assist in coordinating and implementing the recommendations of the plan. This bill is identical to SB 1211.

Patron - Pollard

HB1792 Department for the Aging, provision of long-term care support services; no wrong door. Codifies language from the budget bill, which is due to expire. The bill requires the Department for the Aging to designate area agencies on aging as the lead agencies for the No Wrong Door system.

Patron - Brink

HB1799 Fraud and Abuse Whistle Blower Protection Act. Establishes the Fraud and Abuse Whistle Blower Protection Act to protect whistle blowers from certain adverse employment actions. The bill defines "whistle blower" as an employee who reports or provides testimony of wrongdoing or abuse. Under the bill employers are prohibited from discharg-

ing, threatening, or otherwise discriminating or retaliating against a whistle blower. The bill also (i) requires state employers to post notices to keep employees informed of the protections provided by the act and (ii) establishes the Fraud and Abuse Whistle Blower Reward Fund, administered by the Department of Accounts, to provide a monetary reward equal to one percent of the cost savings not to exceed \$5,000 to any person who has disclosed information of wrongdoing or abuse under the Act and the disclosure results in a savings of at least \$10,000.

Patron - Loupassi

HB1838 Department of General Services; disposition of surplus materials; participation by local public bodies. Authorizes local public bodies to use the services of the Department of General Services' Surplus Property Program. Proceeds from the sale of the surplus property are required to be returned to the local public body minus a service fee, which shall be set at the same rate charged by the Department to state public bodies.

Patron - Dance

HB1875 Virginia War Memorial. Requires the Virginia War Memorial Foundation Board of Trustees to establish criteria for those names and homes of records to be engraved on the War Memorial. The bill specifies the issues that the Board must address in its criteria. The bill requires the Board to report to the Governor and the General Assembly on or before November 1, 2009. This bill incorporates HB 2192.

Patron - Cosgrove

HB1927 Virginia Commercial Space Flight Authority; membership of board of directors. Increases the number of members of the board from 12 to 13 by adding another gubernatorial appointee who represents the commercial space flight industry.

Patron - Lewis

HB1941 Patent and copyright policies of the Commonwealth. Requires the Secretary of Administration, in consultation with the Secretary of Technology, to establish policies, subject to the approval of the Governor, regarding the use of patents and copyrights owned by the Commonwealth. Such policies shall include, at a minimum, the following: 1. A policy granting state agencies the authority over the protection and release of patents and copyrights created by employees of the agency. Such policy shall authorize state agencies to release all potentially copyrightable materials under the Creative Commons or Open Source Initiative licensing system, as appropriate. 2. A provision authorizing state agencies to seek patent protection only in those instances where the agency reasonably determines the patent has significant commercial value. The responsible state agency shall file with the Secretary a summary of the expected commercial value of the patent. 3. A procedure authorizing state agencies to license or transfer to a state employee any interest in potentially patentable material developed by that employee during work hours. 4. A procedure authorizing state agencies to license or transfer to a private entity any interest in potentially patentable material developed by that agency. The bill also requires the Secretary of Administration, in consultation with the Secretary of Technology, to submit a final copy of the patent and copyright policy to the House Committee on Science and Technology, Senate Committee on General Laws and Technology, and the Joint Commission on Technology and Science no later than December 1, 2009.

Patron - Peace

HB1969 Administrative Process Act; required review of the feasibility of electronic submission of certain

information. Requires every agency promulgating a regulation that requires the submission of documents or payments to examine the regulation to determine whether the submission of the required documents or payments may be accomplished by electronic means, and if so, consider amending the regulation to offer the alternative of electronic submission.

Patron - Massie

HB2022 Council on Technology Services; repealed. Repeals the Council on Technology Services.

Patron - Rust

HB2023 Powers of VITA. Authorizes Virginia Information Technologies Agency (VITA), subject to approval by the Secretary of Technology and any other affected Secretariat, to delegate to an agency within the executive branch the power to provide for the centralized marketing, provision, leasing, and executing of license agreements for electronic access to public information and government services through the Internet, wireless devices, personal digital assistants, kiosks, or other such related media. The delegated agency would be authorized to fix and collect fees and charges for such services.

Patron - Rust

HB2037 Collection of debt owed the Commonwealth. Establishes the Debt Collection Recovery Fund. The bill also provides that the Division of Debt Collection shall (i) deposit to the Fund all revenues generated by it, less any cost of recovery, from receivables collected on behalf of state agencies and (ii) transfer the remaining funds to the appropriate state agencies on a periodic basis. In addition, the bill provides that final orders of final agency case decisions may be recorded, enforced, and satisfied as orders or decrees of a circuit court upon certification of such orders by the agency head or his designee. Furthermore, each state agency and institution may charge reasonable attorney's fees and collection fees on all past due accounts receivable. The bill also provides that failure to pay in full at the time goods, services, or treatment are rendered by the Commonwealth or when billed for a debt owed to any agency of the Commonwealth shall result in the imposition of interest at the judgment rate as provided in § 6.1-330.54 on the unpaid balance. Interest shall begin to accrue on the 60th day after the date of the initial written demand for payment. Returned checks or dishonored credit card or debit card payments shall incur a handling fee of \$50 to be added to the principal account balance. The bill also provides that the Division will not assess a fee for direct payment resulting from the Setoff Debt Collection Act and authorizes institutions of higher education to elect to impose a late fee in addition or in lieu of interest for such a time as the institution holds a claim

Patron - Iaquinto

HB2044 Health information technology; adoption of standards. Allows the Information Technology Investment Board to establish an advisory committee, consisting of persons with expertise in health care and information technology, to advise it on the adoption of nationally recognized health information technology technical and data standards.

Patron - Nixon

HB2064 Interagency Civil Admissions Advisory Council. Eliminates the Interagency Civil Admissions Advisory Council.

Patron - Hamilton

HB2083 State employees; leave for volunteer fire and rescue service. Increases from 16 to 24 the number of hours of paid leave in any calendar year (in addition to other paid leave) that may be allowed to state employees to serve

with a volunteer fire department and rescue squad or auxiliary unit thereof.

Patron - Purkey

HB2181 Freedom of Information Act; protection of internal controls of the Commonwealth's financial systems. Exempts from the mandatory disclosure requirements of FOIA documentation or other information as determined by the State Comptroller that describes the design, function, operation, or implementation of internal controls over the Commonwealth's financial processes and systems, and the assessment of risks and vulnerabilities of those controls, including the annual assessment of internal controls mandated by the Comptroller, the disclosure of which would jeopardize the security of the Commonwealth's financial assets. However, summary reports relating to the soundness of any fiscal process shall be disclosed in a form that does not compromise the internal controls. The bill provides that nothing contained in its provisions shall be construed to prohibit the Auditor of Public Accounts or the Joint Legislative Audit and Review Commission from reporting internal control deficiencies discovered during the course of an audit.

Patron - Phillips

HB2199 Veterans Services Foundation; Board of Trustees. Provides that a member of the Board of Trustees of the Veterans Services Foundation may be removed by the appointing authority for that member. Currently any member may be removed by the Governor regardless of the appointing authority.

Patron - Watts

HB2201 Oversight of research and development in the Commonwealth. Merges the Innovative Technology Authority (ITA), and the Virginia Research and Technology Advisory Commission into a single entity, named the Innovation and Entrepreneurship Investment Authority (IEIA). The IEIA will have 13 members as follows: three presidents of state institutions of higher education to be appointed by the Governor, the Secretary of Technology, three nonlegislative citizen members appointed by the Governor, three nonlegislative citizen members appointed by the Speaker of the House from a list recommended by the House Committee on Science and Technology and the Joint Commission on Technology and Science; and three nonlegislative citizen members appointed by the Senate Committee on Rules from a list recommended by the Senate Committee on General Laws and Technology and the Joint Commission on Technology and Science. The nonlegislative citizen members shall represent the entrepreneurial, investment, and science and technology communities according to specific guidelines in the bill. The IEIA will continue the work of the ITA, with heightened responsibilities regarding the oversight of research and development efforts in the Commonwealth. This bill is identical to SB 1456.

Patron - Vanderhye

HB2240 Virginia Economic Development Partnership Authority; board of directors; powers. Authorizes ex officio members of the board of directors of the Virginia Economic Development Partnership to designate an individual to serve. The bill also authorizes the Authority to offer a program for the issuance of export documentation for a company located in Virginia exporting goods and services if no federal agency or other regulatory body or issuing entity will provide such documentation in a form deemed necessary by the company.

Patron - Valentine

HB2266 Freedom of Information Act; building and fire code complaints. Expands the current record exemption

for the names, addresses, and telephone numbers of complainants relating to zoning enforcement complaints made to a local governing body to also include complaints relating to the Uniform Statewide Building Code or the Statewide Fire Prevention Code.

Patron - Ware, O.

HB2279 Department of Veterans Services; Commissioner; benefit claims assistance. Requires the Commissioner of the Department of Veterans Services to ensure that benefit claims assistance is provided on a regular basis at locations other than established service offices. Current law specifies that the Commissioner shall ensure that the personnel assigned to process benefit claims shall provide these services at locations other than the service office at least one day per week.

Patron - Bowling

HB2285 Auditor of Public Accounts; searchable database website of state budget expenditures and revenues. Requires the Division of Purchases and Supply, the Virginia Information Technology Agency, and the State Comptroller to develop standard accounting information for use by agencies. The bill also requires the Office of the Auditor of Public Accounts to include on its existing searchable database information regarding state audits or reports relating to public entities, capital outlay payments, and annual bonded indebtedness. The bill provides for the searchable database to include the following additional elements as they become available through improved enterprise or other systems (i) commodities, (ii) Virginia Performs data that directly relates to funding actions or expenditures, (iii) descriptive purposes for funding actions or expenditures, (iv) laws authorizing the issuance of bonds, and (v) copies of actual grants and contracts. In addition, the bill provides for the Governor, Secretary of Technology, and Chief Information Officer to take all steps necessary to provide the searchable database as a hyperlinked icon located within the Online Services section of the Official Commonwealth of Virginia Home Page.

Patron - Cline

HB2415 Commonwealth Technology Research Fund. Adds robotics, unmanned vehicle systems, and advanced shipbuilding to the list of eligible research programs.

Patron - Bouchard

HB2423 Broadband Advisory Council. Establishes the Governor's Broadband Advisory Council. The purpose of the Council shall be to advise the Governor on policy and funding priorities to expedite deployment and reduce the cost of broadband access in the Commonwealth. The council shall be staffed by the Office of Telework Promotion and Broadband Assistance. Technical amendments to the bill adjust the membership of the Council.

Patron - May

HB2426 Government Data Collection and Dissemination Practices Act; collection of social security numbers. Extends from July 1, 2009, to July 1, 2010, the implementation of the prohibition against collecting an individual's social security number unless collection 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 contains several technical amendments, all to become effective July 1, 2010.

Patron - May

HB2427 Protection of Social Security Numbers Act; penalties. Provides that the first five digits of a social security number contained in a public record shall be confidential and exempt from disclosure under the Freedom of Information Act. The bill does allow release of a social security number under

certain limited circumstances, including proper judicial order; to federal, state or local law-enforcement or correctional personnel; by one agency to another agency in Virginia or to an agency in another state, district, or territory of the United States; and to any data subject exercising his rights under the Government Data Collection and Dissemination Practices Act. The bill provides for penalties for violation.

Patron - May

HB2442 Virginia Investment Partnership Act; Virginia Investment Performance Grants. Raises the per project amount of a grant that may be made under the Virginia Investment Performance Grant program from \$1.5 million to \$3 million. The bill also allows for a maximum of \$5 million for projects meeting certain guidelines.

Patron - BaCote

HB2453 Electronic prescribing. Requires the Secretary of Health and Human Services, in consultation with the Secretary of Technology, to establish a website with information on electronic prescribing for health practitioners, which shall contain information about the process and advantages of electronic prescribing, the availability of electronic prescribing products, links to federal and private-sector websites that provide guidance on selecting electronic prescribing products, and links to federal and private sector incentive programs for implementing electronic prescribing. The bill requires the Secretary of Health and Human Resources in consultation with the Secretary of Technology to regularly consult with relevant public and private stakeholders to assess and accelerate implementation of electronic prescribing in Virginia. This bill further provides that, beginning in 2010, any health practitioner who contracts with the Commonwealth for the provision of health services will be required to utilize electronic prescribing to the maximum extent practicable. This bill directs the Department of Medical Assistance Services to develop programs and incentives to encourage the adoption of electronic prescribing by Medicaid providers.

Patron - Sickles

HB2499 Aerospace Advisory Council; membership. Adds the Director of the Virginia Space Grant Consortium to the Council to serve as an ex officio member with voting privileges.

Patron - Alexander

HB2529 Virginia National Defense Industrial Authority; board of directors; membership. Adds the Secretary of Commerce and Trade to the board of directors of the Virginia National Defense Industrial Authority.

Patron - Sickles

HB2539 Virginia Information Technologies Agency (VITA); Division of Enterprise Applications established. Establishes the Division of Enterprise Applications within VITA to oversee the Commonwealth's efforts to modernize the planning, development, implementation, improvement, and retirement of Commonwealth applications, including the coordination and development of enterprise-wide or multi-agency applications. The Division would be headed by the current director of the Virginia Enterprise Applications Program (VEAP) who would serve as the initial Chief Applications Officer (CAO). The CAO would be a permanent position appointed by, and reporting to, the Chief Information Officer (CIO) of the Commonwealth. The bill clarifies that the Information Technology Investment Board's contract with the Chief Information Officer may be for a term of up to five years. The bill also appoints the Secretary of Finance to the ITIB in place of the Governor's appointment from a list of individuals nomi-

nated by the legislature and establishes the Secretary of Technology as the permanent vice-chairman.

Patron - Nixon

HB2550 Economic development; incentive financing for major employment and investment projects. Authorizes the Virginia Public Building Authority and the Virginia Resources Authority to finance economic development initiatives for major employment and investment projects (MEI projects) performed by state and local government entities. An MEI project is defined as a high impact regional economic development project in which a private entity is expected to make a capital investment in real and tangible personal property exceeding \$250 million and create more than 400 new full-time jobs, and is expected to have a substantial direct economic impact on surrounding communities. The bill also establishes the MEI Project Approval Commission to review financing for individual incentive packages for MEI projects to be financed by the Virginia Public Building Authority.

Patron - Cox

HB2557 State employee health insurance plan; mandated benefits. Provides that any law effective on or after July 1, 2009, that provides for an insurance mandate for policies of accident and health insurance shall also apply to health insurance plans for state employees. The measure also requires the Department of Human Resource Management to report to the Special Advisory Commission on Mandated Health Insurance Benefits on cost and utilization information for each of the mandated benefits.

Patron - Nixon

HB2583 Local government investment pool; limitations. Provides that no less than 10 percent of local government investment pool assets shall be invested in time, savings, or demand deposits at financial institutions qualified to accept public deposits under the Virginia Security for Public Deposits Act. The provisions of the bill will not become effective unless reenacted by the 2010 Session of the General Assembly.

Patron - Merricks

HB2594 Vietnam Human Rights Day. Designates the 11th day of May of each year as Vietnam Human Rights Day in support of efforts by the Non-Violent Movement for Human Rights in Vietnam to achieve freedom and human rights for the people of Vietnam.

Patron - Hull

HB2615 Virginia Public Procurement Act; procurement of professional services. Increases the amount from \$30,000 to \$50,000 for single or term contracts for professional services not requiring competitive negotiation.

Patron - Iaquinto

HB2618 Virginia Administrative Dispute Resolution Act; Interagency Dispute Resolution Advisory Council; membership terms. Sets the terms for members of the Council. The bill provides that it shall not be construed to affect existing appointments, except to the extent necessary to effectuate the setting and staggering of terms of the Council's membership. The bill contains technical amendments.

Patron - Barlow

HB2639 Freedom of Information Act; certain records of the Department of Veterans Services and the Veterans Services Foundation. Exempts from the mandatory disclosure provisions of the Freedom of Information Act (i) personal information contained in the Veterans Care Center Resident Trust Funds concerning residents or patients of the Department of Veterans Services care centers and (ii) records

maintained in connection with fundraising activities by the Veterans Services Foundation to the extent that such records reveal the address, electronic mail address, facsimile or telephone number, social security number or other identification number appearing on driver's license, or credit card or bank account data of identifiable donors, except that access shall not be denied to the person who is the subject of the record. The bill provides, however, that it shall not be construed to authorize the withholding of records relating to the amount, date, purpose, and terms of the pledge or donation, or the identity of the donor. Nor does the exclusion provided by the bill apply to protect from disclosure (i) the identities of sponsors providing grants to or contracting with the foundation for the performance of services or other work or (ii) the terms and conditions of such grants or contracts.

Patron - Jones

HB2643 Economic development; extension of performance agreements. Authorizes state and local economic development entities, including any county, city or town, upon the agreement of the parties, to extend any performance agreement. The bill defines performance agreement. The bill provides that no such extension would allow for any payment or appropriation of funds except as provided in the general appropriation act.

Patron - Merricks

HB2672 Department of Minority Business Enterprise. Clarifies that small, women-owned, and minority-owned businesses must be comprised of individuals who are U.S. citizens or legal resident aliens, and that both the management and daily business operations are conducted by such individuals. The bill contains technical amendments.

Patron - Herring

HB2673 Virginia Investment Partnership Act; definitions. Amends the definition of "eligible company" by adding that a company may create or cause to be created 300 jobs with average salaries at least 100 percent greater than the Prevailing Average Wage to be eligible for performance grants under the Virginia Investment Partnership Act. Currently a company would have to create or cause to be created 400 jobs with average salaries at least 50 percent greater than the Prevailing Average Wage. The bill also has an emergency clause.

Patron - Putney

SB834 Virginia Public Procurement Act; procurement of architectural and professional engineering services for multiple construction projects. Provides that a contract for architectural or professional engineering services relating to construction projects negotiated by a local public body for multiple projects may be renewable for up to four additional one-year terms at the option of the public body. Under current law such contracts are renewable for up to two additional one-year terms.

Patron - Locke

SB892 Information Technology Investment Board; approval of the development of certain major information technology projects. Requires the Governor to identify in his proposed budget bill all major information technology projects that have or are pending project development approval. The bill specifies what information must be included in the budget bill regarding major information technology projects and defines "major information technology project" as any state agency information technology project that (i) is mission-critical, (ii) has statewide application, or (iii) has a total estimated cost of more than \$1 million. Additionally, the bill requires the CIO to determine whether funding for a major information

technology project is included in the Governor's budget bill prior to the development of such project

Patron - McDougle

SB893 Submission of executive budget; personnel costs for state agencies. Requires the total amount appropriated for personnel costs for each agency to be included in the Budget Bill for each agency.

Patron - McDougle

SB895 General fund revenue estimates; inclusion of alternative revenue estimates. Requires that when the Governor submits the general fund revenue estimate to the General Assembly each year, that he also submit any alternative general fund revenue forecasts considered by the Advisory Council on Revenue Estimates.

Patron - McDougle

SB918 The New College Institute and the Southern Virginia Higher Education Center. Exempts the New College Institute and the Southern Virginia Higher Education Center from the provisions and requirements of the Virginia Personnel Act (§ 2.2-2900 et seq.).

Patron - Reynolds

SB936 Auditor of Public Accounts; searchable database website of state budget expenditures and revenues. Requires the Office of the Auditor of Public Accounts to include on its existing searchable database information regarding state audits or reports relating to public entities, capital outlay payments, and annual bonded indebtedness. The bill also provides for the searchable database to include the following additional elements as they become available through improved enterprise or other systems (i) commodities, (ii) Virginia Performs data that directly relates to funding actions or expenditures, (iii) descriptive purposes for funding actions or expenditures, (iv) laws authorizing the issuance of bonds, and (v) copies of actual grants and contracts. In addition, the bill requires the Department of General Services, the Virginia Information Technologies Agency, and the State Comptroller to develop and maintain standard accounting information for use by all agencies and institutions for payments and purchases.

Patron - Cuccinelli

SB1062 Virginia Community Integration Advisory Commission; extend sunset. Extends the sunset for the Virginia Community Integration Advisory Commission to July 1, 2010.

Patron - Puller

SB1073 Risk management; sheriff departments. Clarifies that when a sheriff or deputy sheriff that is authorized by the sheriff, performs any law-enforcement service then such performance shall be considered in the scope of his duties, and no pre-notification to the Division of Risk Management shall be required for liability coverage.

Patron - Howell

SB1089 Virginia Investment Partnership Act; Virginia Investment Performance Grants. Raises the per project amount of a grant that may be made under the Virginia Investment Performance Grant program from \$1.5 million to \$3 million. The bill also allows for a maximum of \$5 million for projects meeting certain guidelines.

Patron - Miller, J.C.

SB1090 Annual and biennial reports of state entities; online posting. Requires agencies, institutions, collegial bodies, and other governmental entities that are specifically

required by the Code of Virginia to report annually or biennially to the Governor and General Assembly to post the reports on the respective entity's website. The bill also limits the number of hard copies of the reports that such entities may print to no more than 100.

Patron - Miller, J.C.

SB1096 Design-Build Construction Management Review Board. Authorizes the Design-Build Construction Management Review Board to make a one-time determination that a locality with a population in excess of 100,000 has the personnel, procedures, and expertise necessary to enter into contracts for construction on a fixed price or not-to-exceed price design-build or construction management basis. Any localities receiving the determination shall still be required to comply with applicable provisions of the Virginia Public Procurement Act and all other applicable law governing design-build or construction management contracts for public bodies other than the Commonwealth. The bill also contains a technical amendment.

Patron - Herring

SB1109 Alzheimer's Disease and Related Disorders Commission. Extends the sunset for the Alzheimer's Disease and Related Disorders Commission from July 1, 2009, to July 1, 2014. The bill also adds to the powers and duties of the commission the development and promotion of strategies to encourage brain health and reduce cognitive decline.

Patron - Northam

SB1119 Economic development; incentive financing for major employment and investment projects. Authorizes the Virginia Public Building Authority and the Virginia Resources Authority to finance economic development initiatives for major employment and investment projects (MEI projects) performed by state and local government entities. An MEI project is defined as a high impact regional economic development project in which a private entity is expected to make a capital investment in real and tangible personal property exceeding \$250 million and create more than 400 new full-time jobs, and is expected to have a substantial direct economic impact on surrounding communities. The bill also establishes the MEI Project Approval Commission to review financing for individual incentive packages for MEI projects to be financed by the Virginia Public Building Authority.

Patron - Colgan

SB1140 Department of General Services; real estate management services. Clarifies that the authority for the management of the state's real estate assets is held by the Department of General Services. The bill also provides that the proceeds from leasing surplus state property be used to pay the costs of entering and administering the leases and to offset the cost of maintaining and operating facilities under control of the Department. Currently such proceeds are paid to the general fund. In addition the bill requires the Department to identify real property assets that are surplus to the current ones and reasonably anticipated future needs of the state and authorizes the Department to dispose of such surplus assets.

Patron - Petersen

SB1163 Composition of the Wireless E-911 Services Board. Adds the Director of the Virginia Department of Emergency Management as a permanent member of the Board and replaces the CIO as chairman. The bill also adds the Director as a permanent member of the Wireless Carrier E-911 Cost Recovery Subcommittee and replaces the CIO as chairman.

Patron - Watkins

SB1164 Authorized payments from the Wireless E-911 Fund. Adds operating expenses and administrative costs of the Division of Public Safety Communications as authorized payments from the Wireless E-911 Fund.

Patron - Watkins

SB1174 Patent and copyright policies of the Commonwealth. Requires the Secretary of Administration, in consultation with the Secretary of Technology, to establish policies, subject to the approval of the Governor, regarding the use of patents and copyrights owned by the Commonwealth. Such policies shall include, at a minimum, the following: 1. A policy granting state agencies the authority over the protection and release of patents and copyrights created by employees of the agency. Such policy shall authorize state agencies to release all potentially copyrightable materials under the Creative Commons or Open Source Initiative licensing system, as appropriate. 2. A provision authorizing state agencies to seek patent protection only in those instances where the agency reasonably determines the patent has significant commercial value. The responsible state agency shall file with the Secretary a summary of the expected commercial value of the patent. 3. A procedure authorizing state agencies to license or transfer to a state employee any interest in potentially patentable material developed by that employee during work hours. 4. A procedure authorizing state agencies to license or transfer to a private entity any interest in potentially patentable material developed by that agency. The bill also requires the Secretary of Administration, in consultation with the Secretary of Technology, to submit a final copy of the patent and copyright policy to the House Committee on Science and Technology, Senate Committee on General Laws and Technology, and the Joint Commission on Technology and Science no later than December 1, 2009.

Patron - Watkins

SB1203 Virginia Public Procurement Act; competitive negotiations; ranking criteria. Provides for a public body to inform the offeror at the early stage of informal interviews of any ranking criteria that will be used in addition to the review of the professional competence.

Patron - Puckett

SB1242 Virginia Small Business Financing Authority; activities under the Public-Private Transportation Act of 1995. Authorizes the Virginia Small Business Financing Authority to provide private activity bond financing for entities existing for the sole purpose of developing or operating a qualified transportation facility under the Public-Private Transportation Act of 1995. The bill contains technical amendments.

Patron - Stosch

SB1271 Department of Treasury; Risk Management Division; liability coverage for certain volunteers. Provides for inclusion under the state's risk management plan (i) volunteer drivers for any nonprofit organization providing transportation for persons who are elderly, disabled, or indigent to medical treatment and services, and (ii) volunteer drivers of the Meals on Wheels Association of America or any area agency on aging providing meal and nutritional services to persons who are elderly, homebound, or disabled, provided that such volunteer drivers have successfully completed training approved by the Risk Management Division.

Patron - Vogel

SB1279 Virginia Economic Development Partnership Authority; board of directors; powers. Authorizes ex officio members of the board of directors of the Virginia Economic Development Partnership to designate an individual to

serve. The bill also authorizes the Authority to offer a program for the issuance of export documentation for a company located in Virginia exporting goods and services if no federal agency or other regulatory body or issuing entity will provide such documentation in a form deemed necessary for international commerce.

Patron - Newman

SB1299 Administrative Process Act; required review of the feasibility of electronic submission of certain information. Requires every agency promulgating a regulation that requires the submission of documents or payments to examine the regulation to determine whether the submission of the required documents or payments may be accomplished by electronic means, and if so, consider amending the regulation to offer the alternative of electronic submission.

Patron - Wagner

SB1302 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 and with the intent to defraud, mislead, or deceive, 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 is guilty of misrepresentation in a commercial dealing with the Commonwealth, 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.

Patron - Hurt

SB1305 Government Data Collection and Dissemination Practices Act; Department of Social Services; exemption. Exempts from the Government Data Collection and Dissemination Practices Act public assistance fraud investigations conducted by the Department of Social Services and local social service departments.

Patron - Hurt

SB1316 Freedom of Information Act; requirements to publish a database index and a statement of rights and responsibilities. Strikes the requirement to publish an index of computer databases and amends the requirement to publish a statement of rights and responsibilities to ensure that the public can find out generally what types of public records a public body has and what exemptions may apply to those records. This bill is a recommendation of the Freedom of Information Advisory Council.

Patron - Houck

SB1317 Electronic meetings by the Air Pollution Control Board and the State Water Control Board. Requires that any electronic communication meetings (teleconference) shall be held in compliance with the provisions of the Freedom of Information Act, except that a quorum of the Board is not required to be physically assembled at one primary or central meeting location. The bill also requires that discussions of the Air Pollution Control Board or the State

Water Control Board held via such electronic communication means shall be specifically limited to a (i) review of certain decisions of the Director, (ii) determination of the Air Pollution Control Board or the State Water Control Board whether or not to grant a public hearing or Board consideration, or (iii) delegation of the permit to the Director for his decision. No other matter of public business shall be discussed or transacted by the Air Pollution Control Board or the State Water Control Board during any such meeting held via electronic communication. The bill also clarifies when certain public hearings may be held and who may preside over the public hearings. This bill is a recommendation of the Freedom of Information Advisory Council.

Patron - Houck

SB1318 Government Data Collection and Dissemination Practices Act; collection of social security numbers. Extends from July 1, 2009, to July 1, 2010, the implementation of the prohibition against collecting an individual's social security number unless collection 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 contains several technical amendments, to become effective July 1, 2010. This bill is a recommendation of the Freedom of Information Advisory Council.

Patron - Houck

SB1319 Freedom of Information Act; meeting minutes. Clarifies that minutes of public meetings must be in writing. The bill also contains a technical amendment. The terms "include" and "in writing" that appear in the bill are defined in Title 1 to mean, respectively, "include, but are not limited to," and "any representation of words, letters, symbols, numbers, or figures, whether (i) printed or inscribed on a tangible medium or (ii) stored in an electronic or other medium and retrievable in a perceivable form and whether an electronic signature authorized by Chapter 42.1 (§ 59.1-479 et seq.) of Title 59.1 is or is not affixed." This bill is a recommendation of the Freedom of Information Advisory Council.

Patron - Houck

SB1336 Broadband Advisory Council. Establishes the Governor's Broadband Advisory Council. The purpose of the Council shall be to advise the Governor on policy and funding priorities to expedite deployment and reduce the cost of broadband access in the Commonwealth. The council shall be staffed by the Office of Telework Promotion and Broadband Assistance.

Patron - Puckett

SB1338 Promotion of science and technology-based research, development, and commercialization in the Commonwealth. Makes several changes to the Code of Virginia to encourage research, development, and commercialization of advancements in science and technology in the Commonwealth. The bill changes the existing Commonwealth Technology Research Fund to the Commonwealth Research Commercialization Fund to better focus the moneys available under this program to key areas of research and development in the Commonwealth, to emphasize the importance of commercialization of research and development through matching-funds programs and the leveraging of private and federal funds for commercialization activities, and to provide a loan program for the construction of facilities utilized in commercializing qualified research. Additionally, the bill amends the existing qualified equity and subordinated debt investment tax credit to limit its applicability only to companies engaged in science and technology-related businesses, and to encourage investment in companies focused on commercializing research developed at universities. This bill is a recommendation of the Joint Sub-

committee Studying Biosciences and Biotechnology in the Commonwealth (HJR 248).

Patron - Herring

SB1344 Freedom of Information Act; economic development records. Amends an existing records exemption for economic development records to include records related to the retention of existing business, and to allow the exemption to be used by all public bodies subject to FOIA. The bill makes corresponding amendments to the existing meetings exemption that allows discussion of such records in closed meetings.

Patron - Reynolds

SB1349 Mid-Atlantic Offshore Wind Energy Infrastructure Development Compact. Establishes the Mid-Atlantic Offshore Wind Energy Infrastructure Development Compact. Under the bill, the party states to the compact will be Virginia, Delaware, Maryland, New Jersey, and New York. The purposes of the compact are (i) to study, develop, and promote coordinated research and planning of the design, construction, utility interconnection, financing, and operation of offshore wind energy infrastructure and operations directly adjacent to the shores of the party states, (ii) to coordinate federal, state, and local government efforts, and (iii) seek funding. The compact provides for a board with five representatives from each party state, three of whom are to be appointed by the Governor, one by the Speaker of the House, and one by the Senate. The measure takes effect upon enactment by Virginia and three of the other named states.

Patron - Wagner

SB1351 State employee health insurance plan; mandated benefits. Provides that any law effective on or after July 1, 2009, that provides for an insurance mandate for policies of accident and health insurance shall also apply to health insurance plans for state employees. The measure also requires the Department of Human Resource Management to report to the Special Advisory Commission on Mandated Health Insurance Benefits on cost and utilization information for each of the mandated benefits.

Patron - Wagner

SB1454 Department for the Aging, provision of long-term care support services; no wrong door. Codifies language from the budget bill, which is due to expire. The bill requires the Department for the Aging to designate area agencies on aging as the lead agencies for the No Wrong Door system of aging and disability resource centers.

Patron - Petersen

SB1456 Oversight of research and development in the Commonwealth. Merges the Innovative Technology Authority (ITA), and the Virginia Research and Technology Advisory Commission into a single entity, named the Innovation and Entrepreneurship Investment Authority (IEIA). The IEIA will have 13 members as follows: three presidents of state institutions of higher education to be appointed by the Governor, the Secretary of Technology, three nonlegislative citizen members appointed by the Governor, three nonlegislative citizen members appointed by the Speaker of the House from a list recommended by the House Committee on Science and Technology and the Joint Commission on Technology and Science; and three nonlegislative citizen members appointed by the Senate Committee on Rules from a list recommended by the Senate Committee on General Laws and Technology and the Joint Commission on Technology and Science. The nonlegislative citizen members shall represent the entrepreneurial, investment, and science and technology communities according to specific guidelines in the bill. The IEIA will continue the work of the ITA, with heightened responsibilities regarding the over-

sight of research and development efforts in the Commonwealth. This bill is identical to HB 2201.

Patron - Petersen

SB1477 Aerospace Advisory Council; membership. Adds the Director of the Virginia Space Grant Consortium to the Council to serve as an ex officio member with voting privileges.

Patron - Locke

SB1478 Freedom of Information Act; building and fire code complaints. Provides a record exemption under the Freedom of Information Act for the names, addresses, and telephone numbers of complainants relating to Uniform Statewide Building Code or Statewide Fire Prevention Code enforcement made to the local governing body. This bill incorporates SB 1014.

Patron - Locke

SB1485 Southwest Virginia Cultural Heritage Commission. Provides that five of the ex officio members of the Southwest Virginia Cultural Heritage Commission shall have voting privileges. Currently, the Chairman of The Crooked Road, the Chairman of Round the Mountain; the Director of the Virginia Department of Housing and Community Development, the Director of the Virginia Tourism Corporation, and the Executive Director of the Southwest Virginia Higher Education Center, or their designees, serve on the Commission without voting privileges.

Patron - Wampler

SB1505 Freedom of Information Act; proceedings for enforcement. Clarifies that enforcement actions under the Freedom of Information Act take precedent over other general provisions of law relating to writs of mandamus or injunction.

Patron - Puller

SB1506 Comprehensive Services Program; judicial assignment of services for children. Provides that in cases of judicial assignment of services for children under the Comprehensive Services Program where a party requests a level of service not identified or recommended in the report submitted to the court by the family assessment and planning team, the court shall request the community policy and management team to submit a second report characterizing comparable levels of service to the requested level of service.

Patron - Hanger

SB1525 State and Local Conflicts of Interests Act; prohibited contracts. Provides that certain prohibitions on contracts involving local government employees shall not apply when a contract for goods or services or contracts of employment are awarded to an immediate family member of the officer or employee, provided the officer or employee is not in a position to influence or exercise control over the process of awarding the contract.

Patron - Martin

SB1531 Capital outlay plan; Governor's proposal. Constitutes the Governor's statutorily required proposal of a six- year capital outlay plan for projects to be funded entirely or partially from general fund-supported resources.

Patron - Colgan

SB1548 Virginia Investment Partnership Act; definitions. Amends the definition of "eligible company" by adding that a company may create or cause to be created 300 jobs with average salaries at least 100 percent greater than the Prevailing Average Wage to be eligible for performance grants under the Virginia Investment Partnership Act. Currently a

company would have to create or cause to be created 400 jobs with average salaries at least 50 percent greater than the Prevailing Average Wage. The bill also has an emergency clause.

Patron - Colgan

Failed

HB1591 Office of the State Ombudsman. Establishes the Office of the State Ombudsman to investigate citizen complaints alleging (i) fraud, waste, or abuse of state property or resources, (ii) mismanagement, or (iii) neglect of duty. A record exemption from the Freedom of Information Act is also provided for investigative notes, correspondence and information furnished in confidence to the State Ombudsman during the investigation of a complaint.

Patron - Morgan

HB1616 State and Local Government Conflict of Interests Act; disclosure by certain members of advisory agencies. Requires nonsalaried citizen members of any board, commission, or council established by the governing body to advise on land use policies within the locality to file, as a condition of assuming office, a disclosure form of their personal interests. The bill also requires such members to make annual disclosures of all their interests in real estate located in the county, city, or town in which they are appointed and requires such individuals to disqualify themselves from participating in any transaction involving their real estate interests.

Patron - Marshall, R.G.

HB1812 Questioning employees about criminal convictions; penalty. Prohibits a state agency employer from asking an existing or prospective employee about the individual's record of arrests or convictions, unless the question refers to an arrest or conviction that occurred within the preceding eight years or was for a violent felony. An employer may not take negative employment actions against an individual based on a response to a prohibited question. A violation is punishable by a \$500 civil penalty.

Patron - Morrissey

HB1883 Secretary of the Commonwealth; lobbyist disclosure. Redesigns the Lobbyist Disclosure Statement to clarify information requested and increase compliance. Among other things, the redesigned form requires a lobbyist to include a list of all House of Delegates or Senate bills for which he has lobbied and changes the manner in which entertainment and gift expenses are reported. The bill also provides that a lobbyist who files the statement electronically is not required to provide a paper copy. In addition, the bill provides that the Secretary of the Commonwealth shall review the lobbyist disclosure statements for completeness and accuracy and if a statement is not properly completed, the entire filing will be rejected and returned to the lobbyist. The lobbyist must submit a revised statement within 30 days from receipt of the returned statement.

Patron - Nixon

HB1966 Department of Business Assistance; Virginia Economic Development Partnership. Repeals the Department of Business Assistance and transfers its duties to the Virginia Economic Development Partnership Authority.

Patron - Massie

HB1967 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 low- and middle-income taxpayers throughout the Commonwealth.

Patron - Massie

HB2028 Disposition of surplus materials; certain laptop computers. Requires the Department of General Services to establish procedures that allow members of the General Assembly in accordance with rules established by the Joint Rules Committee to purchase, at a reasonable cost not to exceed the trade-in value for such equipment, the laptop computers, software, and related peripheral equipment provided to them by the respective clerk of the House of Delegates or the Senate of Virginia.

Patron - Marshall, D.W.

HB2033 State employees; four-day work week. Creates the "Work 4 Savings Initiative" and requires the Department of Human Resource Management, among other duties, to (i) establish and implement a program, with the approval of the Governor, that permits any state employee to work a four-day work week consisting of four 10-hour days, Monday through Friday, per week, the impact of which is fiscally neutral and keeps state employee annual holiday leave accrual whole and (ii) report to the Governor and General Assembly on the implementation of this program. The bill exempts certain public safety and other agencies from participation in the program. The bill provides that implementation of the four-day work week program shall be mandatory for state agencies covered in the bill when the Revenue Stabilization Fund is impacted. The Governor shall by executive order direct such state agencies to implement the four-day work week program within such time and manner as directed in the executive order, not to exceed 60 days of the issuance thereof. When the Revenue Stabilization Fund is no longer impacted, the Governor may rescind the executive order requiring implementation of the four-day work week program. The bill provides that its provisions will expire on July 1, 2012.

Patron - Lingamfelter

HB2092 Budget process of the Commonwealth. Changes the Commonwealth's budget from a biennial budget to a budget covering a single fiscal year beginning with the budget for the period July 1, 2012, through June 30, 2013. The bill also provides that if a general appropriation act is not passed by the General Assembly within the first 60 days of a regular session, then General Assembly members would no longer receive a per diem subsequent to such 60 days in a regular or special session of the General Assembly, until such time as the General Assembly passes a general appropriation act.

Patron - Pollard

HB2121 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 determined not 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. The measure becomes effective on July 1, 2010.

Patron - Nichols

HB2130 Transportation funding. Allocates 10 percent of the annual growth in general fund revenues to highway construction.

Patron - Miller, J.H.

HB2174 Retention of energy savings by state agencies. Establishes a program under which the amount of general funds appropriated for a state agency's operating costs will be held harmless from any reduction in projected operational expenditures that results from the state agency's implementation of an energy conservation program. State agencies are required to prepare an approved energy conservation program for each building the state agency occupies or, if it does not occupy an entire building, for the portion of a building it occupies, based on guidelines to be developed by the Department of General Services. The program is required to identify specific measures that the state agency may implement in order to reduce energy expenditures. The Department shall track the energy expenditures for each state agency and calculate its energy savings, which shall be reported to the Department of Planning and Budget, the House Appropriations Committee, and the Senate Finance Committee.

Patron - Hogan

HB2192 Virginia War Memorial. Provides that the names and homes of record designation of all Virginians who while deployed in a designated combat area were killed in action, hostile casualties, or nonhostile casualties unrelated to self-inflicted wounds, who died as prisoners of war, or who are missing in action shall be placed in the Virginia War Memorial. Incorporated in HB 1875.

Patron - Watts

HB2234 State agency procurement; prohibit companies that have certain business operations in Sudan on bidding on contracts with state agencies. Provides that companies meeting certain criteria determined to be related to the genocide in the Darfur region of Sudan are ineligible to bid upon or submit proposals for goods, services, or construction to state public bodies. The bill also authorizes the Director of the Department of General Services to provide exemptions from ineligibility requirements if it is in the best interest of the Commonwealth. In addition, the bill requires all companies to provide a certification regarding their eligibility status and provides civil penalties in the event a false certification is submitted.

Patron - Valentine

HB2286 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 law-enforcement agencies, to procure nonprofessional services from the 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

HB2287 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 fund-

ing, 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

HB2333 P-16 Education Council. Makes the Governor's P-16 Education Council a permanent advisory council within the executive branch.

Patron - Amundson

HB2354 Governor; suspension of mandates. Provides that, notwithstanding the Governor's authority to temporarily suspend state mandates, school divisions shall not be required to meet mandated staffing ratio requirements for the programs funded by the Lottery Proceeds Fund for the fiscal year ending June 30, 2010. The bill also provides that state funds for such programs must be used for the stated program purposes. In addition, for the fiscal year ending June 30, 2010, school divisions will not be required to provide matching funds for the programs funded through (i) the Lottery Proceeds Fund, (ii) the Virginia Public School Authority, or (iii) to purchase textbooks. The provisions of the bill will expire on July 1, 2010.

Patron - Landes

HB2356 Basis for the preparation of the Budget Bill. Requires the Budget Bill for the 2010-12 biennium and future Budget Bills to be prepared and formulated utilizing zero-based budgeting principles.

Patron - Gilbert

HB2370 Council on Virginia's Future; assessment of the impact of prescription drug abuse. Provides for the Council on Virginia's Future to assess the impact of prescription drug abuse on the Commonwealth including the mortality rates experienced in individual communities and the effect on employees of the Commonwealth. The provisions of the bill expire on July 1, 2011. This bill was incorporated into HB 2369.

Patron - Nutter

HB2382 Governor's Advisory Board for National and Community Service. Establishes the Governor's Advisory Board for National and Community Service to advise the Governor and Cabinet Secretaries on matters related to promotion and development of national and community service in the Commonwealth of Virginia and to meet the provisions of the National and Community Services Trust Act of 1993.

Patron - Scott, J.M.

HB2385 Public employment; nondiscrimination. Prohibits discrimination in public 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, as amended. The bill defines "sexual orientation" as a person's actual or perceived heterosexuality, bisexuality, homosexuality, or gender identity or expression. The bill expressly provides that "sexual orientation" shall not include any person's attraction towards persons with whom sexual conduct would be illegal due to the age of the parties. The bill contains technical amendments.

Patron - Ebbin

HB2387 Green Public Buildings Act. Requires public bodies entering the design phase for construction of a new

building greater than 5,000 gross square feet in size, or renovating such a building where the cost of renovation exceeds 50 percent of the value of the building, to build to either the Green Globes Green Building Initiative green building rating standard or the United States Green Building Council Leadership in Energy and Environment Design green building rating standard (LEED). Exemptions from the requirement may be granted by the Director of the Department of General Services for state construction projects or the governing body of a locality or school board for local projects.

Patron - Ebbin

HB2420 The Office of Intermodal Planning and Investment and the Statewide Transportation Plan; identifying corridors. Updates responsibilities of the Office of Intermodal Planning and Investment to include, among other things, a study of corridors identified in the Statewide Transportation Plan. This bill was incorporated into HB 2019.

Patron - Bouchard

HB2421 Freedom of Information Act; definition of public record. Clarifies that the definition of public record does not include correspondence, messages or other records or portions thereof created or received by a public employee, appointee or officer that relate to personal matters and do not address public business; however such records may be disclosed in the discretion of the custodian.

Patron - May

HB2444 Bioscience and technology-related development in the Commonwealth. Changes the Commonwealth Technology Research Fund (CTRF) to the Commonwealth Research Commercialization Fund (CRCF). The CRCF establishes three new categories of awards: (i) a matching fund program to small Virginia-based technology companies that secure a federal Small Business Innovation Research Program (SBIR) or Small Business Technology Transfer Program (STTR) award; (ii) a matching fund to universities to leverage federal and private dollars for the commercialization of qualified research; and (iii) a loan program that would provide loans to universities and political subdivisions that seek to provide lease guarantees or letters of credit for the construction of facilities utilized in commercializing qualified research. The details of each of these programs will be developed by the Innovative Technology Authority (Authority) in conjunction with the Virginia Economic Development Partnership (VEDP) and the State Council on Higher Education for Virginia. However, no award from the Fund may be provided if the otherwise qualified business performs research on human cells or tissue derived from induced abortions, or from stem cells directly obtained from human embryos; excluding research conducted using stem cells other than embryonic stem cells. Additionally, no moneys from the Fund may be provided for conducting research on cells or tissues derived from induced abortions on humans, or to an entity that conducts such research in Virginia. The bill, as introduced, was a recommendation of the Joint Subcommittee Studying Biosciences and Biotechnology in the Commonwealth (HJ 248).

Patron - Sickles

HB2471 Freedom of Information Act; salary records of teachers. Provides that the disclosure of the names of individual teachers is not required under FOIA in response to a request for the official salary or rate of pay of employees of a local school board.

Patron - Hugo

HB2497 Facilitation of electronic government. Requires the Secretary of Technology to develop and implement strategies for the adoption of electronic government and

electronic signature initiatives that would allow for the electronic submission of documents and forms, with a goal of adoption of electronic government initiatives by July 1, 2013. Each agency would be required to identify such electronic government initiatives that could improve services to citizens and improve efficiencies as part of its strategic plan, and would be required to report to the Secretary of Technology a list of all paper or electronic forms currently in use by the agency. This bill incorporates HB 2508.

Patron - Nixon

HB2508 Electronic filing with state agencies. Authorizes the Secretary of Technology to assist state agencies, as defined in § 2.2-2006, in expanding citizen access to government through the electronic filing of any information required or permitted to be filed with such state agencies. The bill also requires state agencies, as part of the Government Performance and Results Act, to identify in their strategic plan efforts to expand citizen access to government through electronic filing and reporting. This bill is incorporated into HB 2497.

Patron - Pollard

HB2522 Health insurance plan for state employees; coverage for employees of small employers. Permits employers with 50 or fewer employees to apply for coverage under the health insurance plan for state employees. The premiums and an administrative costs are payable by the participating employer or its eligible employees.

Patron - Nichols

HB2590 Financial accounting and reporting systems. Establishes an alternative financial accounting and reporting system for postemployment benefits, other than pension benefits.

Patron - Ebbin

HB2608 Secretary of Administration; telecommuting and alternative work schedules for state employees; effectiveness. Provides that the Secretary of Administration, in cooperation with the Secretary of Technology and in consultation with the Council on Technology Services, shall measure the effectiveness of the comprehensive statewide telecommuting and alternative work schedule policy. The bill provides that the head of each agency shall report annually to the Secretary on the status of any programs or policies developed and implemented pursuant to this section. Any agency head failing to comply with the requirements of this section shall forfeit one percent of the moneys appropriated for the operation of the agency as provided in the appropriation act. The Secretary shall so notify the Comptroller, who shall take such moneys and deposit them into the Literary Fund. The bill also requires the Department of Human Resource Management to notify state employees by email or other method deemed appropriate by the Department of the statewide telecommuting and alternative work schedule policy.

Patron - Hugo

HB2617 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 Committee on Rules 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 incorporated into HB 2463.

Patron - Saxman

HB2628 Virginia Public Procurement Act; cooperative procurement. Provides that no local public body shall purchase construction in excess of \$200,000 from another public body's contract that is more than 75 miles in distance from the local public body procuring the construction.

Patron - Griffith

HB2632 Health insurance program for teachers; development of a proposed program. Instructs the Department of Human Resource Management to develop a proposed statewide optional health insurance plan for all teachers, and an alternative plan covering all employees and retirees of local school boards.

Patron - Shannon

HB2657 Executive Mansion. Prohibits the use of the Executive Mansion for all fund-raising purposes except to benefit a charity.

Patron - Griffith

SB861 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 contingent on funding being included in the general appropriations act adopted by the 2009 Session of the General Assembly that becomes law.

Patron - Edwards

SB894 Biennial appropriation act. Provides that the Commonwealth's biennial appropriations shall start on July 1 of odd-numbered years beginning with the biennial appropriation act for the period July 1, 2013, through June 30, 2015. The bill would require that the fiscal year beginning July 1, 2012, would not be a part of any biennial appropriation act (i.e., it would be a single-year budget).

Patron - McDougle

SB1014 Freedom of Information Act; building and fire code complaints. Expands the current record exemption for the names, addresses, and telephone numbers of complainants relating to zoning enforcement complaints made to a local governing body to also include complaints relating to the Uniform Statewide Building Code or the Statewide Fire Prevention Code.

Patron - Edwards

SB1016 P-16 Education Council. Makes the Governor's P-16 Education Council a permanent advisory council within the executive branch, to be staffed by the Office of the Secretary of Education.

Patron - Edwards

SB1039 Environmental laboratory certification and inspection. Directs the Division of Consolidated Laboratories to enter into a memorandum of understanding with the Department of Environmental Quality to perform environmental laboratory inspections in conjunction with other inspections conducted by the Department as part of its duties to enforce air

pollution, waste management, and water control laws. The bill removes obsolete references to national standards for laboratory certification adopted by the National Environmental Laboratory Accreditation Conference (NELAC) as that organization no longer exists. The bill also provides that laboratory facilities that only perform field testing are exempt from the certification by the Division of Consolidated Laboratories.

Patron - Hanger

SB1127 State energy efficiency programs. Requires the Division of Purchase and Supply of the Department of General Services to ensure that, by 2020 and thereafter, 20 percent of the electricity purchased by or for the departments, agencies, or institutions of the Commonwealth is sustainable energy. Prior to that date, interim percentage requirements for purchases of sustainable energy are established. The measure requires any state agency that is authorized to undertake construction of a state-owned facility over 5,000 gross square feet in size or a renovation of a state-owned facility over 5,000 gross square feet in size where the value of the renovation exceeds 50 percent of the assessed building value to build to energy performance standards of the U.S. Green Building Council's Leadership in Energy and Environmental Design building rating system or equivalent energy performance standards that provide for the use of Virginia forest products, unless granted an exemption by the Director of the Department of General Services. Finally, the measure authorizes the Governor or his designee to permit any state agency to enter into a contract through the use of competitive negotiation, rather than through the requirements of the Commonwealth's public procurement laws, if it finds that the contract will improve the efficiency of the agency's use of electricity or natural gas or will result in net savings in the agency's expenditures on electricity or natural gas.

Patron - Petersen

SB1146 Biodiesel and green diesel; minimum content in state contracts for vehicle fuel. Requires state public bodies to procure only diesel fuel containing, at a minimum, two percent, by volume, biodiesel fuel or green diesel fuel. The requirement will only apply to procurements of diesel fuel for use in on-road internal combustion engines and shall not apply if the cost of such procurement exceeds the cost of unblended diesel fuel by 5 percent or more. Based on a finding of sufficient availability of biodiesel or green diesel, the Governor may increase the requirement of biodiesel fuel or green diesel fuel up to 20 percent by volume.

Patron - Whipple

SB1182 Office of Comprehensive Services; report cost of services for at-risk and troubled children. Requires the Office of Comprehensive Services to report to the State Executive Council on the nature and cost of all services provided to the population of at-risk and troubled children identified by the Council as within the scope of the Comprehensive Services Act (CSA) program. This bill was incorporated into SB1181.

Patron - Hanger

SB1183 Office of Comprehensive Services; develop coordinator job description. Requires the director of the Office of Comprehensive Services to develop and distribute model job descriptions for the position of Comprehensive Services Act Coordinator and provide technical assistance to localities and their coordinators to help them to guide localities in prioritizing coordinators' responsibilities toward activities to maximize program effectiveness and minimize spending. This bill was incorporated into SB1181.

Patron - Hanger

SB1184 Office of Comprehensive Services; guidelines for multidisciplinary teams. Requires the director of the Office of Comprehensive Services to develop and distribute guidelines, approved by the State Executive Council, regarding the development and use of multidisciplinary teams in service planning. This bill was incorporated into SB1181.

Patron - Hanger

SB1217 Department of Employment Dispute Resolution; powers and duties of Director. Clarifies that upon the request of a party to a grievance hearing for an administrative review of the hearing decision, the Director of the Department of Employment Dispute Resolution shall determine, within 60 days of receipt of such request, whether the hearing decision is consistent with the grievance procedure and grievance hearing rules. The bill further clarifies that within 30 days of a final hearing decision, a party may appeal on the grounds that an administrative reviewer exceeded the scope of the reviewer's authority during the administrative review process.

Patron - Deeds

SB1247 Virginia Human Rights Act; sexual orientation. Adds sexual orientation to the definition of unlawful discriminatory practice in the Virginia Human Rights Act. The bill also removes the provision limiting private causes of action to where the employers employed more than five but less than 15 persons.

Patron - Northam

SB1252 Green Public Buildings Act. Requires public bodies entering the design phase for construction of a new building greater than 5,000 gross square feet in size, or renovating such a building where the cost of renovation exceeds 50 percent of the value of the building, to build to either the Green Globes Green Building Initiative green building rating standard or the United States Green Building Council Leadership in Energy and Environment Design green building rating standard (LEED). The bill also provides that such buildings shall be designed, constructed, verified, and operated to achieve energy savings that exceed the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Standard 90.1-2004 by at least 15 percent for new construction and 10 percent for major renovation and that the water systems designed for such buildings be required to provide water use savings of at least 25 percent over the baseline standard established in the federal Energy Policy Act of 1992. Exemptions from the requirement may be granted by the Director of the Department of General Services for state construction projects or the governing body of a locality or school board for local projects. The provisions of the bill do not apply to local public bodies and school boards until July 1, 2010.

Patron - Petersen

SB1280 Virginia Economic Development Partnership Authority; issuance of export documentation. Authorizes the Virginia Economic Development Partnership Authority to offer a program for the issuance of export documentation for a company located in Virginia exporting goods and services if no federal agency or other regulatory body or issuing entity will provide such documentation in a form deemed necessary by company.

Patron - Newman

SB1314 Board for Purchases of Services From People with Severe Disabilities. Establishes the Board for Purchases of Services from People with Severe Disabilities to encourage state agencies and political subdivisions of the Commonwealth to purchase services provided by persons with severe disabilities as a means of increasing employment oppor-

tunities. Under the bill, the Board will establish and publish a procurement list consisting of services provided by qualified nonprofit entities for people with severe disabilities for procurement from state agencies and political subdivisions. The Board will also establish fair market price of services that are contained on the procurement list.

Patron - Colgan

ESB1329 Collateral consequences of criminal convictions. Requires the Attorney General to identify, collect, and make available on the Internet a list of constitutional, statutory and regulatory collateral consequences of a criminal conviction. Collateral consequences are those consequences that arise as a result of a criminal conviction (such as employment barriers) but are not imprisonment, parole, probation, fines, forfeiture, restitution, etc.

Patron - McEachin

ESB1330 Virginia Personnel Act; malfeasance in office; penalties; damages. Provides that any person who willfully and knowingly discloses personal information, the disclosure of which is prohibited by law shall be guilty of malfeasance in office or employment. Upon conviction thereof, the judge or jury trying the case, in addition to any other fine or penalty provided by law, may order the forfeiture of such office or employment. In addition, the bill provides that (i) a person aggrieved by a violation shall be entitled to institute an action to recover actual damages or \$500, whichever is greater, for each violation and (ii) if the aggrieved party prevails, to be awarded reasonable attorney's fees and court costs. The bill specifies where court actions may be brought. The bill specifically provides that it applies to certain persons currently exempt from the provisions of the Virginia Personnel Act.

Patron - Cuccinelli

ESB1332 Private entities operating, managing, or supervising any portion of the state highway system. Provides that a private entity that operates, manages, or supervises any portion of the state highway system and receives funding from the Commonwealth or any of its political subdivisions shall be considered a public body for purposes of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) of the Code of Virginia as it relates to that portion of the private entity's business operations responsible for operating, managing, or supervising the portion of the state highway system.

Patron - Cuccinelli

ESB1345 Energy efficiency in state government. Establishes a goal of reducing the annual cost of nonrenewable energy purchases by each executive branch agency and institution by at least 20 percent of fiscal year 2008 expenditures by fiscal year 2012. Such agencies and institutions are required to implement energy efficiency measures that have a payback period of five years or less, as general fund appropriations become available to the state agency. The bill requires state public bodies entering the design phase for construction of a new building greater than 5,000 gross square feet in size, or renovating such a building where the cost of renovation exceeds 50 percent of the value of the building, to build to either the Green Globes Green Building Initiative green building rating standard or the United States Green Building Council Leadership in Energy and Environment Design green building rating standard (LEED). The bill also provides that such buildings shall be designed, constructed, verified, and operated to achieve energy savings that exceed the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Standard 90.1-2004 by at least 15 percent for new construction and 10 percent for major renovation and that the water systems designed for such buildings be required to provide water use savings of at least 25 percent over the base-

line standard established in the federal Energy Policy Act of 1992.

Patron - Wagner

ESB1399 The Virginia Commission for Allocating Funds to Nonstate Agencies. Creates a commission in the legislative branch of government to apportion or allocate lump sum appropriations for nonstate entities among specific nonstate entities. The Commission would consist of three members of the Senate appointed by the Senate Committee on Rules, three members of the House of Delegates appointed by the Speaker of the House of Delegates, and the Secretaries of Education, Health and Human Services, and Natural Resources, who would serve ex officio with voting privileges. The bill would also provide that beginning January 1, 2010, all appropriations for nonstate entities would be made in a lump sum amount with no specific dollar amount of funding dedicated or otherwise allocated to any nonstate entity. The Commission would be responsible for apportioning the lump sum appropriation among nonstate entities.

Patron - Norment

ESB1464 Chief Executive Officer for Transportation. Abolishes the office of Commonwealth Transportation Commissioner and replaces that position with a Chief Executive Officer for Transportation who takes over the powers, duties, and responsibilities of the Commonwealth Transportation Commissioner, the Director of the Department of Aviation, and the Director of the Department of Rail and Public Transportation. The Virginia Board of Aviation and the Rail Advisory Board are also abolished, and their functions transferred to the Commonwealth Transportation Commission. The composition of the Commonwealth Transportation Board is changed to remove the Secretary of Transportation, the Commonwealth Transportation Commissioner, and the Director of the Department of Rail and Public Transportation, and to provide for election of the at-large members of the Board by the General Assembly.

Patron - McDougle

ESB1499 State agency employment and procurement; participation in E-Verify program. Requires state agencies and contractors with state agencies to verify the social security number of newly hired employees using the E-Verify Program. The bill defines "E-Verify Program" as an Internet-based system operated by the Department of Homeland Security in partnership with the Social Security Administration to determine the validity of social security numbers. Under the bill, the effective date of the provisions is contingent on the General Assembly and the Governor determining that the E-Verify Program is fully functional and properly funded.

Patron - Barker

ESB1512 Department of Veterans Services; burial vaults at state-operated veterans cemeteries. Requires the Department of Veterans Services to provide burial vaults at no costs to eligible veterans and family members interred at state-operated veterans cemeteries from such funds as may be appropriated or otherwise received for that purpose.

Patron - Edwards

ESB1551 State and Local Government Conflict of Interest Act; disclosure by certain nonsalaried citizen members of local government entities. Clarifies that a local governing body may require the nonsalaried citizen members of any board, commission, or council it has created to file a disclosure of the member's personal interests as a condition of assuming office and to annually file such disclosure every January 15.

Patron - Barker

Agriculture, Horticulture and Food

Passed

HB1951 Dangerous Dog Registry. Authorizes the use of copies of all records, documents, and papers associated with the Dangerous Dog Registry in Virginia courts if the documents have been certified and authenticated by the State Veterinarian or the Dangerous Dog Registry administrator as true copies of the original documents.

Patron - Shuler

HB2345 Recodification of Title 3.1. Corrects an error from the 2008 recodification of Title 3.1, Agriculture, Horticulture and Food, to Title 3.2, Agriculture, Animal Care, and Food, by (i) reinserting language enacted in 2005 that allows towns to adopt by reference certain ordinances of surrounding counties; and (ii) removing an inadvertent requirement placed on the Seed Potato Board to provide annual reports.

Patron - Landes

HB2364 Restitution for damages done by a dangerous or vicious dog. Provides that a court, upon finding an animal to be a dangerous or vicious dog, may order the owner, custodian, or harbinger thereof to pay restitution for actual damages to any person injured by the animal or whose companion animal was injured or killed by the animal. This bill incorporates HB 2321.

Patron - Gilbert

HB2565 Farmland preservation programs and policies. Empowers the Office of Farmland Preservation to provide technical, and other assistance to local governments interested in developing additional farmland preservation policies and programs.

Patron - Knight

SB871 Reporting requirements; Department of Health. Relieves the Department of Health of its responsibility to report to the Secretary of Agriculture and Forestry on the implementation of policies related to the protection of farm and forest lands. After the transfer of responsibilities for the land application of biosolids to the Department of Environmental Quality, the Department of Health no longer has duties that impact farmland preservation.

Patron - Ticer

SB897 Animal shelters and pounds; administration of certain medications. Allows the Board of Pharmacy to register an animal shelter or pound to purchase, possess, and administer certain Schedule II-VI controlled substances approved by the State Veterinarian for the purpose of euthanizing injured, sick, homeless, and unwanted domestic pets and animals; and to purchase, possess, and administer certain Schedule VI controlled substances for the purpose of preventing, controlling, and treating certain communicable diseases that failure to control would result in transmission to the animal population in the shelter or pound. This bill has an emergency clause. This bill is identical to HB 2097.

Patron - McDougle

Failed

HB1699 On farm production of biofuels. Broadens the Right to Farm Act to allow farmers to engage in the small-

scale production of biofuels in areas zoned agricultural without a special exception or special use permit. A farmer engages in the small-scale production of biofuels when (i) at least 25 percent of the feedstock is produced on site; (ii) any structure used for the processing of the feedstock into energy occupies less than 5,000 square feet; and (iii) the owner notifies the administrative head of the locality in which the processing occurs.

Patron - Lohr

HB2220 Salaries of animal control officers. Authorizes localities to exceed the statutory cap on dog and cat licenses if they find it is necessary to provide additional compensation for animal officers and for expenses associated with the care provided by a pound and the maintenance of a pound.

Patron - Alexander

HB2263 Oversight of animal control officers. Directs the Department of Criminal Justice Services to establish minimum standards for employment, job entry and in-service training curricula, and certification for animal control officers. In developing the training, the Department is to consult with the State Veterinarian on issues relevant to the duties and training of these officers.

Patron - Kilgore

HB2321 Medical costs resulting from injury by dangerous dog. Provides that a court, upon finding an animal to be a dangerous or vicious dog, may order the owner, custodian, or harbinger thereof to pay to any person injured by the animal the costs of medical care resulting from the injury. This bill has been incorporated into HB 2364.

Patron - Athey

HB2377 Animals as prizes and gifts. Makes it a Class 3 misdemeanor to raffle, give away, offer for sale as a novelty, or offer or give as a prize any animal, including fish.

Patron - Englin

HB2669 Humane investigators. Allows the appointment of new humane investigators. Currently, existing humane investigators may be reappointed, but the program is no longer open to new participants. The administrative entity that oversees animal control will be required to (i) supervise humane investigators and (ii) maintain and annually update a list of persons eligible for appointment as humane investigators. Circuit courts that appoint a humane investigator must notify the administrative entity that oversees animal control in the locality where the humane investigator serves if a humane investigator's term expires and he is not appointed to a succeeding term before or within 30 days.

Patron - Scott, J.M.

SB931 Animal cruelty; enforcement authority. Clarifies that animal control officers, humane investigators, and employees of the State Veterinarian, who are obligated to prevent the perpetration of any act of cruelty upon any animal in their presence, shall enjoy the protection of sovereign immunity for those actions taken in good faith with reasonable cause. The clarification does not differ from current policy and jurisprudence.

Patron - Ticer

SB950 Dangerous and vicious dogs. Authorizes persons who have reason to believe that a canine or canine cross-breed is a dangerous or vicious dog to apply to a magistrate for the issuance of a summons requiring the owner or custodian to appear in court at a specified time. Currently, the authority to go to the magistrate to obtain a summons is the responsibility of law-enforcement and animal control officers.

Patron - Howell

FSB967 Sales of equines by dealers; penalty. Requires that a receipt accompany any sale of a horse greater than \$10,000. Any person acting as a dual agent for both the buyer and the seller in such a sale must receive written consent from the principals and disclose any compensation greater than \$500. Violators shall be guilty of a Class 1 misdemeanor and civilly liable for treble damages.

Patron - Blevins

FSB1092 Civil immunity for charitable food donations and distributions. Provides that any charitable organization engaged in a food distribution program for needy persons shall be exempt from civil liability arising from any injury or death resulting from the nature, age, condition, or packaging of the distributed food. In addition, the bill provides that any (i) volunteer who donates prepared food to a charitable organization engaged in a food distribution program for needy persons; (ii) restaurant and any processor, distributor, wholesaler, or retailer of food that donates unserved excess foods to any charitable organization for distribution to needy persons; (iii) person who donates food to any food bank or any second harvest certified food bank or food bank member charity; and (iv) farmer, processor, distributor, wholesaler, food service establishment, restaurant, or retailer of food who donates food to any food bank or any second harvest certified food bank or food bank member charity and whose existing exemption is moved to this bill from § 3.2-5144 of the Code of Virginia shall be exempt from civil liability arising from any injury or death resulting from the nature, age, condition, or packaging of the donated food.

Patron - Miller, J.C.

FSB1151 Companion animals; releasing agencies. Requires any owner who is reclaiming his dog or cat from a releasing agency, such as a pound or shelter, to have such animal spayed or neutered if the animal has been impounded on a previous occasion. Currently, mandatory sterilization applies only to new owners that adopt a dog or cat from a releasing agency.

Patron - McDougle

Alcoholic Beverage Control Act

Passed

PHB2051 Alcoholic beverage control; suspension and revocation; penalty waivers. Requires the ABC Board, by regulation, to establish a schedule of offenses for which any penalty may be waived upon a showing that the licensee has had no prior violations within five years immediately preceding the date of the violation. The bill provides that no waiver shall be granted, however, for a licensee's willful and knowing violation of Title 4.1 or Board regulations.

Patron - Gear

PHB2052 Alcoholic beverage control; prohibited acts by mixed beverage licensees; exceptions. Makes an exception for certain spirits to the rule that a mixed beverage licensee cannot deliver to a consumer alcoholic beverages in the original bottle. To qualify for the exception, the bill requires that (i) the original container of spirits is no larger than 375 milliliters, (ii) the alcohol content is no greater than 15 percent by volume, and (iii) the contents of the container are carbonated and perishable.

Patron - Gear

PHB2293 Alcoholic Beverage Control; pilot project. Creates a two-year pilot project for certain mixed beverage licensees of the Alcoholic Beverage Control Board. The bill allows a participating mixed beverage restaurant licensee to use alternative calculation for the food-to-beverage ratio based on volume by proof gallon. The bill sets out the parameters of the pilot project and requires the ABC Board to report its findings and any recommendations based on the results of the project to the chairs of the House Committee on General Laws and the Senate Committee on Rehabilitation and Social Services on or before July 1, 2011. The bill defines proof gallon.

Patron - Albo

PHB2523 Alcoholic beverage control; grounds for suspension or revocation of a license. Adds a new ground for which the ABC Board may suspend or revoke a license. Under the bill, a license may be suspended if the licensee fails to take reasonable measures to prevent (i) the licensed premises, (ii) any premises immediately adjacent to the licensed premises that are owned or leased by the licensee, or (iii) any portion of public property immediately adjacent to the licensed premises from becoming a place where patrons of the establishment commit certain criminal violations and such violations lead to arrests that are so frequent and serious as to reasonably be deemed a continuing threat to the public safety.

Patron - Wright

PHB2597 Alcoholic beverage control; regulations of the Alcoholic Beverage Control Board. Mandates the ABC Board to adopt regulations that require off-premises retail licensees to place any premixed alcoholic energy drinks containing one-half of one percent or more of alcohol by volume in the same location where wine and beer are available for sale within the licensed premises.

Patron - Oder

PHB2627 Alcoholic beverage control; unlawful possession; affirmative defense. Establishes an affirmative defense to a charge of underage consumption or possession of alcoholic beverages if the defendant shows that such consumption or possession was allowed under current exceptions in ABC law (i.e., drank it at home with his parents or spouse, etc.).

Patron - Griffith

PHB983 Alcoholic beverage control; prohibited acts by mixed beverage licensees; exceptions. Makes an exception for certain spirits to the rule that a mixed beverage licensee cannot deliver to a consumer alcoholic beverages in the original bottle. To qualify for the exception, the bill requires that (i) the original container of spirits is no larger than 375 milliliters, (ii) the alcohol content is no greater than 15 percent by volume, and (iii) the contents of the container are carbonated and perishable.

Patron - Wagner

PHB1213 Alcoholic beverage control; operation of government stores; agents of the Alcoholic Beverage Control Board. Designates as agents of the ABC Board any licensed distiller who blends alcoholic beverages on his licensed premises and meets other existing statutory requirements. The bill defines the term "blended."

Patron - Deeds

PHB1258 Alcoholic beverage control; suspension and revocation; penalty waivers. Requires the ABC Board, by regulation, to establish a schedule of offenses for which any penalty may be waived upon a showing that the licensee has had no prior violations within five years. The bill provides,

however, that no waiver shall be granted by the Board, for a licensee's willful and knowing violation of this title or Board regulations.

Patron - McDougle

SB1414 Alcoholic beverage control; annual mixed beverage special events. Expands the annual mixed beverage special events license to include licenses to persons operating food and beverage services at any rural event and entertainment park or similar facility owned by a duly organized non-profit corporation that has been granted an exemption from federal taxation under § 501 (c) (3) of the U.S. Internal Revenue Code of 1986 (the Virginia State Fair) and has a minimum of 60,000 square feet of indoor exhibit space, equine and other livestock show areas and is located in Caroline County. The bill also restricts the Board from prohibiting the sponsorship of an entertainment or cultural event.

Patron - Puller

SB1445 Alcoholic beverage control; authorizes certain activities of wine-of-the-month and beer-of-the-month clubs. Clarifies that the holder of a wine shipper license or beer shipper license may solicit and receive applications for subscription to a at in-state or out-of-state locations for which a license for on-premises consumption has been issued, other than the place where the licensee carries on the business for which the license is granted. The bill defines "wine-of-the-month club" or "beer-of-the-month club" to mean an agreement between an in-state or out-of-state holder of a wine shipper license or beer shipper license and a consumer in Virginia to whom alcoholic beverages may be lawfully sold that the shipper will sell and ship to the consumer and the consumer will purchase a lawful amount of wine or beer each month for an agreed term of months.

Patron - Deeds

Failed

HB1956 Alcoholic beverage control; license for assisted living facilities and nursing homes. Creates a long-term care facility license and sets the privileges of this license as well as the state and local license tax.

Patron - Mathieson

HB2013 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

HB2014 Alcoholic beverage control; mixed beverage licenses. 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. The bill also increases from 12 to 16 the number of events in any one year that a mixed beverage limited caterer licensee may sell and serve alcoholic beverages.

Patron - Ebbin

HB2087 Alcoholic beverages; underage consumption. Provides that anyone who knowingly permits underage consumption of alcoholic beverages in his dwelling or on his private real property, or who knows that such behavior is occurring but fails to make reasonable efforts to halt it, is guilty of a Class 3 misdemeanor.

Patron - Melvin

HB2297 Underaged drinking; deferred disposition; mitigation. Provides that a person charged with underage drinking 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 underage drinker shall have considered in mitigation the fact that he summoned law-enforcement or medical assistance on behalf of another.

Patron - Caputo

HB2390 Alcoholic beverage control; operation of government stores; agents of the Alcoholic Beverage Control Board. Designates as agents of the ABC Board any licensed distiller who blends alcoholic beverages on his licensed premises and meets other existing statutory requirements. The bill defines the term "blended."

Patron - Abbitt

HB2440 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, 2009, on how it will privatize government stores. The bill has a delayed effective date of January 1, 2010, 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

HB2584 Alcoholic beverage control; spirits delivery permit. Creates a spirits delivery permit that would authorize the permittee to purchase spirits from the Board and to deliver the spirits to the business premises of a mixed beverage licensee. Upon written authorization by any mixed beverage licensee, the permittee may purchase the spirits directly from the Board using its own business checks and credit cards, provided the mixed beverage licensee makes payment at or before the time of delivery. The bill contains an emergency clause.

Patron - Knight

SB1341 Alcoholic beverages; underage consumption. Provides that anyone who knowingly permits underage consumption of alcoholic beverages in his dwelling or on his private real property, or who knows that such behavior is occurring but fails to make reasonable efforts to halt it, is guilty of a Class 3 misdemeanor.

Patron - Lucas

SB1494 Alcoholic beverage control; spirits delivery permit. Creates a spirits delivery permit that would authorize the permittee to purchase spirits from the Board and to deliver the spirits to the business premises of a mixed beverage licensee. Upon written authorization by any mixed beverage licensee, the permittee may purchase the spirits directly from the Board using its own business checks and credit cards, provided the mixed beverage licensee makes payment at or before the time of delivery.

Patron - Herring

SB1542 Alcoholic beverage control (ABC); privatization of ABC stores. Provides for the auction of "package store" licenses to authorize the retail sale of alcoholic beverages for off-premises consumption. The bill also requires the ABC Board to sell or transfer all interest in real property uti-

lized in the wholesale and retail sale of alcoholic beverages. The bill requires the ABC Board to set a fixed number of licenses for all localities, which shall be at a minimum one license for each locality of the Commonwealth and shall not exceed one license per 10,000 residents of the locality. The initial issuance of license by the Board would be through regional auctions beginning July 1, 2010, which may also be conducted through the Department's publicly accessible website. The annual state license tax on package store licenses would be the initial purchase price at auction plus an annual inflation adjustment based on the Consumer Price Index. The tax levied on spirits sold in package stores would be 25 percent of the price charged. This bill contains numerous technical amendments.

Patron - Obenshain

Banking and Finance

Passed

HB1709 Open-end loans by payday lenders. Prohibits licensed payday lenders from extending credit under open-end credit plans. Third parties are prohibited from making such loans at a payday lender's place of business. The prohibition does not apply to such loans if secured by a lien on a motor vehicle title. If a licensed payday lender relinquishes its license and then makes open-end loans, it may not be re-licensed to make payday loans for a period of 10 years. SB 1470 is identical.

Patron - Oder

HB1776 Mortgage Lender and Broker Act; broker duties and liability. Prohibits a mortgage broker from failing to use reasonable skill, care, and diligence in exercising the broker's duty, which is created hereby, to make reasonable efforts to secure a mortgage loan that is in the best interests of the applicant, considering the applicant's circumstances and loan characteristics. A borrower who suffers a loss as a result of a breach of such duty may bring an action to recover actual damages. SB 1020 is identical.

Patron - McClellan

HB1886 Money order sales and money transmission services. Expands the existing authority of the State Corporation Commission to regulate money order sellers and money transmitters. The measure includes provisions that, among other things, mandate examinations of licensees every three years; increase the license application fee from \$500 to \$1,000; require annual renewal of licenses with a \$750 license renewal fee and an assessment to defray examination and supervision costs; increase minimum net worth requirements from \$100,000 to \$200,000; establish procedures for license revocation; authorize the Commission to issue cease and desist orders; establish requirements for agreements between a licensee and its authorized delegates; increase the maximum penalty that the Commission may assess for violations from \$1,000 to \$2,500; establish record retention requirements; establish additional reporting requirements; and require licensees to maintain permissible investments that have a market value of not less than the aggregate dollar amount of all of its outstanding money orders and money transmission transactions. The measure also requires licensees to conduct a due diligence review of all new authorized delegates and to implement and maintain a risk-based supervision program to monitor its authorized delegates. Finally, the measure regulates the type of investments that licensees are required to maintain.

Patron - Nixon

HB1964 Banking institutions; reclassification or conversion of shares. Authorizes a bank, savings institution, bank holding company, savings and loan holding company, or multiple or diversified savings and loan holding company organized as a stock corporation to reclassify or convert a portion of its issued and outstanding shares of common stock into a class or series of preferred stock for the purpose of ceasing to be, or avoiding the status of, an institution that is required to file periodic reports under provisions of the Securities Exchange Act of 1934, if authorized by its articles of incorporation and the reclassified or converted shares continue to be part of the equity capital of the corporation. Such a reclassification or conversion is exempt from appraisal rights provisions of the Stock Corporation Act if the institution's directors recommend the approval, the shareholders approve the amendment, all shares are reclassified or converted on the same terms, and articles of amendment are filed. SB 884 is identical.

Patron - Saxman

HB2030 Mortgage Lender and Broker Act; employee background checks and training. Repeals provisions enacted in 2008 that require licensed mortgage lenders and brokers (i) to conduct background checks on employees who may have access to or process personal identifying or financial information from a member of the public and (ii) to ensure that their employees are properly trained in applicable state and federal mortgage lending laws and regulations.

Patron - Marshall, D.W.

HB2031 Mortgage loan originators. Prohibits an individual from acting as, or holding himself out to the public as being, a mortgage loan originator on or after July 1, 2010, unless he has obtained a license from the State Corporation Commission (SCC). The measure implements requirements of the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008, which allows states to retain regulatory authority over mortgage loan originators if they enact legislation that provides for the licensing and registration of such persons through the Nationwide Mortgage Licensing System and Registry. The measure establishes licensing procedures and criteria, including requirements for bonding, background checks, education, testing, continuing education, investigations; examinations, reporting, payment of annual fees, license suspension and revocation, and fines. The measure also provides for the SCC, to the extent practicable, to include in any written memorandum of understanding or other written agreement with the Registry provisions that address information security, disclosure of pending or incompletely adjudicated regulatory matters, licensing tests limited to specific products and services, reports on examination results, privilege or confidentiality of information, and review of the Registry's proposed budget, fees, and audited financial statements. SB 1171 is identical.

Patron - Marshall, D.W.

HB2127 Minors' bank accounts. Authorizes banks to establish deposit accounts for minors, in which accounts minors will be the sole owner and may make deposits and withdrawals. A bank may act with respect to such an account on the minor's order. The measure modernizes archaic provisions and adopts the language in a similar provision applicable to such accounts at savings institutions.

Patron - Byron

HB2262 Mortgage Lender and Broker Act. Provides that no person in the business of originating residential mortgage loans shall use any deception, fraud, false pretense, false promise, or misrepresentation in connection with a mortgage loan transaction and authorizes the Attorney General to investigate any such violations. The Attorney General may bring an

action in circuit court to enjoin any such violations. If a person is found to have committed a willful violation, the Attorney General may recover a civil penalty of not more than \$2,500 per violation. The Attorney General may also recover damages, restitution on behalf of borrowers, other costs and expenses, and attorney fees. The bill does not create a private right of action in favor of any person aggrieved by a violation. This bill is identical to SB 1170.

Patron - Kilgore

HB2568 Consumer Real Estate Settlement Protection Act; disclosures. Expands the disclosure that is required to be included in certain real estate purchase contracts to include statements that (i) the provisions of the Consumer Real Estate Settlement Protection Act may not be varied by agreement and rights conferred by the Act may not be waived and (ii) the seller may not require the use of a particular settlement agent as a condition of the sale of the property. The measure also makes technical changes to the required disclosure regarding the choice of settlement agent.

Patron - Scott, J.M.

SB884 Banking institutions; reclassification or conversion of shares. Authorizes a bank, savings institution, bank holding company, savings and loan holding company, or multiple or diversified savings and loan holding company organized as a stock corporation to reclassify or convert a portion of its issued and outstanding shares of common stock into a class or series of preferred stock for the purpose of ceasing to be, or avoiding the status of, an institution that is required to file periodic reports under provisions of the Securities Exchange Act of 1934, if authorized by its articles of incorporation and the reclassified or converted shares continue to be part of the equity capital of the corporation. Such a reclassification or conversion is exempt from appraisal rights provisions of the Stock Corporation Act if the institution's directors recommend the approval, the shareholders approve the amendment, all shares are reclassified or converted on the same terms, and articles of amendment are filed. HB 1964 is identical.

Patron - McEachin

SB938 CRESPA; settlement agent registration. Shifts the duty to register settlement agents from the Virginia State Bar to the appropriate licensing authorities that are responsible for regulating their particular settlement agents. The measure also allows the appropriate licensing authority to administratively terminate the registration of a settlement agent who fails to maintain a license, fails to renew his registration, or fails to comply with certain financial responsibility requirements.

Patron - Watkins

SB1020 Mortgage Lender and Broker Act; broker duties and liability. Prohibits a mortgage broker from failing to use reasonable skill, care, and diligence in exercising the broker's duty, which is created hereby, to make reasonable efforts to secure a mortgage loan that is in the best interests of the applicant, considering the applicant's circumstances and loan characteristics. A borrower who suffers a loss as a result of a breach of such duty may bring an action to recover actual damages. HB 1776 is identical.

Patron - McEachin

SB1170 Mortgage Lender and Broker Act. Provides that no person in the business of originating residential mortgage loans shall use any deception, fraud, false pretense, false promise, or misrepresentation in connection with a mortgage loan transaction and authorizes the Attorney General to investigate any such violations. The Attorney General may bring an action in circuit court to enjoin any such violations. If a person

is found to have committed a willful violation, the Attorney General may recover a civil penalty of not more than \$2,500 per violation. The Attorney General may also recover damages, restitution on behalf of borrowers, other costs and expenses, and attorney fees. The bill does not create a private right of action in favor of any person aggrieved by a violation. This bill is identical to HB 2262.

Patron - Watkins

SB1171 Mortgage loan originators. Prohibits an individual from acting as, or holding himself out to the public as being, a mortgage loan originator on or after July 1, 2010, unless he has obtained a license from the State Corporation Commission (SCC). The measure implements requirements of the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008, which allows states to retain regulatory authority over mortgage loan originators if they enact legislation that provides for the licensing and registration of such persons through the Nationwide Mortgage Licensing System and Registry. The measure establishes licensing procedures and criteria, including requirements for bonding, background checks, education, testing, continuing education, investigations; examinations, reporting, payment of annual fees, license suspension and revocation, and fines. The measure also provides for the SCC, to the extent practicable, to include in any written memorandum of understanding or other written agreement with the Registry provisions that address information security, disclosure of pending or incompletely adjudicated regulatory matters, licensing tests limited to specific products and services, reports on examination results, privilege or confidentiality of information, and review of the Registry's proposed budget, fees, and audited financial statements. HB 2031 is identical.

Patron - Watkins

SB1470 Open-end loans by payday lenders. Prohibits licensed payday lenders from extending credit under open-end credit plans. Third parties are prohibited from making such loans at a payday lender's place of business. The prohibition does not apply to such loans if secured by a lien on a motor vehicle title. If a licensed payday lender relinquishes its license and then makes open-end loans, it may not be re-licensed to make payday loans for a period of 10 years. This bill incorporates SB 996 and HB 1709 is identical.

Patron - Saslaw

Failed

HB1585 Check cashers; customer identification; penalty. Requires persons conducting business as check cashers to obtain identifying information from the customer, including a copy of an identification card, photograph, thumbprint, and copy of the item cashed, for every transaction. Records for each transaction are required to be retained for a period of one year and made available to law-enforcement officials. A violation of these requirements is a Class 1 misdemeanor.

Patron - Ingram

HB1787 Mortgage Lender and Broker Act; homeownership education program. Prohibits licensed mortgage lenders and mortgage brokers and certain other persons exempt from the licensing requirements of the Mortgage Lender and Broker Act from committing to make a high-risk mortgage loan unless the prospective borrower has completed a homeownership education course that has been approved by the Federal National Mortgage Association, Federal Home Loan Mortgage Corporation, the Bureau of Financial Institutions, or the Virginia Housing Development Authority.

Patron - Hull

HB1809 Consumer Finance Act; revolving loans; motor vehicle as security. Makes loans to an individual for personal, family, or household purposes that are secured by a nonpurchase-money security interest in a motor vehicle subject to the provisions of the Consumer Finance Act. Licensees under the Act are prohibited from charging interest of more than 36 percent annually on such loan balances and are required to comply with the existing 25-day grace period. The measure also provides that other types of extensions of credit under an open-end credit or similar plan by a seller or lender, under which interest currently may be charged at any rate on which the parties agree, may be made only by sellers of goods or services or by certain licensed or regulated financial institutions.

Patron - Morrissey

HB1929 Payment of decedent's account balance. Increases, from \$15,000 to \$50,000, the amount of a decedent's balance in an account in a bank, savings institution, or credit union that may be paid to the decedent's spouse or other distributees. The measure applies if there has been no qualification on the decedent's estate.

Patron - Lewis

HB2320 Financial guaranty insurance. Establishes requirements for the conduct within the Commonwealth of the business of financial guaranty insurance, which means a surety bond, insurance policy, indemnity contract, or similar guaranty under which loss is payable, upon proof of occurrence of financial loss, to the insured as a result of a payment default under a monetary obligation or a change in an interest rate, a currency exchange rate, or the value of specific assets or indices. Such business is made subject to supervision by the Bureau of Insurance. The measure is based upon New York's financial guaranty insurance article with revisions that address that article's shortfalls, including oversight of credit default swaps, as outlined in a September 2008 circular released by the New York Insurance Department that outlines standards to which the financial guaranty insurance business should adhere.

Patron - Marshall, R.G.

HB2394 Personal information privacy; sale of credit inquiry information. Prohibits credit reporting agencies and other business entities from selling to, or exchanging with, a third party any information regarding a credit inquiry that arose from an individual's application for a residential mortgage loan, without the individual's consent, when the sale or exchange of such information is triggered by an inquiry made in response to an application for credit. The prohibition does not apply to existing mortgagees or to certain information provided in connection with mortgage origination or servicing. Persons aggrieved by a violation may recover damages of \$100 per violation, attorney fees, and costs under the Personal Information Privacy Act.

Patron - Bell

SB991 Mortgage lending practices; penalty. Makes it unlawful for a mortgage broker knowingly (i) to 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; (ii) to 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; or (iii) to conspire to do either of such things. Violations are punishable as a Class 1

misdemeanor. Violators shall also be required to pay restitution. The measure prohibits mortgage brokers from providing or arranging for: (a) a subprime loan containing a provision requiring or permitting the imposition of a prepayment penalty; (b) 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; and (c) a mortgage loan that will pay off a special mortgage 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 that substantially benefit the borrower. The measure expressly gives borrowers a private right of action for violations of certain prohibited practices under the Mortgage Lender and Broker Act, in which action the borrower may seek recovery of actual 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.

Patron - Deeds

SB996 Payday loans; permitted interest. Repeals provisions of the Payday Loan Act that authorize lenders to charge a loan fee or verification fee, thereby limiting permissible charges on payday loans to simple interest at a maximum annual rate of 36 percent. This bill is incorporated into SB 1470.

Patron - Miller, J.C.

SB1172 Mortgage Lender and Broker Act; employee background checks and training. Repeals provisions enacted in 2008 that require licensed mortgage lenders and brokers (i) to conduct background checks on employees who may have access to or process personal identifying or financial information from a member of the public and (ii) to ensure that their employees are properly trained in applicable state and federal mortgage lending laws and regulations.

Patron - Watkins

SB1490 Open-end credit plans; loans secured by motor vehicle title. Limits the existing provision that currently allows any seller or lender to extend credit under an open-end or similar plan. The measure allows only sellers of personal, family, or household goods making open-end extensions of credit to purchasers when financing the price of such goods to charge interest and fees at any rate to which the seller and borrower agree, provided they give a 25-day interest-free grace period. The measure also provides that any loan to an individual for personal, family, or household purposes that is secured by a nonpurchase-money security interest in a motor vehicle shall be subject to the provisions of the Consumer Finance Act. Licensees under the Consumer Finance Act are prohibited from charging interest of more than 36 percent annually on such loan balances and are required to provide a 25-day interest-free grace period.

Patron - Herring

Civil Remedies and Procedure

Passed

HB1683 Checks; stop-payment; civil actions. Provides that a party may recover against the drawer of a check, draft, or order the face amount of the check and other costs and

fees if payment was refused because the drawer placed a stop-payment order on the check in bad faith. Currently, the law only allows for recovery if payment was refused because of lack of funds or credit.

Patron - Ware, O.

HB1888 Officer endorsement of writ of fieri facias. Eliminates the provision authorizing a judgment creditor to recover a sum not exceeding 15 percent upon the amount of the execution against an officer who fails to endorse a writ of fieri facias at the time he receives the writ and when he levies it upon the personal property of the debtor.

Patron - Nixon

HB1899 Appointment of jury commissioners. Provides that the judge of a circuit court of a county having the urban county executive form of government may appoint jury commissioners at any time prior to the first day of November each year. Currently, jury commissioners must be appointed prior to the first day of July each year.

Patron - Watts

HB2035 Life expectancy table. Changes table's figures that represent continued life expectancy.

Patron - Iaquinto

HB2057 Admissibility of expressions of sympathy. Expands the list of expressions of sympathy that are not admissible in medical malpractice actions and wrongful death actions brought against a health care provider to include commiseration, condolence, or compassion, together with apologies.

Patron - Hamilton

HB2226 Virginia Prisoner Litigation Reform Act. Requires the court to serve the Office of the Attorney General with a copy of the motion for judgment and all necessary supporting papers only in actions in which the defendant is the Commonwealth or one of its officers, employees, or agents.

Patron - Marsden

HB2406 School records; self-authentication. Expands the types of school records that may be admissible in cases involving custody of the student or termination of parental rights to all school records provided that they are authenticated as true and accurate copies by the custodian of the records or by the person to whom the custodian reports, if they are different. Currently, only school records relating to attendance, transcripts, or grades are admissible based on such authentication.

Patron - Bulova

SB958 Uniform Interstate Depositions and Discovery Act; creation. Replaces current provisions in the Virginia Code (the Uniform Foreign Depositions Act) with this Uniform Act that was adopted by the National Conference of Commissioners on Uniform State Laws in 2007. The Act provides that a party may submit a subpoena issued by a court of record from another state to the clerk of the circuit court serving the jurisdiction in which discovery is sought in the Commonwealth. The foreign subpoena must be accompanied by a written statement that the law of the foreign jurisdiction grants reciprocal privileges for taking discovery by citizens of the Commonwealth. Upon receipt of the foreign subpoena, the clerk shall issue a subpoena for service upon the person to whom the foreign subpoena was directed. The Act further provides that the laws of the Commonwealth govern the service of the subpoena and any action brought for a protective order or to enforce, quash, or modify the subpoena. The Act also requires that the provisions of the Act may only be used by par-

ties in jurisdictions that provide reciprocal privileges to residents of Virginia. This bill is a recommendation of the Boyd-Graves Conference.

Patron - Obenshain

SB1154 Copies of medical bills and charges; no cost. Provides that a patient's account balance or itemized listing of charges maintained by a health care provider shall be supplied at no cost, upon request, up to three times every twelve months to either the patient or the patient's attorney.

Patron - McDougle

SB1262 Interrogatories. Provides that the issuance of a summons to answer interrogatories that is not served shall not constitute the act of proceeding against an execution debtor.

Patron - Vogel

SB1275 Privileged communications. Provides that communications between physicians and their patients are privileged and cannot be disclosed, except at the request or with the consent of the patient. Currently, physicians cannot be required to disclose such communications, but may voluntarily disclose such communications.

Patron - Obenshain

SB1291 Limitation on enforcement of deed of trust or mortgage. Provides a transition period for mortgages and deeds of trust for which enforcement rights may have been cut off as a result of 2008 legislation that reduced the time in which a deed of trust or mortgage may be enforced from 20 years to 10 years after the maturity of the underlying obligation. The measure provides that if the secured obligation became due and payable between July 1, 1988, and July 1, 2000, the instrument may be enforced until July 1, 2010. If the instrument is not enforced by that date, its enforcement will be time barred unless the beneficiary of the deed of trust or mortgage has extended the limitations period, for 10 additional years, by filing a certificate in the circuit court. The measure addresses obligations that matured within the 20 years preceding the effective date of the 2008 legislation and for which the beneficiary's ability to extend its limitation period was curtailed. However, the bill shall have no effect on the rights of a person who (i) acquired an interest in the real property securing such deed of trust or mortgage between July 1, 2008, and the date of enactment of this subsection and (ii) would otherwise have priority over or take free of such deed of trust or mortgage under the laws of the Commonwealth at that time. This bill contains an emergency clause.

Patron - Edwards

SB1293 Approval of compromises on behalf of persons under a disability in suits or actions to which they are parties. Provides that the court shall approve the settlement if it finds that all payments that are due to be made are to be irrevocably guaranteed by an insurance company or companies authorized to do business in the Commonwealth and rated "A plus" (A+) or better by Best's Insurance Reports.

Patron - Edwards

Failed

HB1711 Civil immunity for charitable food donations and distributions. Provides that any charitable organization engaged in a food distribution program for needy persons shall be exempt from civil liability arising from any injury or death resulting from the nature, age, condition, or packaging of the distributed food. In addition, the bill provides that any (i) volunteer who donates prepared food to a charitable organization engaged in a food distribution program for needy persons;

(ii) restaurant and any processor, distributor, wholesaler, or retailer of food that donates unserved excess foods to any charitable organization for distribution to needy persons; and (iii) person, farmer, processor, distributor, wholesaler, food service establishment, restaurant, or retailer of food who donates food to any food bank or any second harvest certified food bank or food bank member charity shall be exempt from civil liability arising from any injury or death resulting from the nature, age, condition, or packaging of the donated food. This immunity does not apply to gross negligence, recklessness, or intentional acts.

Patron - Oder

HB1841 Extortion; civil action; destroying, etc., passport. Provides that a person who extorts money, property, or pecuniary benefit from any person by threatening to report another as being illegally present in the United States, or knowingly destroys, conceals, removes, confiscates, withholds or threatens to withhold, or possesses any passport, immigration document, or other government identification document is liable to that person for damages in the amount of \$10,000 or three times the amount of actual damages, whichever is greater, and the costs of suit, including reasonable attorney fees.

Patron - Griffith

HB1859 Elected or appointed officials; limit on attorney-issued subpoenas. Provides that no subpoena for the attendance of an elected or appointed official of a public body may be issued by an attorney unless the subject matter of the subpoena is unrelated to his official duties. The bill does not affect the prohibition on attorney-issued subpoenas in all cases issued for the attendance of certain state, local, and federal officials.

Patron - Shannon

HB1984 Communication between physicians and patients. Eliminates requirement limiting patient's health information that may be discovered or introduced at trial to information obtained or formulated during treatment and contemporaneously recorded by the treating health practitioner.

Patron - O'Bannon

HB1989 Civil immunity; officers and directors of certain local civic league and community organizations. Provides limited civil immunity for volunteer directors and officers of a local civic league or community organization operated exclusively for educational or charitable purposes or to promote social welfare and general civic improvement.

Patron - Miller, P.J.

HB1999 Property damage or personal injury; parental liability. Establishes that parents have a duty to exercise reasonable care so as to control their child and, if this duty is not fulfilled, parents may be held liable for the full amount of property damage or personal injury caused through the actions of the child or for damages of \$5,000, whichever is less. Current law caps parental liability at \$2,500 for damage to public or private property.

Patron - Vanderhuy

HB2038 Limitations on enforcement of certain judgments. Provides that there shall be no limitation on the enforcement of judgments, or liens of judgments, in favor of the Commonwealth that are obtained or docketed in a circuit court.

Patron - Iaquinto

HB2045 Exemption from jury service; students. Provides that any person who is enrolled in and attends, as a full-time student, an accredited public or private institution of

higher education shall be exempt from jury service upon his request. This exemption only applies to jury service during any term of court while classes are in session at the institution of higher education.

Patron - Gear

HB2302 Fiduciaries; naming the subject of the fiduciary relationship as the party to an action; misnomer. Provides that if the subject of the fiduciary relationship is named in a pleading as the party in an action required to be prosecuted or defended in the name of the fiduciary, such naming shall be considered to be a misnomer and the pleading may be amended to reflect the name of the correct party.

Patron - Griffith

HB2329 Civil remedies; immunity of physicians and physician assistants for laboratory results and examinations. Provides the same immunity for a physician assistant under supervision as is currently provided a physician for the review or action on the results of laboratory tests or examinations.

Patron - Athey

SB843 Medical malpractice limit. Raises the total amount recoverable in certain medical malpractice actions to \$2,750,000 on July 1, 2009. Such amount recoverable increases on July 1 each year by the annual percent change in the medical care component of the most recent publication of the Consumer Price Index for All Urban Consumers published by the United States Department of Labor, Bureau of Labor Statistics, or by any replacement index adopted by the Department of Labor for medical costs.

Patron - Marsh

SB875 Payment of jury costs; civil actions. Provides that, except in cases where Virginia law mandates a trial by jury, a plaintiff who requests a jury trial in a civil case shall be assessed any jury costs if he does not substantially prevail on the merits of his case.

Patron - Smith

SB885 Drug-related personal injury actions; limitations. Extends the two-year statute of limitations for personal injury actions in cases where the injury (i) is latent or by its nature not discoverable at the time of its occurrence and (ii) is the result of the ingestion of or exposure to a drug for a period of one year from the date the injury is discovered or reasonably should have been discovered.

Patron - McEachin

SB1007 Garnishment. Provides that a parent who supports a dependent child or children residing with him for whom he does not receive child support payments may hold exempt from garnishment an additional amount for the support of the child or children as follows: \$51 per week for one child; \$79 per week for two children; and \$99 per week for three children. The court may add additional sums as necessary for the support of additional dependent children for whom no child support payment is received. This additional exemption amount shall not be available to a parent whose household gross income exceeds \$4,000 per month.

Patron - Quayle

SB1250 Civil immunity; officers and directors of certain local civic league and community organizations. Provides limited civil immunity for volunteer directors and officers of a local civic league or community organization operated exclusively for educational or charitable purposes or to promote social welfare and general civic improvement.

Patron - Northam

SB1340 School teachers as witnesses in certain proceedings. Provides that a party in any case in which custody or visitation of a minor child is at issue may have a subpoena issued to summon a teacher of the child to testify at a deposition or a court hearing. Prior to having the subpoena issued, however, the party shall contact the teacher to determine his teaching schedule, make reasonable efforts to avoid conflicts with that schedule, and explain to the teacher the party's reason for seeking the teacher's testimony. The bill permits the court to modify the date prescribed in the subpoena for attendance at the deposition or court hearing if it finds that such teacher's teaching responsibilities would otherwise be impaired by compliance with the subpoena. Furthermore, the bill authorizes the court to impose sanctions upon any party who has such subpoena issued in bad faith.

Patron - Herring

SB1389 Medical malpractice; Patients' Compensation Fund. Provides that on and after July 1, 2009, a health care provider's personal liability is limited to \$2 million for any injury to, or death of, a patient, and any amount due from a judgment or verdict in excess of \$2 million shall be paid from the Patient's Compensation Fund. The bill provides that the Fund is financed through fees levied upon health care providers and collected by the health regulatory boards. The assets of the fund shall be used solely to pay that portion of the amount due from a malpractice judgment, settlement, or verdict in excess of \$2 million and to administer the Patients' Compensation Program, which is governed by a board of directors whose appointments are prescribed in the bill and who manage and operate the Fund.

Patron - Stolle

SB1400 Proceedings to establish boundary lines of lands; rebuttable presumption. Provides that in an action to establish a boundary line to land, in which a plaintiff seeks to prove that he had a perfect legal title to the land in dispute by showing an unbroken chain of title to a common source of title, there shall be a rebuttable presumption that conveyances from the same grantor of separate, adjoining tracts of land constitute a common source of title.

Patron - Ticer

SB1455 Elected or appointed officials; limit on attorney-issued subpoenas. Provides that no subpoena for the attendance of an elected or appointed official of a public body may be issued by an attorney unless the subject matter of the subpoena is unrelated to his official duties. The bill does not affect the prohibition on attorney-issued subpoenas in all cases issued for the attendance of certain state, local, and federal officials.

Patron - Petersen

Commercial Code / Secured Transactions

Passed

HB2454 Uniform Commercial Code; financing statements. Provides that a financing statement in connection with a secured transaction sufficiently provides the name of the individual debtor if it provides the individual's name shown on the individual's driver's license or identification card issued by the individual's state of residence. SB 1100 is identical.

Patron - Sickles

SB1100 Uniform Commercial Code; financing statements. Provides that a financing statement in connection with a secured transaction sufficiently provides the name of the individual debtor if it provides the individual's name shown on the individual's driver's license or identification card issued by the individual's state of residence. HB 2454 is identical.

Patron - Herring

Commonwealth Public Safety

Passed

HB1961 Special conservation police officers. Requires any special conservation officer who is appointed after October 1, 2009, to obtain a valid registration as a Special Conservator of the Peace from the Department of Criminal Justice Services.

Patron - Mathieson

HB2241 Detector canine handlers and examiners. Provides that the Department of Criminal Justice Services regulations may provide for partial exemption from compulsory entry-level training for detector canine handlers and detector canine handler examiners having previous employment in a unit of the United States Armed Forces Military Working Dog (MWD) program. The bill also provides that the Private Security Services Advisory Board membership shall include a representative of private security services businesses providing detector canine handlers or security canine handlers.

Patron - Valentine

HB2400 Sexual assault response teams. Requires attorneys for the Commonwealth to establish sexual assault response teams. Each team would be responsible for discussion of establishment of policies and coordinating responses to sexual assault incidents and to establish guidelines for community response.

Patron - Bell

HB2626 Line of Duty Act; investigation of claims; police departments and sheriffs offices. Provides that when a police department or sheriff's office is the last employer of the deceased or disabled person, then the department or office may conduct the investigation of the circumstances surrounding the deceased or disabled person and report the findings to the Comptroller. The Comptroller, Attorney General or chief officer of the department may request that the State Police perform the investigation. Currently all investigations of the circumstances must be conducted by the Virginia Department of State Police. This bill is identical to SB 1539.

Patron - Byron

HB2644 Department of Criminal Justice Services; regulation of locksmiths. Provides an exemption from certification for any person employed by a licensed private security services business as a locksmith whose sole duty is key cutting, provided the key cutting is performed under the direct supervision of such licensee.

Patron - Merricks

SB1294 Crisis intervention team programs for persons with mental illness. Provides that the Department of Criminal Justice Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services shall support the development and establishment of crisis intervention team programs in areas throughout the Common-

wealth. Areas may be composed of any combination of one or more counties, cities, towns, or colleges or universities contained therein that may have law-enforcement officers or campus police officers. The crisis intervention teams shall assist law-enforcement officers in responding to crisis situations involving persons with mental illness, substance abuse problems, or both.

Patron - Edwards

PSB1435 Forensic Science Board. Adds the chairmen of the House and Senate Courts of Justice Committees or their designees to the Board.

Patron - Howell

PSB1539 Line of Duty Act; investigation of claims; police departments and sheriffs offices. Provides that when a police department or sheriff's office is the last employer of the deceased or disabled person, then the department or office may conduct the investigation of the circumstances surrounding the deceased or disabled person and report the findings to the Comptroller. The Comptroller, Attorney General or chief officer of the department may request that the State Police perform the investigation. Currently all investigations of the circumstances must be conducted by the Virginia Department of State Police. This bill is identical to HB 2626.

Patron - Hurt

Failed

HB1651 Line of Duty Act; short-term disability benefits for state police officers. Provides that a state police officer who incurs a work-related injury in the line of duty shall receive supplemental short-term disability coverage providing income replacement for 100 percent of the officer's creditable compensation for up to one calendar year. At the end of the one-year period, the officer would be eligible for supplemental long-term disability benefits, which provide income replacement at 60 percent of the officer's creditable compensation. Currently, the maximum period that an eligible employee generally may receive short-term disability benefits, before getting long-term disability benefits at the 60 percent rate, is 125 work days.

Patron - Carrico

HB1673 Law-Enforcement Officers Procedural Guarantee Act; definitions. Includes certain deputy sheriffs under the coverage of the Law-Enforcement Officers Procedural Guarantee Act.

Patron - Poisson

HB1743 Department of Criminal Justice Services; definition of law-enforcement officer. Expands the definition of law-enforcement officer to include auxiliary deputy sheriffs appointed pursuant to § 15.2-1603, and auxiliary police officers appointed or provided for pursuant to § 15.2-1733.

Patron - Pogge

HB1862 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

HB1898 Sex offender registry. Adds a number of registration requirements in order to comply with the Adam Walsh Child Protection and Safety Act of 2006. Persons required to register must submit to state or local police information relating to immigration status, telephone numbers, professional and occupational licensing, volunteer positions, physical job site locations, change in employment status, temporary lodging and motor vehicles, watercraft and aircraft regularly operated by the person. Under current law nonresident offenders must register in Virginia if they are here for employment exceeding 14 days and if they are here for any other purpose for 30 days or more, this bill reduces both time frames to seven days.

Patron - Watts

HB1915 Line of Duty Act; claim for payment; costs. Excepts police departments and sheriff's offices from the requirement to reimburse of the costs for investigations conducted by the Department of State Police regarding claims for payment under the Line of Duty Act.

Patron - Crockett-Stark

HB1921 Department of Criminal Justice Services; regulation of locksmiths; waiver of fees. Requires the DCJS Board to waive any fees imposed for licensure and renewal thereof for any locksmith who performs locksmith services on a part-time basis provided (i) such services do not exceed 15 hours per week, (ii) such services are not related to such person's full-time employment, and (iii) the total value of such services in a calendar year does not exceed \$10,000.

Patron - Crockett-Stark

HB1928 Sex offender registration requirements. Provides that any person who is required to register on the Sex Offender and Crimes Against Minors Registry be required to reregister and submit to be photographed within three days of any significant change in his appearance.

Patron - Lewis

HB1960 Line of Duty Act; continued health insurance coverage. Prohibits the entity employing a disabled employee or qualified beneficiary of a deceased employee from (i) terminating membership in any health care plan in place for such employee or beneficiary or (ii) refusing to reenroll or otherwise continue health care coverage for such employee or beneficiary upon notification by the Office of the Comptroller that the requirements for continued health care coverage under the Line of Duty Act have been satisfied.

Patron - Mathieson

HB1962 Sex Offender Registry. States that any provision in a conviction order, sentencing order, or other court order or plea agreement stating that a person is not required to register with the Sex Offender and Crimes Against Minors Registry is invalid and void ab initio if such provision is in conflict with the provisions of the Registry Act. The bill also requires the state police to report the receipt of any such order or agreement to the chairmen of the House Committee for Courts of Justice, the House Committee on Militia, Police, and Public Safety, and the Senate Committee for Courts of Justice, as well as to the Executive Secretary of the Supreme Court of Virginia.

Patron - Mathieson

HB1963 Sex Offender and Crimes Against Minors Registry. States that if an offense, as a condition of registration, requires that the victim be a minor, be physically helpless, or be mentally incapacitated, the charging instrument or order of conviction does not need to allege the age, helplessness, or

incapacity of the victim. These conditions may be established by other information available to the registry.

Patron - Mathieson

HB1997 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

HB2170 Fire training; accommodations for the academic school year. Requires that training provided by the Department of Fire Services be scheduled so as to allow persons enrolled in school to complete the training hour requirements.

Patron - Hogan

HB2225 Sex Offender and Crimes Against Minors Registry. Provides that the State Police shall publish on the publicly available Internet sex offender database and mail to all persons for whom registration is required the text of all general laws affecting such persons solely because of their inclusion in the Registry. The State Police shall publish and mail the text of all such laws upon their enactment, if such laws are emergency acts, or upon the adjournment of the reconvened session following the regular or special session at which such laws were enacted.

Patron - Marsden

HB2239 Compulsory training standards; courthouse and courtroom security. Allows persons designated to provide courthouse security who have previously been certified and served as law-enforcement officers, other than a person terminated for cause, to meet reduced minimum compulsory training standards.

Patron - Valentine

HB2274 Internet sex offender registry information. Allows the Internet sex offender registry information system to include a "wanted" notation for a person who is wanted for any crime. Currently, the "wanted" notation is only posted for a person who is wanted for failing to register.

Patron - Poindexter

HB2361 Sex offender registration; juveniles; school expulsion. Requires that juveniles of any age who are adjudicated delinquent of a sexually violent offense or homicide register as a sex offender. Juveniles adjudicated delinquent of a nonviolent sex offense will remain under the current procedure, which applies to juveniles 13 years and older and allows the judge to determine if registration should be required. The bill also requires expulsion from school of juveniles required to register for sexually violent or homicide offenses.

Patron - Gilbert

HB2511 Notice to sex offenders of law changes. Provides that, as soon as practicable following the enactment of any laws of the Commonwealth that change offender registration requirements in the Sex Offender and Crimes Against Minors Registry or affect the rights or liberties of offenders who are required to register, the State Police or the Department of Corrections or Community Supervision, as applicable, shall give written notice of such enactment to each offender who is required to register.

Patron - Marsden

HB2574 Line of Duty Act. Amends the definition of "deceased person" under the Line of Duty Act to include an individual who suffers cardiac arrest or stroke while engaged in certain nonroutine stressful or strenuous physical activity or participating in training involving nonroutine or stressful activity and the death occurs either while on duty or not later than 24 hours after engaging in the activity. The bill also allows for the payment to the beneficiary of the deceased to be annually adjusted to reflect changes in the Consumer Price Index.

Patron - Miller, P.J.

HB2603 Department of Criminal Justice Services; regulation of locksmiths. Repeals the 2008 law (Chapter 638 of the 2008 Acts of Assembly) that requires regulation of locksmiths.

Patron - Fralin

HB2630 Law-Enforcement Officers' Privacy Protection Act. Allows a law-enforcement officer to request that personal information about the officer be withheld from disclosure on public records. For purposes of the Act, "personal information" includes the officer's name, social security number, address, phone number, and any other information that could be used to physically locate the officer.

Patron - Crockett-Stark

HB2640 Criminal Justice Services Board; membership. Increases the membership of the Criminal Justice Services Board by adding at least one member who represents the state Sexual Assault and Domestic Violence Coalition, to be selected by the Governor from among names submitted by the Coalition. The bill contains technical amendments.

Patron - Jones

SB887 Firefighters and Emergency Medical Technicians Procedural Guarantee Act; conduct of interrogations. Provides that firefighters or emergency medical technicians may have a witness of their choice present during an interrogation, as long as the interview is not unduly delayed. The bill specifies that that the observer cannot participate or represent the employee. In addition the bill provides that all interrogations should be conducted with at least 24 hours' notice, unless the matters being investigated are of such a nature that immediate action is required.

Patron - McEachin

SB943 Line of Duty Act. Amends the definition of "deceased person" under the Line of Duty Act to include an individual who, on or after July 1, 2009, suffers a fatal heart attack or stroke while engaged in delineated nonroutine stressful or strenuous situations not later than 24 hours after engaging in such activity. The bill also allows for the \$100,000 payment to the beneficiary of the deceased to be annually adjusted to reflect changes in the Consumer Price Index.

Patron - Deeds

SB1006 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 \$2 fee to be collected per month from alarm company operators for each alarm system monitored to provide funding to the Line of Duty Death and Health Benefits Trust Fund.

Patron - Quayle

SB1130 Regional Criminal Justice Academy Training Fund; local fees. Limits to \$5 per violation the amount of the fee that a locality operating an independent criminal justice

academy and not participating in a regional criminal justice training academy may charge to support training operations .

Patron - Petersen

FSB1284 Compulsory training standards; courthouse and courtroom security. Allows persons designated to provide courthouse security who have previously been certified and served as law-enforcement officers, other than a person terminated for cause, to meet reduced minimum compulsory training standards.

Patron - Newman

FSB1359 Department of Professional and Occupational Regulation; Board for Contractors; regulation of locksmiths. Transfers the regulation of locksmiths and locksmith services from the Department of Criminal Justice Services to the State Board for Contractors. The bill also limits the licensing and registration fee to \$200 and extends the license and registration period to five years.

Patron - Reynolds

FSB1522 Line of Duty Act; short-term disability benefits for state police officers. Provides that a state police officer who incurs a work-related injury in the line of duty shall receive supplemental short-term disability coverage providing income replacement for 100 percent of the officer's creditable compensation for up to one calendar year. At the end of the one-year period, the officer would be eligible for supplemental long-term disability benefits, which provide income replacement at 60 percent of the officer's creditable compensation. Currently, the maximum period that an eligible employee generally may receive short-term disability benefits, before getting long-term disability benefits at the 60 percent rate, is 125 work days.

Patron - Quayle

FSB1541 Law-Enforcement Officers Procedural Guarantee Act. Provides that an officer must be given reasonable notice before being questioned in an administrative investigation as long as the notice will not jeopardize the investigation or public safety. The bill also provides that if any procedural guarantees are intentionally denied an officer during the investigative process or if the allegation is determined to be unfounded, the information derived may not be used or considered in imposing any disciplinary action against him. However, evidence of misconduct other than that originally alleged may be used in a disciplinary action.

Patron - Stolle

Conservation

Passed

PHB1652 Confederate cemeteries and graves. Adds the McKenzie Cemetery located in Grayson County, which maintains 10 Confederate graves, and Skinquarter Baptist Church Cemetery located in Chesterfield County, which maintains 12 Confederate graves, to the list of those cemeteries receiving funds from the Department of Historic Resources for the care of such graves.

Patron - Carrico

PHB1831 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, 2010.

Patron - Fralin

PHB1918 Fossil fuel combustion products permit. Requires a solid waste permit to authorize the placement of unamended coal combustion byproduct in a 100-year flood plain. This bill is identical to SB865.

Patron - Crockett-Stark

PHB1925 Clean Water Farm Award. Identifies the types of agricultural best management practices that a farmer can implement to be eligible to receive the award. The conservation practices he implements must be effective in controlling agricultural nonpoint source pollutants.

Patron - Lewis

PHB1930 Certification of stormwater development property. Authorizes the Department of Conservation and Recreation to certify stormwater management development properties as being designed, constructed, or reconstructed for the primary purpose of abating or preventing pollution. Such a certification allows the local government to tax the property at a different rate from other classifications of real property. This technical change is necessary because responsibility for administering the stormwater program was moved from DEQ to the Department of Conservation and Recreation.

Patron - Plum

PHB1973 Litter Control and Recycling Fund grants. Limits the awarding of grants to localities whose litter prevention and recycling grant applications meet the criteria established by the Department of Environmental Quality in its Guidelines for Litter Prevention and Recycling Grants.

Patron - Ware, R.L.

PHB1991 Establishment of stormwater programs by localities. Extends the period of time that localities have to adopt a local stormwater management program. Currently, they are required to adopt a program no sooner than 12 months and no later than 18 months after state regulations have become effective. This bill would extend the time for adoption from no sooner than 15 months to no later than 21 months. The Virginia Soil and Water Conservation Board can grant an extension to the locality of an additional 12 months if the Department of Conservation and Recreation finds that such an extension is warranted. A locality can adopt a program earlier than the minimum time frame with the consent of the Board. The bill also requires that the regulation that establishes local program criteria and delegation procedures not become effective until after July 1, 2010.

Patron - Bulova

PHB2168 Stormwater offsets. Authorizes permit issuing authorities to allow stormwater permit holders to comply with nonpoint nutrient runoff water quality criteria by acquiring nonpoint nutrient offsets that have been certified under the Chesapeake Bay Nutrient Exchange Program. The offsets have to be in the same tributary as the permitted activity and generated in the same or adjacent eight digit hydrologic unit code. The permit issuing authority may only allow the use of nonpoint nutrient offsets when the permit applicant demonstrates that (i) alternative site designs have been considered that may accommodate on-site best management practices (BMPs), (ii) on-site BMPs have been considered in alternative site designs, (iii) appropriate on-site BMPs will be implemented, and (iv) full compliance with postdevelopment nonpoint nutrient runoff compliance requirements cannot practicably be met on site. The bill also requires an offset broker to pay the permit issuing

authority a fee equal to six percent of the amount paid by the permittee for the offsets.

Patron - Abbitt

HB2177 Rechargeable battery recycling. Authorizes localities to ban the disposal of certain rechargeable batteries 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 rechargeable batteries generated within its jurisdiction.

Patron - Plum

HB2218 Notice of election of district directors. Requires that notice of the date for filing nominating petitions and the date of the election for soil and water conservation district directors shall be posted in a prominent location at each district office 30 days before the filing date. Districts may use additional means to provide notice to the public of the election of district directors. Currently, such notice has to be published in a newspaper of general circulation with the district. The bill also requires the Virginia Soil and Water Conservation Board to notify each district that it's the district's responsibility to post such notice. This bill is identical to SB 1324.

Patron - Jones

HB2255 Solid waste disclosure statements. Eliminates the requirement that applicants for permits issued under the Virginia Waste Management Act provide the social security numbers of their key personnel in disclosure statements that are submitted to the Department of Environmental Quality.

Patron - Nichols

HB2351 Virginia Natural Resources Commitment Fund; funding. Provides for the Department of Conservation and Recreation to determine the annual funding needs for agricultural best management practices and to provide the same to the Governor. The bill also changes the formula for allocating moneys in the Virginia Natural Resources Commitment Fund. Eight percent will be distributed to the Soil and Water Conservation District, 55 percent will be used for matching grants for BMPs on lands within the Chesapeake Bay watershed, and 37 percent will go to matching grants outside the Chesapeake Bay watershed.

Patron - Landes

HB2566 Land acquired by Department of Forestry. Clarifies that proceeds derived from properties used for non-state forest purposes acquired or managed by the Department of Forestry are not subject to distribution by the Department to those localities in which the properties are located. Currently, the proceeds derived from all lands acquired by the State Forester are distributed to those localities in which the lands are located based on a specific formula.

Patron - Knight

HB2602 Department of Conservation and Recreation; addition of powers. Grants the Department of Conservation and Recreation power to establish noncompetitively procured contracts with nonprofit organizations that wish to conduct revenue producing activities on Department lands for the benefit of Virginia State Parks or the Natural Area Preserve System.

Patron - Lohr

HB2646 Eligibility for betterment loans. Directs the Board of Health to establish a betterment loan eligibility program to assist owners with the repair, replacement or upgrade of failing or noncompliant onsite sewage systems. The Board is authorized to identify sources for betterment loans that are offered by private lenders. A betterment loan is a loan provided

by private lenders or through a state agency or political subdivision serving as a conduit lender, to repair, replace, or upgrade an onsite sewage system or alternative discharging sewage system.

Patron - Poindexter

SB865 Fossil fuel combustion products permit. Requires a solid waste permit to authorize the placement of unamended coal combustion by-product in a 100-year flood plain. This bill is identical to HB 1918.

Patron - Edwards

SB957 Scenic river. Expands the Rivanna Scenic River, a component of the Virginia Scenic Rivers System, almost 10 miles to include the length of the waterway from the South Fork Rivanna River reservoir to the junction of the Rivanna with the James River.

Patron - Deeds

SB975 Property conveyance. Conveys through a quitclaim any interest that the Department of Conservation and Recreation may have in certain subdivision roadways in Stafford County.

Patron - Stuart

SB1024 Conservation easements; Open-Space Lands Preservation Trust Fund. Removes the requirement to have an additional "local coholder" of a conservation or open-space easement when grants from the Open-Space Lands Preservation Trust Fund are used to mitigate the costs of the easement. The primary holder of the easement in such cases will continue to be the Virginia Outdoors Foundation, which may elect to maintain a relationship with a local coholder.

Patron - Hanger

SB1026 Nonprofit corporation. Authorizes the Foundation for Virginia's Natural Resources to establish a nonprofit, nonstock corporation to (i) foster collaboration and partnerships; (ii) raise money to finance projects providing environmental education, pollution prevention, and citizen monitoring; and (iii) promote the mission of the Foundation.

Patron - Hanger

SB1050 Virginia Natural Resources Commitment Fund; funding. Provides that beginning with the 2010-2011 fiscal year and for each fiscal year thereafter, the Governor through the budget process would propose appropriations for funding of the Virginia Natural Resources Commitment Fund (the Subfund). For each fiscal year the Governor would propose appropriations for funding of the Fund in an aggregate amount that would not be less than (i) 150 percent of the greatest, aggregate appropriation to the Fund included in any prior act of the General Assembly or (ii) \$30 million, whichever is greater, provided that each proposed annual appropriation shall not exceed \$50 million. The bill would also change the formula for distributions from the Fund.

Patron - Whipple

SB1114 Stormwater management; emerging technology. Directs the Virginia Soil and Water Conservation Board to adopt regulations that provide for the evaluation and potential inclusion of emerging or innovative stormwater control technologies that may prove effective in reducing nonpoint source pollution.

Patron - Ticer

SB1198 State parks; access for disabled persons. Establishes a Disabled Veteran's Passport program for veterans of the U.S. Armed Forces with a service-connected disability rating of 100 percent that entitles the bearer to: (i) enter state

parks in the Commonwealth without the payment of a parking or admission fee and (ii) receive a 50 percent discount on camping and swimming fees, picnic shelter rentals, and other Department-provided equipment rentals.

Patron - Puckett

SB1211 Invasive species. Charges the Secretaries of Natural Resources and Agriculture and Forestry with the responsibility of developing an invasive species management plan to prevent the introduction of invasive species and to control and eradicate those species that are present on Virginia's lands and waters. The Secretary of Natural Resources will establish an advisory group consisting of state agency heads, and representatives of various stakeholder groups to develop the plans and assist in coordinating and implementing the recommendations of the plan. This bill is identical to HB 1775.

Patron - Quayle

SB1295 Silvicultural activities. Authorizes the State Forester to enter and inspect lands where silvicultural activities are occurring in order to determine whether the activity is causing or likely to cause pollution.

Patron - Reynolds

SB1324 Notice of election of district directors. Requires that notice of the date for filing nominating petitions and the date of the election for soil and water conservation district directors shall be posted in a prominent location at each district office 30 days before the filing date. Districts may use additional means to provide notice to the public of the election of district directors. Currently, such notice has to be published in a newspaper of general circulation with the district. The bill also requires the Virginia Soil and Water Conservation Board to notify each district that it's the district's responsibility to post such notice. This bill is identical to HB 2218.

Patron - Reynolds

SB1361 State park funds. Transfers all the moneys in the State Park Operated Concessions Fund to the State Park Conservation Resources Fund.

Patron - Reynolds

SB1371 Land exchange. Authorizes an exchange of parcels of land between the Department of Conservation and Recreation and the Department of Forestry. The Department of Conservation and Recreation is authorized to convey to the Department of Forestry a parcel of land adjacent to Highlands State Park in Grayson County. The parcel would be used by the Department of Forestry as a location for research, and seed sources for native species. In exchange, the Department of Forestry would convey to the Department of Conservation and Recreation rights to a portion of land adjoining Holliday Lake State Park in Appomattox County to be used for possible expansion of Holliday Lake State Park and to protect the park's viewshed.

Patron - Ruff

SB1473 Department of Forestry permit. Authorizes the State Forester to require a person to obtain a permit to fish, or ride a horse on lands under the control of the Department of Forestry. Currently, the Department requires a permit to hunt or trap on such lands.

Patron - Puckett

SB1509 Septic systems; nitrogen-reducing technology. Clarifies that the Department of Conservation and Recreation may award grants from the Water Quality Improvement Fund for the replacement or modification of residential onsite sewage systems to include nitrogen removal capabilities. The Board of Health may also set nitrogen-reducing performance

requirements for alternative onsite sewage systems that protect public health and ground and surface water quality.

Patron - Ticer

Failed

HB1814 Plastic bags; use by retailers. Bans the use of plastic carryout bags by retailers at the point of sale unless such bags are (i) durable plastic bags with handles; (ii) at least 2.25 mils thick; and (iii) specifically designed and manufactured for multiple reuse.

Patron - Morrissey

HB2202 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 that consume carbon-emitting feedstocks. 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 2010, 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 roads 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 - Vanderhuy

HB2419 Fossil fuel combustion products permit. Requires a solid waste permit when using unamended coal combustion waste as land cover for recreational facilities or for land contouring.

Patron - Bouchard

HB2469 Virginia Waste Management Board; permit issuance process. Makes the process of permit issuance for solid waste management uniform with that of the two other pollution control boards, the Air Pollution Control Board and the State Water Control Board. Under certain circumstances, the Virginia Waste Management Board (the "Board") will make permit decisions. Currently, only the Director of the Department of Environmental Quality may make permit decisions. 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 Board 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 Board at the meeting where final action on the permit will occur. The Board's decision shall contain a written basis for its decision. The qualifications of membership for the Board is changed to require that an appointee is not employed by persons subject to permits of the Board or enforcement orders of the Director and does not receive a significant portion of his income, whether

directly or indirectly, from persons subject to permits of the Board or enforcement orders of the Director.

Patron - Morgan

HB2598 Department of Conservation and Recreation; purchasing certain abandoned railroad rights-of-way. Grants the Department of Conservation and Recreation a right of first refusal to purchase certain abandoned railroad rights-of-way.

Patron - Fralin

HB2649 Solid waste report. Removes the requirement that the Department of Environmental Quality include in its annual solid waste report an estimate of the amount of solid waste managed or disposed of through recycling. The bill sunsets in two years.

Patron - Byron

SB873 Plastic bags; use by retailers. Bans the use of plastic carryout bags by retailers at the point of sale unless such bags are (i) durable plastic bags with handles; (ii) at least 2.25 mils thick; and (iii) specifically designed and manufactured for multiple reuse.

Patron - Ticer

SB930 Virginia Waste Management Plan. Requires the Department of Environmental Quality to prepare a state-wide waste management plan that includes: (i) measurable goals and minimum recycling rates on a per capita basis over a 20-year period with interim goals set at five-year intervals; (ii) procedures by which goals and minimum recycling rates may be examined periodically to reflect changing circumstances such as new technologies; (iii) prioritized strategies to achieve goals and minimum recycling rates; (iv) mechanisms to evaluate the efficiency and success of such strategies that have been adopted; and (v) recommendations for legislative changes needed to implement the goals and minimum recycling rates set forth in the plan. The plan will be developed in consultation with affected stakeholders and submitted to the General Assembly no later than September 1, 2012. The provisions of this act will not become effective unless a private donation of funds effectuating its purpose is received by the Department of Environmental Quality no later than March 1, 2011.

Patron - Ticer

SB971 Plastic bag recycling; penalty. Requires that, effective January 1, 2010, certain stores provide on-premises recycling for plastic bags. Stores that are part of a chain or occupy more than 5,000 square feet and distribute plastic bags to consumers must provide reusable bags for sale and take back and recycle used plastic bags. If requested by a store owner, the manufacturer of plastic bags must offer to arrange for the transportation and recycling services. Any violation is punishable by a civil penalty of up to \$100.

Patron - Blevins

SB984 Chesapeake Bay Preservation Act; stormwater regulations. Requires that the Chesapeake Bay Local Assistance Board adopt regulations that treat swimming pools and any other impoundments of surface waters, including fountains and retention ponds, as permeable surfaces for the purposes of stormwater management.

Patron - Wagner

SB1115 Virginia Land Conservation Fund; public access parkland. Adds "public access parkland" to the uses for which money from the Virginia Land Conservation Fund (the "Fund") must be spent in those years when the Fund contains more than \$10 million. The Virginia Outdoors Foundation, which administers the Fund, will award grants for public

access parkland based on a number of factors, including the availability of alternative public parks in the planning districts where the property is located and the number of people in an immediate geographical area that will have access to the property rather than the size of the property.

Patron - Ticer

SB1145 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 that consume carbon-emitting feedstocks. 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 2010 and every three years thereafter, 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 roads 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

SB1194 Small renewable energy projects. Directs the Department of Environmental Quality to develop a permit by rule for the construction and operation of electrical generation facilities that have a maximum capacity of 100 megawatts and that generate electricity only from sunlight, wind, falling water, sustainable biomass, energy from waste, municipal solid waste, wave motion, tides, or geothermal power. A small renewable energy project for which such a permit by rule has been issued will be exempt from requirements that the State Corporation Commission permit its construction and operation. This bill is incorporated into SB 1347.

Patron - Puckett

Contracts

Passed

HB1707 Energy performance-based contracts; local assistance. Requires the Department of Mines, Minerals and Energy to make a reasonable effort as long as workload permits, to provide general assistance to localities, upon request, considering energy performance-based contracts. The bill also requires the Department to compile information annually concerning any energy performance-based contract of a locality of which the Department becomes aware.

Patron - Oder

HB2237 Contracts; improper use of payment device numbers. Provides that a person who improperly uses payment device numbers may, in a proceeding instituted by the attorney for the Commonwealth, be compelled by injunction, mandamus, or other appropriate remedy to comply with general law relating to the use of payment device numbers. The bill further provides that any person failing, neglecting, or refusing to obey any injunction, mandamus, or other remedy obtained, shall be subject, in the discretion of the court, to a

civil penalty not to exceed \$1,000 for each violation of the improper use of payment device numbers.

Patron - Valentine

Failed

HB1710 Contracts; certain indemnification provisions in construction contracts declared void. Provides that any provision in a contract relating to the construction by which the contractor performing such work purports to indemnify or hold harmless another party to the contract against liability for damage arising out of bodily injury to persons or damage to property suffered in the course of performance of the contract, caused by or resulting in whole or in part from the negligence of such other party or his agents or employees, is against public policy. Currently, such damage or injury must result solely from the negligence of such other party for such provision to be against public policy.

Patron - Oder

Corporations

Passed

HB1957 Limited liability companies; registered office and principal office. Allows a limited liability company to change its principal office on the records of the State Corporation Commission by filing a form prescribed for such purpose. The most recent designation of principal office shall be conclusive for purposes of the Limited Liability Company Act. The measure makes a technical correction regarding the registered office of a limited liability company. The measure will be effective April 1, 2010.

Patron - Mathieson

HB2086 Virginia Retail Franchise Act. Replaces references to "grants" of franchises with "sales" of franchises in order to conform Virginia's forms with the terminology used by the Federal Trade Commission and the North American Securities Administrator's Association, Inc. A sale is defined as including every contract or agreement of sale or grant of, contract to sell, or disposition of a franchise or interest in a franchise for value. The measure is emergency legislation to take effect upon passage.

Patron - Purkey

HB2126 Business entities; employing illegal aliens. Relocates provisions that require the cancellation of limited liability companies, limited partnerships, and business trusts, whether domestic or foreign, upon conviction for violating federal law for actions of its members or managers constituting a pattern or practice of employing unauthorized aliens in the Commonwealth, to sections of the Limited Liability Company Act, Limited Partnership Act, and Business Trust Act that were enacted in 2008 to provide for the involuntary cancellation of the existence of a limited liability company, limited partnership, and business trust, and the registration of their foreign counterparts. The measure has an emergency clause and will become effective on April 1, 2009, which is the effective date of the business entity provisions enacted in 2008.

Patron - Byron

HB2222 Limited liability companies; domestication; dissolution. Requires a limited liability company's surrender of articles of organization to set forth that the plan of domestication was approved by the limited liability company in accor-

dance with law. The measure also provides for the cancellation of the existence of a professional limited liability company in the same manner applicable to other limited liability companies.

Patron - Alexander

HB2445 Stock and nonstock corporations. Conforms provisions of the Stock and Nonstock Corporation Acts regarding names, mergers, and terminations with similar provisions applicable to other business entity forms, and makes technical amendments. An uncodified provision enacted in 1946 that prohibits the use of the word "redevelopment" in a corporate name that is not organized as an urban redevelopment corporation is set out. Other provisions (i) allow the filing of a foreign instrument of entity conversion to be filed without payment of a qualified foreign corporation's annual registration fee on or before the due date, similar to the treatment afforded to a Virginia corporation that converts to a Virginia limited liability company; (ii) provide an exception to the requirement that a plan of merger, which is subject to an amendment, include certain provisions to protect shareholders when the plan of merger provides that the approval of all of the shareholders is required for the plan's amendment; (iii) require articles of merger to include a statement that the plan of merger was adopted by the directors if shareholder approval is not required and provide that the articles are to include the date the plan was adopted by the corporation, regardless of the method of adoption; (iv) relocate § 13.1-893.1 from Article 10 to Article 11 of the Nonstock Corporation Act; and (v) conform provisions of the Water and Waste Authorities Act to the corporate law provisions regarding the termination of corporate existence.

Patron - Sickles

SB903 Indemnification of corporate directors and officers. Affirms that a director or officer of a stock or nonstock corporation, for purposes of prescribing the corporation's authority to indemnify an individual made a party to a proceeding, includes an individual who is or was a director or officer of a corporation or who, while a director or officer of the corporation, is or was serving at the corporation's request as a director, officer, manager, partner, trustee, employee, or agent of another foreign or domestic entity. The provision is made effective retroactive to the effective date of amendments that implied that indemnification was available only for directors or officers who were serving at the corporation's request as a director, officer, manager, partner, trustee, employee, or agent of another entity.

Patron - Stosch

SB1241 Limited liability companies. Provides that a limited liability company is bound by its operating agreement whether or not the limited liability company executes the operating agreement. The measure clarifies that the existing restrictions on distributions by a limited liability company do not apply to distributions of assets upon the company's dissolution. The period during which a member of a limited liability company is liable for a wrongful distribution made by the company is shortened from six to two years. The grounds for dissociating a member from a limited liability company are revised to remove the existing provision that states that a transfer of the member's interest for security purposes or by a court order charging the interest does not provide grounds for the member's expulsion if such a transfer or charging has not been foreclosed. The provision that a claim against a dissolved limited liability company is barred in certain circumstances if the claimant does not commence enforcement proceedings within 90 days from delivery of written confirmation of the claim to the dissolved company is revised to require that the claimant's proceeding be commenced within 90 days from the effective date of the notice from the company. The measure also pro-

vides that a dissolved limited liability company may apply for a court determination of the security to be provided for payment of claims that are based on a liability that will mature more than 60 days after the delivery of notice to the claimant. The Professional Limited Liability Company Act is amended to provide that the obligation of such a company to pay a former member the value of his interest when his membership is terminated is not contingent upon the company's continuation. The measure also makes several technical revisions to the Limited Liability Company Act.

Patron - Stosch

SB1243 Virginia Securities Act; penalties. Increases the maximum civil penalty that the State Corporation Commission may impose for a violation of the Virginia Securities Act, any order, rule, or regulation issued under the Act, or any knowing material misrepresentation, from \$5,000 to \$10,000. The measure also authorizes the Commission to order sellers to rescind unlawful sales and to make restitution in cases under the Virginia Securities Act where the Commission is authorized to impose a civil penalty. Currently, the Commission is authorized only to request rescission and restitution.

Patron - Stosch

Failed

HB1762 Successor corporations; asbestos-related liability. Limits the cumulative successor asbestos-related liabilities of a corporation to the fair market value of the total gross assets of the transferor determined as of the time of the merger or consolidation, and states that the corporation is not responsible for successor asbestos-related liabilities in excess of this limit, as the limit may be adjusted. The limitation does not apply to workers' compensation benefits, claims not constituting successor asbestos-related liability, or obligations under the National Labor Relations Act or collective bargaining agreements. Further, the limitation applies only to a corporation that assumed or incurred certain asbestos-related liabilities prior to January 1, 1972, and to any successors of that corporation. A corporation may establish the fair market value of total gross assets by reference to the going-concern value of the assets or to the purchase price attributable to or paid for the assets in an arm's-length transaction, by reference to the value of the assets recorded on a balance sheet if there is no other readily available information from which fair market value can be determined, or any other method reasonable under the circumstances. The limitation applies to all asbestos claims filed on or after July 1, 2009, and to all pending asbestos claims for which trial had not commenced as of such date, except that any provision that would be unconstitutional if applied retroactively will be applied prospectively.

Patron - Kilgore

SB1220 Securities Act; sale of business doctrine. Exempts transfers of securities in connection with a sale of business transaction from the provision of the Securities Act that imposes civil liability on sellers of certain securities. The measure provides that a "security" does not include an instrument representing an ownership interest in an entity when all of, or a controlling interest in, the entity is transferred in a sale of business transaction, regardless of whether the interest bears the characteristics typically associated with stock or other securities. A sale of business transaction is defined as a transfer of all of, or a controlling interest in, the ownership interests of an entity incident to the sale of a commercial venture to a purchaser who will manage or direct the management of the commercial venture and who does not acquire the commercial venture's ownership interests primarily as an investment in a common venture premised on a reasonable expectation of prof-

its to be derived from the entrepreneurial or managerial efforts of others.

Patron - Obenshain

SB1493 Successor corporations; asbestos-related liability. Limits the cumulative successor asbestos-related liabilities of a corporation to the fair market value of the total gross assets of the transferor determined as of the time of the merger or consolidation, and states that the corporation is not responsible for successor asbestos-related liabilities in excess of this limit, as the limit may be adjusted. The limitation does not apply to workers' compensation benefits, claims not constituting successor asbestos-related liability, or obligations under the National Labor Relations Act or collective bargaining agreements. Further, the limitation applies only to a corporation that assumed or incurred certain asbestos-related liabilities prior to January 1, 1972, and to any successors of that corporation. A corporation may establish the fair market value of total gross assets by reference to the going-concern value of the assets or to the purchase price attributable to or paid for the assets in an arm's-length transaction, by reference to the value of the assets recorded on a balance sheet if there is no other readily available information from which fair market value can be determined, or any other method reasonable under the circumstances. The limitation applies to all asbestos claims filed on or after July 1, 2009, and to all pending asbestos claims for which trial had not commenced as of such date, except that any provision that would be unconstitutional if applied retroactively will be applied prospectively.

Patron - Puller

Counties, Cities and Towns

Passed

HB1595 Wetlands mitigation. Authorizes the Middle Peninsula Chesapeake Bay Public Access Authority to receive and expend funds in order to restore or create tidal wetlands within the region that the Authority serves. If wetlands credits result from the restoration or creation of such projects, the credits can only be used by the Authority's member jurisdictions.

Patron - Morgan

HB1637 Boards of zoning appeals; when actions may be taken. Allows local boards of zoning appeals to take action when a majority of those present and voting vote. Maintains the requirement that a quorum be present to initiate a hearing.

Patron - Cole

HB1655 Control of firearms; award of court costs and fees. Allows a court to award reasonable attorney fees, expenses, and court costs to any entity that prevails in an action challenging an ordinance, resolution or motion as being in conflict with a locality's authority to control firearms pursuant to § 15.2-915. Attorney fees may also be awarded to the prevailing party in an action challenging an administrative action taken in bad faith as being in conflict with the section. This bill is identical to SB 1513.

Patron - Carrico

HB1671 Derelict buildings. Defines derelict buildings as a building, whether or not construction has been completed, that might endanger the public's health, safety, or welfare and has been (i) vacant, (ii) boarded up in accordance with the building code, and (iii) not lawfully connected to electric ser-

vice from a utility service provider or not lawfully connected to any required water or sewer service from a utility service provider for a continuous period in excess of six months. Authorizes local governments to incentivize owners' timely submission of a plan for demolition or renovation, by providing real estate tax abatements and fee refunds. Simplifies tax lien enforcement and blight provisions and encourages action on derelict buildings by adjusting time frames. This bill is recommended by the Virginia Housing Commission. This bill is identical to SB 1094.

Patron - Dance

HB1678 Provision of grievance procedure; final hearing. Gives localities the authority to use an administrative hearing officer in lieu of the required three-person panel when addressing grievance procedures if agreed to by both parties.

Patron - Orrock

HB1680 Vested rights; Act of God. Provides that the term "act of God" includes a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, or certain fires. Specifies that a fire caused by an individual other than the property owner shall not adversely affect the rights vested in the affected property. The bill also limits the owner's right to repair, rebuild, or replace the building to its original nonconforming condition only if such building is damaged greater than 50 percent.

Patron - Orrock

HB1697 Annexation. Extends from 2010 to 2018 the temporary restriction on city annexation authority, the granting of city charters, and county immunity proceedings. This bill is identical to SB 1469 and SB 1287.

Patron - Lohr

HB1703 Virginia Indoor Clean Air Act; penalty. Establishes a statewide ban on smoking in restaurants. The bill contains several exemptions from this prohibition where smoking may be permitted, including a restaurant that is constructed in such a manner that areas where smoking may be permitted are structurally separated from the portion of the restaurant in which smoking is prohibited and such areas contain structurally separated ventilation systems. The bill contains technical amendments. This bill incorporates HBs 1962, 1704, 1833, 2007, 2067, 2246, and 2483.

Patron - Cosgrove

HB1729 Undergrounding electric transmission lines. Authorizes the governing body of any locality to enter into an agreement with an electric utility that provides that the locality will impose an assessment on customers in a special rate district to cover the utility's additional costs of constructing, operating, and maintaining the proposed line as an underground rather than an overhead line. Currently, only the Counties of Fauquier, Loudoun, and Stafford and the Towns of Hamilton, Leesburg, and Purcellville are authorized to enter into such agreements.

Patron - Cole

HB1735 Arts and cultural districts. Grants statewide authority for creation of arts and cultural districts by localities 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. Currently, the statute applies only to certain listed localities.

Patron - Valentine

HB1756 State Corporation Commission; local government self-insurance pools; workers' compensation

insurance. Establishes a mechanism for the merger of the local government group self-insurance association and local government group self-insurance pool, for the purpose of allowing political subdivisions of the Commonwealth to provide workers' compensation insurance coverage for their employees. SB 1372 is identical.

Patron - Hargrove

HB1788 Alternative on-site sewage systems. Provides that when sewers or sewerage disposal facilities are not available, a locality shall not prohibit the use of alternative onsite sewage systems that have been approved by the Virginia Department of Health for use in the particular circumstances and conditions, and that localities shall not require maintenance standards and requirements for alternative onsite sewage systems that exceed those allowed under or established by the State Board of Health. This bill provides that the State Health Commissioner shall require, as a precondition to the issuance of an alternative onsite sewage system permit to serve a residential structure, that the property owner record an instrument identifying by reference the applicable maintenance regulations for each component of the system in the land records of the clerk of the court for the jurisdiction where all or part of the site or proposed site of the onsite sewage system is to be located, which shall be transferred with the title to the property upon the sale or transfer of the property that is the subject of the permit. This bill incorporates HB 2294 and is identical to SB 1276.

Patron - Hull

HB1802 Behavioral health authority; board membership. Allows a member of a local governing body to be a member of a behavioral health authority's board of directors. Also allows members to serve more than three full terms, but not more than three full consecutive terms. After a three-year period has elapsed since the end of the member's last three-year term, the governing body may reappoint that member.

Patron - Loupassi

HB1828 Localities and water authorities; rate incentives for green roof construction. Allows localities and water authorities to offer rate incentives for green roof construction.

Patron - Fralin

HB1872 Hampton Roads area refuse collection and disposal system authority. Sets forth the requirements that shall be followed by any authority created to collect and dispose of refuse with member localities consisting of the Cities of Norfolk, Virginia Beach, Portsmouth, Chesapeake, and Franklin, and the Counties of Isle of Wight, Southampton, and Suffolk. The list of requirements sets forth rules for selecting a board of directors, maintaining a strategic plan, setting fees and operating costs, tracking costs, revenues, and capital projects, maintaining a financing plan, and voting.

Patron - Cosgrove

HB1912 High grass and weeds; civil penalty. Expands the authority of the City of Newport News to require that owners of not only vacant developed and undeveloped properties but also owners of occupied property cut grass, weeds, and other foreign growth on the property. If such property owner fails to do so after reasonable notice, the City may cut such grass, weeds, or other foreign growth and the cost and expenses thereof shall be chargeable to and paid by the owner of the property.

Patron - BaCote

HB1926 Wallops Research Park; aerospace-related economic development. Allows Accomack County to utilize existing service district authority to construct, maintain, and

operate facilities and other infrastructure, services, or amenities as may be necessary to provide access for aerospace-related economic development to the NASA/Wallops Flight Facility runway and related facilities in the Wallops Research Park. The Virginia Wallops Research Park Leadership Council is also established as an oversight body for the operation of the Wallops Research Park. This bill is identical to SB 1492.

Patron - Lewis

HB1995 Transportation; supplemental funding for Northern Virginia. Adds the City of Fairfax to the localities in Northern Virginia who are to use the first 50 percent of the revenues received by the Northern Virginia Transportation Authority solely for urban or secondary road construction and improvements and for public transportation purposes. This bill is identical to SB 1137.

Patron - Bulova

HB2029 Subdivision ordinance; bonding requirements. Reduces the bonding requirement from 25 percent to 10 percent of estimated construction costs for the administrative allowance required from a developer. This provision will sunset in 5 years.

Patron - Marshall, D.W.

HB2034 Plats; period of validity. Extends the period of plat validity with phased developments.

Patron - Lingamfelter

HB2055 Transfer of development rights. Makes extensive changes to provisions initially passed in 2006 for the purpose of making the transfer of development rights process more useable for property owners and localities. The amendments make clear that development rights may be severed but not immediately affixed to a receiving property. Other changes state that a locality may provide in its ordinance for (i) the owner of such development rights to make application to the locality for a real estate tax abatement for a period up to 25 years, to compensate the owner of such development rights for the fair market value of all or part of the development rights, (ii) the owner of a property to request designation by the locality of the owner's property as a "sending property" or a "receiving property," and (iii) the receiving areas to include such urban development areas in the locality established. Also, any proposed severance or transfer of development rights shall only be initiated upon application by the property owners of the sending properties, development rights, or receiving properties, and a locality may not require property owners to sever or transfer development rights as a condition of the development of any property. This is a recommendation of the Joint Subcommittee Studying Transfer of Development Rights. This bill is identical to SB 1418.

Patron - Lohr

HB2071 Licensed farm wineries; local regulation. Amends the Commonwealth's policy regarding local restriction on activities and events held at farm wineries by requiring localities to take into account the agricultural nature of such activities and events. This bill is identical to SB 1033.

Patron - Scott, E.T.

HB2077 Plats and site plans; period of validity. Extends the period of validity for certain preliminary and recorded plats and final site plans, as well as certain other land use approvals, to July 1, 2014.

Patron - Oder

HB2096 Waiver of certain fees; affordable housing. Allows localities to waive certain fees for 501(c)(3) organiza-

tions with a primary purpose of assisting with the provision of affordable housing.

Patron - Orrock

HB2109 Economic Development Authority of the City of Chesapeake. Allows the city to increase the size of the authority's board of directors from seven to nine members.

Patron - Spruill

HB2123 Mutual aid agreements; institutions of higher learning. Allows all institutions of higher learning having a police force appointed pursuant to § 23-233, rather than just state-supported institutions, to enter in and become a party to contracts or mutual aid agreements for the use of their joint forces, both regular and auxiliary, equipment, and materials to maintain peace and good order. This bill is identical to SB 1093.

Patron - Howell, A.T.

HB2132 Housing Assistance for school board employees. Provides that localities, in cooperation with the school board, may pursue housing assistance for its employees.

Patron - Miller, J.H.

HB2138 Graffiti abatement. Defines "defacement" to mean the unauthorized application by any means of any writing, painting, drawing, etching, scratching, or marking of an inscription, word, mark, figure, or design of any type. Permits localities to charge a property owner for the cost or expenses of removing defacement that occurs on a public or private building, wall, fence, or other structure located on an unoccupied property. Every charge that remains unpaid shall constitute a lien against such property, but no lien shall be chargeable to the owners of such property unless the locality shall have given a minimum of 15 days notice to the property owner prior to the removal of the defacement. This bill incorporates HB 2120 and is identical to SB 1369.

Patron - Miller, J.H.

HB2150 Notice of certain sales under deed of trust. Permits localities in Planning District 8 to adopt an ordinance to require that a notice be given to the chief administrative officer when residential property becomes subject to a sale under a deed of trust.

Patron - Rust

HB2158 Charlottesville-Albemarle Regional Transit Authority. Establishes a local transit authority in the Charlottesville-Albemarle area. The Authority shall prepare a regional transit plan for all or portions of those areas located within the City of Charlottesville and all or such portions of the Counties of Albemarle, Fluvanna, Greene, Louisa, and Nelson as their governing bodies desire to have covered, to include, but not necessarily be limited to, transit improvements of regional significance.

Patron - Toscano

HB2165 Zoning; on-farm production of biofuels. Allows farmers to engage in the small-scale production of biofuels in areas zoned agricultural without a special exception or special use permit. A farmer engages in the small-scale production of biofuels when (i) at least 50 percent of the feedstock is produced on site; (ii) any structure used for the processing of the feedstock into energy occupies less than 4,000 square feet; and (iii) the owner notifies the administrative head of the locality in which the processing occurs.

Patron - Lohr

HB2184 Southwest Virginia Health Facilities Authority; name change. Changes the name of the Southwest

Virginia Health Facilities Authority to the Southwest Virginia Health Authority.

Patron - Phillips

HB2187 Economic Development Authority; Town of Coeburn. Allows the newly created Economic Development Authority to include five members appointed by the town council of Coeburn, with terms staggered as agreed upon by the town council.

Patron - Phillips

HB2215 Economic development authority of the City of Suffolk. Allows the city to increase the size of the authority's board of directors from seven to eight to allow for one at-large member in addition to one member from each of the seven boroughs of the city. This bill is identical to SB 1001.

Patron - Jones

HB2216 Provisions for subdivision of a lot for conveyance to a family member; city of Suffolk. Amends the law so the city of Suffolk is no longer required to provide for reasonable provisions permitting a single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the property owner in its subdivision ordinance. This bill is identical to SB 1354.

Patron - Jones

HB2247 Water and waste authorities; liens. Provides that a lien may apply for delinquent rates or charges applicable to "three or fewer months" rather than "three or fewer delinquent billing periods not exceeding thirty days each" in order to accommodate authorities that bill on a quarterly basis.

Patron - Barlow

HB2322 Urban development areas. Provides that cities and towns shall have until July 1, 2012, to amend their comprehensive plans in accordance with the provisions of § 15.2-2223.1. Currently, counties have until July 1, 2011, to amend their comprehensive plans in accordance with the provisions of § 15.2-2223.1.

Patron - Athey

HB2326 Boards of zoning appeals; variances. Changes the standard by which a variance can be granted by eliminating the requirement for a showing of a hardship "approaching confiscation."

Patron - Athey

HB2349 Richmond Metropolitan Authority (RMA). Relocates the RMA "charter" from Title 33.1 (where it is incorporated by reference, but not set out) to Title 15.2, and sets out the text in full. The bill eliminates a provision in present law requiring the approval of the Richmond-Petersburg Turnpike Authority for connection of an Authority-controlled highway to the Richmond-Petersburg Turnpike. In connection with "operation of vehicle for transportation of persons or property for compensation" on Authority facilities, a reference to the State Corporation Commission has been changed to the Department of Motor Vehicles. A requirement that no action be taken by the Authority to contravene any bond indenture governing the Richmond-Petersburg Turnpike has been removed. A further reference to the Richmond-Petersburg Turnpike in connection with exercise of the power of eminent domain by the Authority is also removed. References to "the State Highway Commission" are changed to "the Commonwealth Transportation Board." The bill also removes the definition of "Commonwealth" and alphabetizes the remaining definitions. It also renumbers the subdivisions of the section that sets forth the powers of the Authority. An anachronistic reference to the Virginia Constitution of 1902 is updated to refer to the parallel

provision of the Virginia Constitution of 1971. Present § 33-225.44:25 dealing with the relationship between the RMA and the Richmond-Petersburg Turnpike Authority is not carried forward into Title 15.2, since other sections already deal with the relationship of the RMA to the Commonwealth Transportation Board. The bill contains numerous technical changes.

Patron - Landes

HB2408 Community development authorities. Makes comprehensive changes to provisions related to the creation and operation of community development authorities (CDA). Changes include codification of the current practice of altering the boundaries of a CDA under certain circumstances and clarification of the process for creating a CDA if it is located wholly or partly within a town.

Patron - Hall

HB2410 Restrictions on appointment of local governing body members. Adds the board of the Richmond Ambulance Authority to those entities to which a local governing body may appoint one of its members.

Patron - Hall

HB2424 Graffiti abatement. Permits courts to order any person convicted of unlawfully defacing property to pay full or partial restitution to the locality for costs incurred by the locality in removing or repairing the defacement. Further provides that such order of restitution shall be docketed as provided in § 8.01-446 when and may be enforced by the locality in the same manner as a judgment in a civil action.

Patron - May

HB2429 Expedited land development review procedure. Adds the Town of Leesburg to the list of localities that may develop an expedited land development review procedure for the review of preliminary and final subdivision and site plans and other development plans. This bill is identical to SB 1095.

Patron - May

HB2473 Powers of local governments; loitering on grounds of public libraries. Clarifies that the term "public place" also includes public libraries for the purposes of any ordinance adopted to prohibit loitering on the grounds of a public place.

Patron - Hugo

HB2487 Transition of city to town status; library aid. Increases from five years to 15 years the period in which cities that transition to town status may continue to receive certain library aid from the Commonwealth.

Patron - Putney

HB2528 Disposition of firearms. Provides that no locality may participate in any program in which individuals are given a thing of value in exchange for surrendering a firearm to the locality unless the governing body of the locality has enacted an ordinance authorizing the participation of the locality. The ordinance shall require that such firearms shall be sold by public auction, or sealed bids, to a person licensed as a dealer, or shall be disposed of by other appropriate means.

Patron - Cole

HB2532 Reimbursement of expenses in DUI and related incidents. Specifies that a locality that has passed an enabling ordinance is entitled to restitution from a person convicted of certain DUI offenses, when issuing any arrest warrant or summons, in addition to compensation for an appropriate law-enforcement response.

Patron - Iaquinto

HB2663 Water and waste authorities. Allows appointment of industrial or economic development authority directors to the board of water and waste authorities.

Patron - Ware, O.

HB2665 Virginia Broadband Infrastructure Loan Fund. Creates the Virginia Broadband Infrastructure Loan Fund. The Fund would be administered by the Virginia Resources Authority. Money in the Fund would be used exclusively for the financing of broadband infrastructure projects undertaken by a local government. Priority for loans would be given to projects that will utilize private industry in operating and maintaining the projects where private involvement will provide cost savings, to projects that serve two or more local governments, and to projects in unserved areas.

Patron - May

SB881 Authority to cut grass. Adds Stafford County to the list of counties with authority to require that the owner of occupied residential real property cut the grass or lawn area of less than one-half acre on such property when growth on the grass or lawn area exceeds 12 inches in height. Stafford County may, after reasonable notice, have the grass or lawn area cut by its agents or employees, in which event the cost and expenses thereof shall be chargeable to and paid by the owner of the property and may be collected by the county as taxes and levies are collected.

Patron - Stuart

SB982 Regulation of stormwater. Requires localities to provide full or partial waivers of charges to any person who develops, redevelops or retrofits outfalls, discharges or property so that there is a permanent reduction in post-development stormwater flow and pollutant loading, as long as a stormwater permit has been obtained by either the Department of Conservation and Recreation or the Department of Environmental Quality when such permit is required. Under current law, localities have the option of providing such waivers and permits were not required to be obtained from the Department of Conservation and Recreation.

Patron - Wagner

SB1001 Economic development authority of the City of Suffolk. Allows the city to increase the size of the authority's board of directors from seven to eight to allow for one at-large member in addition to one member from each of the seven boroughs of the city. This bill is identical to HB 2215.

Patron - Quayle

SB1033 Licensed farm wineries; local regulation. Amends the Commonwealth's policy regarding local restriction on activities and events held at farm wineries by requiring localities to take into account the agricultural nature of such activities and events. This bill is identical to HB 2071.

Patron - Hanger

SB1064 Posting of comprehensive plans. Provides that a local planning commission shall post a comprehensive plan or part thereof that is being considered for recommendation or that is approved by the commission on a website maintained by the local planning commission or on any other website on which the commission generally posts information and available to the public. This bill further provides that a governing body shall post any comprehensive plan or part thereof that is certified to the governing body or approved by a governing body on a website maintained by the governing

body on any other website on which the governing body generally posts information and available to the public.

Patron - Puller

SB1093 Mutual aid agreements; institutions of higher learning. Allows all institutions of higher learning having a police force appointed pursuant to § 23-233, rather than just state-supported institutions, to enter in and become a party to contracts or mutual aid agreements for the use of their joint forces, both regular and auxiliary, equipment, and materials to maintain peace and good order. This bill is identical to HB 2123.

Patron - Locke

SB1094 Derelict buildings. Defines derelict buildings as a building, whether or not construction has been completed, that might endanger the public's health, safety, or welfare and has been (i) vacant, (ii) boarded up in accordance with the building code, and (iii) not lawfully connected to electric service from a utility service provider or not lawfully connected to any required water or sewer service from a utility service provider for a continuous period in excess of six months. Authorizes local governments to incentivize owners' timely submission of a plan for demolition or renovation, by providing real estate tax abatements and fee refunds. Simplifies tax lien enforcement and blight provisions and encourages action on derelict buildings by adjusting time frames. This bill is recommended by the Virginia Housing Commission. This bill is identical to HB 1671.

Patron - Locke

SB1095 Expedited land development review procedure. Adds the Town of Leesburg to the list of localities that may develop an expedited land development review procedure for the review of preliminary and final subdivision and site plans and other development plans. This bill incorporates SB 1269, and is identical to HB 2429.

Patron - Herring

SB1105 Virginia Indoor Clean Air Act; penalty. Prohibits smoking in all indoor restaurants, bar and lounge areas, and restrooms in restaurants in the Commonwealth, with certain exceptions where smoking may be permitted. Requires the posting of "No Smoking" signs and provides for a \$25 civil penalty for a violation of these provisions. This bill incorporates SBs 870, 1002, 1057 and 1160.

Patron - Northam

SB1137 Transportation; supplemental funding for Northern Virginia. Adds the City of Fairfax to the localities in Northern Virginia who are to use the first 50 percent of the revenues received by the Northern Virginia Transportation Authority solely for urban or secondary road construction and improvements and for public transportation purposes. This bill is identical to HB1995.

Patron - Petersen

SB1177 Regional Industrial Facilities Act. Expands the scope of the act statewide.

Patron - Watkins

SB1212 Clean energy financing. Grants localities the authority to authorize, by ordinance, contracts to provide loans for the initial acquisition and installation of clean energy improvements.

Patron - Deeds

SB1276 Alternative on-site sewage systems. Provides that when sewers or sewerage disposal facilities are not available, a locality shall not prohibit the use of alternative onsite

sewage systems that have been approved by the Virginia Department of Health for use in the particular circumstances and conditions, and that localities shall not require maintenance standards and requirements for alternative onsite sewage systems that exceed those allowed under or established by the State Board of Health. This bill provides that the State Health Commissioner shall require, as a precondition to the issuance of an alternative onsite sewage system permit to serve a residential structure, that the property owner record an instrument identifying by reference the applicable maintenance regulations for each component of the system in the land records of the clerk of the court for the jurisdiction where all or part of the site or proposed site of the onsite sewage system is to be located, which shall be transferred with the title to the property upon the sale or transfer of the property that is the subject of the permit. This bill is identical to HB 1788.

Patron - Martin

SB1287 Annexation. Extends the current annexation moratorium to 2018. This bill is identical to SB 1469 and HB 1697.

Patron - Newman

SB1335 Conditional zoning; public hearing. Provides that where an amendment to proffered conditions is requested by the proffor, and where such amendment does not affect conditions of use or density, a local governing body may waive the requirement for a public hearing.

Patron - Stuart

SB1354 Provisions for subdivision of a lot for conveyance to a family member; city of Suffolk. Amends the law so the city of Suffolk is no longer required to provide for reasonable provisions permitting a single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the property owner in its subdivision ordinance. This bill is identical to HB 2216.

Patron - Quayle

SB1369 Graffiti abatement. Defines "defacement" to mean the unauthorized application by any means of any writing, painting, drawing, etching, scratching, or marking of an inscription, word, mark, figure, or design of any type. Permits localities to charge a property owner for the cost or expenses of removing defacement that occurs on a public or private building, wall, fence, or other structure located on an unoccupied property. Every charge that remains unpaid shall constitute a lien against such property, but no lien shall be chargeable to the owners of such property unless the locality shall have given a minimum of 15 days notice to the property owner prior to the removal of the defacement. This bill is identical to HB2138.

Patron - Barker

SB1372 State Corporation Commission; local government self-insurance pools; workers' compensation insurance. Establishes a mechanism for the merger of the local government group self-insurance association and local government group self-insurance pool, for the purpose of allowing political subdivisions of the Commonwealth to provide workers' compensation insurance coverage for their employees. HB 1756 is identical.

Patron - Ruff

SB1416 Preservation of historical sites and architectural areas. Provides that local governing bodies may include in ordinances establishing areas of known historical or archaeological significance, that any applicant must submit documentation that any development in such will preserve or accommodate the historical or archaeological resources. This

Act shall not affect any locality that has adopted an ordinance imposing archaeological requirements as of January 1, 2009.

Patron - Blevins

SB1418 Transfer of development rights. Makes extensive changes to provisions initially passed in 2006 for the purpose of making the transfer of development rights process more useable for property owners and localities. The amendments make clear that development rights may be severed but not immediately affixed to a receiving property. Other changes state that a locality may provide in its ordinance for (i) the owner of such development rights to make application to the locality for a real estate tax abatement for a period up to 25 years, to compensate the owner of such development rights for the fair market value of all or part of the development rights, (ii) the owner of a property to request designation by the locality of the owner's property as a "sending property" or a "receiving property," and (iii) the receiving areas to include such urban development areas in the locality established. Also, any proposed severance or transfer of development rights shall only be initiated upon application by the property owners of the sending properties, development rights, or receiving properties, and a locality may not require property owners to sever or transfer development rights as a condition of the development of any property. This is a recommendation of the Joint Subcommittee Studying Transfer of Development Rights. This bill is identical to HB 2055.

Patron - Vogel

SB1450 Registration of cemeteries. Allows localities to set forth a register of cemeteries located on private property.

Patron - Colgan

SB1461 Southwest Regional Recreation Authority. Allows a governing body to appoint members to the authority other than members of the governing body. Also, the recreation area rangers are made eligible for appointment as special conservators of the peace.

Patron - Puckett

SB1469 Annexation. Extends from 2010 to 2018 the temporary restriction on city annexation authority, the granting of city charters, and county immunity proceedings. This bill is identical to HB 1697 and SB 1287.

Patron - Quayle

SB1471 Real property; Commonwealth's title. Authorizes the Governor, at the request of a local authority and with the concurrence of the Attorney General, to disclaim any and all rights, title, and interest of the Commonwealth in and to lands used for stormwater control systems or water or waste systems if he finds (i) there is no greater public need or purpose than such use or (ii) that public use and necessity have been established. Such disclaimer shall be filed with the appropriate court and shall have the legal force and effect of disclaiming, releasing, and renouncing all of the right, title, and interest of the Commonwealth in and to such lands.

Patron - Saslaw

SB1483 Arts and cultural districts. Adds the City of Staunton and the City of Lynchburg 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 - Hanger

SB1487 Comprehensive plans; urban development areas. Requires urban development areas to provide for a mix of residential housing types, including affordable housing, to

meet projected family income distributions of future residential growth.

Patron - Vogel

SB1492 Wallops Research Park; aerospace-related economic development. Allows Accomack County to utilize existing service district authority to construct, maintain, and operate facilities and other infrastructure, services, or amenities as may be necessary to provide access for aerospace-related economic development to the NASA/Wallops Flight Facility runway and related facilities in the Wallops Research Park. The Virginia Wallops Research Park Leadership Council is also established as an oversight body for the operation of the Wallops Research Park. This bill is identical to HB 1926.

Patron - Northam

SB1508 Breaks Regional Airport Authority. Establishes the Breaks Regional Airport Authority if the Town of Grundy, or the governing body of Buchanan County, by resolution declares that there is a need for an airport authority to be created, and an operating agreement is developed for the purpose of establishing or operating airport facilities. The authority shall be governed by a five member board of directors and shall have the powers typically granted to airport authorities including the authority to issue bonds.

Patron - Puckett

SB1513 Control of firearms; award of court costs and fees. Allows a court to award reasonable attorney fees, expenses, and court costs to any entity that prevails in an action challenging an ordinance, resolution or motion as being in conflict with a locality's authority to control firearms pursuant to § 15.2-915. Attorney fees may also be awarded to the prevailing party in an action challenging an administrative action taken in bad faith as being in conflict with the section. This bill is identical to HB 1655.

Patron - Smith

SB1524 Permitted provisions in zoning ordinances. Broadens the zoning administrator's authority to determine vested rights in certain circumstances.

Patron - Watkins

SB1529 Political activities of local employees. Broadens the coverage of § 15.2-1512.2 to include all local employees as well as firefighters, emergency medical technicians, law-enforcement officers and local constitutional office staffs. This section provides that the covered employees may participate in political activities while off duty, out of uniform, and not on their employment premises. The term "political activities" is defined to include a variety of political activities. The section further prohibits the use of official authority to coerce subordinates for political contributions, to discriminate in employment or in the provision of public services because of political affiliation, or to suggest a locality has officially endorsed a candidate or political party.

Patron - Miller, Y.B.

SB1533 Special use permits; extension of validity. Extends the expiration of special use permits that were valid and outstanding as of January 1, 2009, to July 1, 2011.

Patron - Saslaw

SB1535 Planning District Commissions; economic development organizations. Designates Planning Districts 1, 2, and 13 as economic development organizations.

Patron - Ruff

SB1537 Arts and cultural districts. Adds the City of Fredericksburg 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 - Houck

Failed

HB1728 Road impact fees; commercial development. Allows localities to reduce or exempt the road impact fee for commercial development.

Patron - Cole

HB1783 Local government taxing authority. Equalizes municipal and county taxing authority by granting a county the same authority available to a municipality through the uniform charter powers.

Patron - Hull

HB1784 Local government taxing authority. Equalizes municipal and county taxing authority by granting a county the same authority available to a municipality through the uniform charter powers if such county contributes two percent or more toward the costs of construction or improvement of the urban system highway or street construction projects within the county.

Patron - Hull

HB1833 Virginia Indoor Clean Air Act; local ordinances. Allows localities to exceed the requirements established in the Virginia Indoor Clean Air Act when adopting ordinances that regulate smoking. Incorporated in HB 1703.

Patron - Toscano

HB1854 Provision of grievance procedure; final hearing. Gives localities the authority to use an administrative hearing officer in lieu of the required three-person panel when addressing grievance procedures.

Patron - Cole

HB1871 Southeastern Public Service Authority; bankruptcy. Authorizes the Southeastern Public Service Authority of Virginia to file a petition in bankruptcy upon a majority vote of its boards, or to undergo involuntary bankruptcy upon petition of one or more of its members to the Governor and filing of an involuntary bankruptcy petition by the Commonwealth under Title 11 of the United States Code. The bill further authorizes the Southeastern Public Service Authority to appoint a receiver to manage, operate, or liquidate its assets upon a majority vote of the board or to undergo receivership by order of a circuit court of one of its members petitioning for same.

Patron - Cosgrove

HB1879 Local government; publication of notices for charter changes, referenda, and public hearings, etc; alternatives. Gives localities with a population over 100,000 alternatives to publication in newspaper of general circulation in the locality. These alternatives include publication in a newspaper of general circulation in the locality, on the locality's website, or on any public access channel operated by the locality, to be aired during prime time programming and at least two other times during the day. Any electronic publication shall be aired daily for two consecutive weeks.

Patron - Cosgrove

HB1910 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

HB1933 Urban county executive form of government; human rights commission. Adds "sexual orientation" as prohibited discrimination in a county with the urban county executive form of government (Fairfax County).

Patron - Plum

HB1996 Provisions of grievance procedure. Permits the grievant to have a witness present during the second and third steps of the grievance procedure. Further provides that all discussions or representations made during the first step of the grievance procedure be confidential.

Patron - Bulova

HB2006 Local government taxing authority. Equalizes municipal and county taxing authority by granting a county the same authority available to a municipality through the uniform charter powers provided that the combined total of any new tax revenue from such expanded authority and the proposed equalized real estate tax rate shall not result in an increase of greater than five percent of the combined total of those taxes from the prior tax year.

Patron - Hull

HB2007 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 that exceed those established in the Virginia Indoor Clean Air Act. Incorporated into HB 1703.

Patron - Brink

HB2018 Public schools; financing. Creates the Virginia School Construction Revolving Fund for financing elementary, secondary, or vocational education school projects.

Patron - Rust

HB2085 Local debt. Provides that a locality's budget shall contain a statement of current and proposed total debt, exclusive of public utility bonds, given on a per capita basis.

Patron - Purkey

HB2107 Definition of public use. Provides that the term "public use" in Chapter 18 of Title 15.2 relating to the purchase, sale, use, etc. of real property by a locality is the same as the definition of public use in Section 1-219.1, except where the property interest is not to be acquired by the threat or use of condemnation or eminent domain. Further, removes reference to 15.2-1901.1 from the list of public uses that are eligible for "quick-take" condemnation procedures in Chapter 3 of Title 25.1.

Patron - Bulova

HB2120 Graffiti abatement. Permits localities to charge a property owner for the cost or expenses of abating graffiti that occurs on his vacant property, and to collect such charges as taxes are collected. If the charges remain unpaid, they shall constitute a lien and become enforceable in the same manner as unpaid local taxes. This bill is incorporated into HB 2138.

Patron - Nichols

HB2125 Planning or zoning matters; notice by applicant. Allows a locality to require, by ordinance, that a person applying to the local governing body, local planning commission or board of zoning appeals for a planning or zoning matter shall post a sign notifying the public of the place and

time of the public hearing regarding his property, the cost of which may be paid by the applicant. The locality shall specify any additional information to be on the sign, as well as the size and placement of the sign.

Patron - Byron

HB2162 Town of Timberville; advisory referendum; water fluoridation. Provides for an advisory referendum in the Town on the question of water fluoridation.

Patron - Lohr

HB2208 Volunteers; immunity for cutting grass, weeds, or other foreign growth. Provides that a locality may, whenever the governing body deems it necessary, after reasonable notice as determined by the locality, have grass, weeds, or other foreign growth on vacant, developed, or undeveloped property cut by volunteers who (i) requested the locality authorize them to cut such grass, weeds, or other foreign growth and (ii) would not be in violation of Article 5 (§ 18.2-119 et seq.) of Chapter 5 of Title 18.2 during such cutting; provided that such volunteers shall have any and all immunity normally provided to the employees of the locality.

Patron - Frederick

HB2246 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. Incorporated into HB 1703.

Patron - Barlow

HB2294 Alternative on-site sewage systems. Limits a locality's ability to regulate septic systems by restricting localities from prohibiting the use of alternative on-site sewage systems that have been approved for use by the Virginia Department of Health and prohibiting the locality from requiring maintenance of such systems beyond the manufacturer's recommendations or regulation of the Department of Health. This bill is incorporated in HB 1788.

Patron - Merricks

HB2336 Local governments; adoption of ordinances prohibiting delivery of unsolicited newspapers. Authorizes any locality to adopt an ordinance making it unlawful for any publisher or distributor to deliver unsolicited newspapers on private property if the owner of the private property has notified the publisher or distributor of the newspaper to cease delivery.

Patron - Amundson

HB2355 Local government; publication of notices for charter changes, referenda, and public hearings, etc; alternatives. Gives localities alternatives to publication in a newspaper of general circulation in the locality for legal ads and other notices of proposed action. These alternatives include publication in at least two of the following forms of publication: (i) in a newspaper of general circulation in the locality, including such newspaper's online publication, if any, (ii) on the locality's website, (iii) on any public access channel operated by the locality, to be aired during prime time programming and at least two other times during the day, or (iv) using any automated voice or text alert systems used by the locality. In addition, the bill provides that any resident of the locality annually filing a written request for notification with the locality shall be provided notice by the locality in a manner mutually agreed upon by the locality and such individual. The request shall include the resident's name, address, zip code, daytime telephone number, and electronic mail address, if available. In selecting the methods of publication, the bill requires the locality to publish/advertise in a manner gauged to

ensure that the maximum number of persons within the locality is likely to be informed of the existence and content of the proposed action. The bill contains technical amendments.

Patron - Landes

HB2416 Photo-monitoring systems. Removes the requirement that the list of proposed intersections for a traffic light signal violation monitoring system that a locality submits to the Virginia Department of Transportation be submitted for the Department's final approval.

Patron - Bouchard

HB2418 Optional provisions of a subdivision ordinance; solar energy. Strikes language requiring that provisions for establishing and maintaining access to solar energy be applicable to a new subdivision only when so requested by the subdivider.

Patron - Bouchard

HB2443 Zoning ordinances; restrictions on ABC licenses. Provides that the City of Portsmouth may impose a condition upon any special use permit issued after July 1, 2009, relating to retail alcoholic beverage control licensees, which provides that such special use permit will be subject to an automatic review by the governing body upon a change of ownership of the property, a change in possession, or a transfer of majority control of the business entity. This bill is identical to SB 831.

Patron - Melvin

HB2535 Arts and cultural or education districts. Grants statewide authority for creation of arts and cultural or education districts by localities for the purpose of increasing awareness and support for the arts and culture or education in the locality. Localities may provide incentives for the support and creation of arts and cultural or education venues in the district. Currently, the statute applies only to certain listed localities and does not include education.

Patron - Saxman

HB2555 Transfer of development rights. Permits, in Fauquier 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 - Cole

HB2563 Street construction. Allows localities to withhold acceptance of plat approvals if the applicant has other projects in the locality with streets not completed or on track for completion as required by the approved plans for that project before said developer or subdivider will receive approval of a new subdivision or development plan. Further allows localities to withhold partial and final complete release of any performance guarantee if streets in the plan have not been accepted by and taken over for operation and maintenance by the authority responsible for maintaining and operating such public facility.

Patron - Cole

HB2570 Inoperable motor vehicles; Newport News. Allows the City of Newport News to adopt an ordinance prohibiting any person from keeping more than one inoperable motor vehicle on his property except within a fully enclosed building. Further allows Newport News to prohibit the storage of any inoperable motor vehicle on a property zoned or used for residential, commercial, or agricultural purposes, with the exception of certain towing services, which shall shield or screen the inoperable motor vehicles from public view.

Patron - BaCote

HB2606 Farm wineries; urban county executive form of government. Allows a county operating under the urban county executive form of government to impose reasonable limitations on farm winery activities notwithstanding any other provision of law as part of any zoning approval of a farm winery that requires a license.

Patron - Hugo

HB2613 Cash proffers; phase out. Requires localities to phase out the acceptance of cash proffers by July 1, 2014.

Patron - Hall

HB2641 Virginia Regional Industrial Facilities Act. Allows a locality to withdraw from such authority upon a resolution adopted by the governing body of a member locality and after satisfaction of such member locality's legal obligations, including repayment of its portion of any debt incurred, or after making contractual provisions for the repayment of its portion of any debt incurred.

Patron - Fralin

HB2653 Zoning ordinance enforcement; tenants of single-family dwellings. Provides that localities may enforce violations of the zoning ordinance by tenants of single-family residential dwellings; however, the owner of such dwelling shall not be charged with a zoning violation unless the locality has provided written notice of the tenant's conduct to the landlord.

Patron - Bulova

HB2662 Community development authorities; taxation. Allows community development authorities to request additional taxes from the locality related to the transient occupancy tax and the food and beverage tax.

Patron - Ware, O.

HB2667 Central Virginia Regional Transportation Authority. Creates an authority to include the County of Chesterfield 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. The member localities shall also have additional revenue authority to meet the purposes of the transportation authority.

Patron - Hall

SB831 Zoning ordinances; restrictions on ABC licenses. Provides that the City of Portsmouth may impose a condition upon any special use permit issued after July 1, 2009, relating to retail alcoholic beverage control licensees, which provides that such special use permit will be subject to an automatic review by the governing body upon a change of ownership of the property, a change in possession, or a transfer of majority control of the business entity. This bill is identical to HB 2443.

Patron - Lucas

SB832 Control of firearms; possessing or carrying a dangerous weapon in public buildings during official meetings of the governing body. Provides that localities may adopt an ordinance that prohibits firearms, ammunition, or components or combinations thereof in community or recreation centers, administrative buildings, or public libraries owned or operated by the locality during an official meeting of the governing body.

Patron - Locke

SB849 Vacant building registration. Provides that the Towns of Blacksburg and Vienna may require the owner of a

building that has been vacant for a continuous period of 12 months to register such building and may charge an annual registration fee not to exceed \$25. Failure to register may result in a civil penalty. The current provisions apply only to the Town of Pulaski and any city in the Commonwealth.

Patron - Edwards

ESB870 Virginia Indoor Clean Air Act; local ordinances. Allows localities to exceed the requirements established in the Virginia Indoor Clean Air Act when adopting or enforcing ordinances that regulate smoking. Incorporated into SB 1105.

Patron - Lucas

ESB925 Provisions of grievance procedure; witnesses. Allows an observer to be present for both the employee and the local government during the initial employee supervisor step of the grievant process, if the local government permits. Further allows both parties to have an observer present at each subsequent step of the process to observe only, unless otherwise permitted by the local government, until the last two steps of the grievance process. The unavailability of either observer shall not extend the time period of any step.

Patron - Deeds

ESB973 Virginia Resources Authority; loans for renewable energy. Authorizes the Virginia Resources Authority to finance renewable energy projects and permits localities to lend funds obtained through the assistance of the Virginia Resources Authority to any person for the purpose of producing or purchasing renewable energy or renewable energy related equipment, systems, or products.

Patron - Stuart

ESB979 Transportation; fuel fee. Allows authorities to pass an ordinance that would impose a fee, not to exceed \$10, on all motor vehicle violations. Such fee shall go to the locality for the purpose of purchasing fuel for local law-enforcement vehicles.

Patron - Stuart

ESB1002 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. Incorporated in SB 1105.

Patron - Quayle

ESB1053 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

ESB1067 Local governments; adoption of ordinances prohibiting delivery of unsolicited newspapers. Authorizes any locality to adopt an ordinance making it unlawful for any publisher or distributor to deliver unsolicited newspapers on private property if the owner of the private property has notified the publisher or distributor of the newspaper to cease delivery. This bill incorporates SB 1113.

Patron - Puller

ESB1113 Local governments; adoption of ordinances prohibiting delivery of unsolicited newspapers. Authorizes any locality to adopt an ordinance making it unlawful for any publisher or distributor to deliver unsolicited newspapers on private property if the owner of the private property has noti-

fied the publisher or distributor of the newspaper in writing to cease delivery. This bill is incorporated into SB 1067.

Patron - Ticer

ESB1178 Independent cities. Eliminates the presumption that all cities are independent cities by deleting the word "independent" in numerous statutes.

Patron - Watkins

ESB1187 Garbage and refuse services; contracting. Eliminates the provision that had barred localities from preventing or prohibiting the disposal of garbage at facilities that were either issued solid waste management facility permits on or before July 1, 1991, or had submitted applications for new solid waste management facility permits on or before December 31, 1991.

Patron - Blevins

ESB1226 Public schools; financing. Creates the Virginia School Construction Revolving Fund for financing elementary, secondary, or vocational education school projects.

Patron - Barker

ESB1269 Expedited land development review procedure. Adds the Town of Leesburg to the list of localities that may develop an expedited land development review procedure for the review of preliminary and final subdivision and site plans and other development plans. This bill has been incorporated into SB 1095.

Patron - Vogel

ESB1308 Planning or zoning matters; notice by applicant. Allows a locality to require, by ordinance, that a person applying to the local governing body, local planning commission or board of zoning appeals for a planning or zoning matter shall post a sign notifying the public of the place and time of the public hearing regarding his property, the cost of which may be paid by the applicant. The locality shall specify any additional information to be on the sign, as well as the size and placement of the sign.

Patron - Hurt

ESB1423 Subdivision ordinances. Provides that such ordinances shall include a requirement that each locality provide a checklist to potential developers that specifies what shall be shown on the development plans along with the legal authority for such requirement.

Patron - Martin

ESB1534 Central Virginia Regional Transportation Authority. Creates an authority to include the County of Chesterfield 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. The member localities shall also have additional revenue authority to meet the purposes of the transportation authority.

Patron - Watkins

ESB1536 Subdivision ordinances; landlocked property. Requires localities to include in their subdivision ordinances that in any instance in which the subdivision of land results in a landlocked property, the locality shall require a minimum 20-foot right-of-way from such property to a state highway.

Patron - Ruff

Courts not of Record

Passed

HB1857 Protective orders; issuance to incarcerated persons. Provides that a court may issue a preliminary protective order upon a showing by the petitioner that (i) the allegedly abusing person is incarcerated and is to be released from incarceration within 30 days following the petition or has been released from incarceration within 30 days prior to the petition, (ii) the crime for which the allegedly abusing person was convicted and incarcerated involved family abuse against the petitioner, and (iii) the allegedly abusing person has made threatening contact with the petitioner while he was incarcerated, exhibiting a renewed threat to the petitioner of family abuse. If an incarcerated defendant is personally served and not transported to the hearing, the court may extend the protective order for a period not to exceed six months. If a preliminary protective order is issued the court may issue a permanent (two-year) protective order.

Patron - Shannon

HB1914 Foster care. Deletes Code references to "continued foster care." Additionally, a petition for a foster care review hearing described under § 16.1-282 shall set forth the disposition sought and the grounds therefor; however, if a continuation of foster care is recommended, a foster care plan for such period of continued foster care shall also be included and shall address (i) the role the current foster parents or other care providers will play in the future planning for the child and (ii) in the case of a child who has attained age 16 and for whom the plan is independent living, the services needed to assist the child to transition from foster care to independent living.

Patron - BaCote

HB2061 Psychiatric Inpatient Treatment of Minors Act; outpatient treatment; etc. Provides that a person who meets the criteria for involuntary commitment under the Psychiatric Inpatient Treatment of Minors Act may be ordered to mandatory outpatient treatment if less restrictive alternatives to involuntary inpatient treatment are appropriate and available, and the minor and his parents have the capacity to understand the stipulations of the minor's treatment and to comply with such outpatient treatment and they have agreed to abide by the treatment plan. The bill also sets forth how such mandatory outpatient treatment will be monitored and how a minor's non-compliance with such treatment will be addressed, and clarifies that the judge who presides over any noncompliance hearing does not have to be the judge who presided over the mandatory outpatient commitment hearing. The bill also clarifies that the commitment criteria for minors, and not the criteria for adults, apply when the emergency admission of a minor is sought under the procedures for the emergency admission of an adult set forth in Article 4 (§ 37.2-808 et seq.) of Chapter 8 of Title 37.2. The bill also provides that a minor who has been properly detained by a juvenile and domestic relations court may petition for voluntary admission and treatment of mental illness. Currently, such detained minors may not voluntarily seek admission. The bill further requires that if a minor is in a detention home or shelter care facility when admitted to a mental health facility, the director of the detention home or shelter care facility or his designee shall provide, if available, certain information relating to the minor to the mental health facility and to the juvenile and domestic relations district court for the jurisdiction in which the facility is located if such court is different than the court that placed the minor in detention or shelter care. The bill also clarifies the circumstances under which the quali-

fied evaluator who examined the minor must attend the minor's hearing and under what circumstances the evaluator's report is admissible. This bill is identical to SB 1122.

Patron - Hamilton

HB2310 Confidentiality of court records. Provides that any person, agency, or institution that may inspect juvenile case files shall be authorized to have copies made of such records, subject to any restrictions, conditions, or prohibitions that the court may impose. This bill is a recommendation of the Committee on District Courts. This bill is identical to SB 928.

Patron - Melvin

HB2434 Certain corporations; pro se representation. Allows a corporation, the stock of which is held by no more than five persons and is not publicly offered or planned to be publicly offered, to be represented by an officer pro se before the general district courts if (i) the amount in controversy is \$2,500 or less, and (ii) the officer has the unanimous consent of all the shareholders to do so.

Patron - Janis

HB2513 Mob violence reportable by intake officers to schools. Adds "act of violence by a mob pursuant to § 18.2-42.1" to the listing of offenses that are reported by a juvenile intake officer to a school division superintendent when a petition is filed alleging a student committed such an offense. The bill also removes two redundancies created when similar House and Senate bills passed and were merged in 2004.

Patron - Marsden

SB890 Motor vehicles, etc.; collection of court costs. Requires where the court waives a fine for certain offenses that court costs still be collected and clarifies that for local offenses (i.e. failure to obtain animal license, failure to obtain rabies vaccine) where the penalty cannot be waived, court costs shall be collected.

Patron - McDougle

SB928 Confidentiality of court records. Provides that any person, agency, or institution that may inspect juvenile case files shall be authorized to have copies made of such records, subject to any restrictions, conditions, or prohibitions that the court may impose. This bill is a recommendation of the Committee on District Courts. This bill is identical to HB 2310.

Patron - Marsh

SB1122 Psychiatric Inpatient Treatment of Minors Act; outpatient treatment; etc. Provides that a person who meets the criteria for involuntary commitment under the Psychiatric Inpatient Treatment of Minors Act may be ordered to mandatory outpatient treatment if less restrictive alternatives to involuntary inpatient treatment are appropriate and available, and the minor and his parents have the capacity to understand the stipulations of the minor's treatment and to comply with such outpatient treatment and they have agreed to abide by the treatment plan. The bill also sets forth how such mandatory outpatient treatment will be monitored and how a minor's non-compliance with such treatment will be addressed, and clarifies that the judge who presides over any noncompliance hearing does not have to be the judge who presided over the mandatory outpatient commitment hearing. The bill also clarifies that the commitment criteria for minors, and not the criteria for adults, apply when the emergency admission of a minor is sought under the procedures for the emergency admission of an adult set forth in Article 4 (§ 37.2-808 et seq.) of Chapter 8 of Title 37.2. The bill also provides that a minor who has been properly detained by a juvenile and domestic relations court may petition for voluntary admission and treatment of mental illness.

Currently, such detained minors may not voluntarily seek admission. The bill further requires that if a minor is in a detention home or shelter care facility when admitted to a mental health facility, the director of the detention home or shelter care facility or his designee shall provide, if available, certain information relating to the minor to the mental health facility and to the juvenile and domestic relations district court for the jurisdiction in which the facility is located if such court is different than the court that placed the minor in detention or shelter care. The bill also clarifies the circumstances under which the qualified evaluator who examined the minor must attend the minor's hearing and under what circumstances the evaluator's report is admissible. This bill is identical to HB 2061.

Patron - Lucas

SB1149 Juvenile code. Makes various clarifying changes in code sections pertaining to juveniles and juvenile court provisions. The bill specifies that the statutory deferred disposition provisions for underage possession of alcohol apply only to adults, since the law pertaining to juveniles already allows deferred dispositions, allows juvenile probation officers to keep relevant photographs in their files, specifies that a petition must be filed (rather than proceeding informally) if the offense for which the juvenile had been previously adjudicated delinquent would be a felony if committed by an adult, and provides that a petition may be filed for assault and battery against a family or household member.

Patron - Howell

SB1218 Release from juvenile correctional center; transmission to school superintendent. Allows the Director of the Department of Juvenile Justice to notify the appropriate school division superintendent when a juvenile who poses a credible danger of serious bodily injury or death to students, school personnel or others on school property is released from a juvenile correctional center.

Patron - Obenshain

SB1290 Appeals from district courts. States that an appeal from the juvenile and domestic relations district court or an appeal in a civil case from the general district court shall be heard de novo in the circuit court. A second enactment clause provides that this bill is declarative of existing law.

Patron - Edwards

SB1377 Juvenile arrest information. Provides that police and sheriff departments may release current information on juvenile arrests to law-enforcement agencies in other states.

Patron - Stolle

SB1439 Protective orders. Removes a provision added in 2008 allowing an addendum to the protective order to contain identifying information, so that the identifying information will return to the front page of the order. The bill also specifies identifying information to be added and transmitted to the Virginia Criminal Information Network (VCIN) regarding the protected person and provides that orders will expire at 11:59 p.m. on the date specified.

Patron - Edwards

Failed

HB1753 Felonies or misdemeanors by judges; terms of office. Provides that if a full-time district court judge is convicted of a felony or Class 1 misdemeanor during his term of office, and all rights of appeal have terminated, such term shall expire 30 days after the commencement of the next regular ses-

sion of the General Assembly notwithstanding the term for which such judge was elected.

Patron - Carrico

HB2228 Restitution payments paid by juveniles. Provides that a court may, on motion of a probation or parole officer responsible for the case, convert an order for restitution, ordered to be paid by a delinquent juvenile, to a judgment for money when the juvenile reaches majority and all other conditions of probation or parole have been satisfied.

Patron - Marsden

HB2367 Aiding and abetting violation of a protective order. Provides that any person who aids and abets the violation of any provision of a protective order is guilty of a Class 1 misdemeanor.

Patron - Gilbert

HB2381 Protective orders; companion animals. Provides that a court may include in a protective order provisions prohibiting harm to a companion animal owned, possessed, leased, kept, or held by the petitioner, or his family or household members, when the harm to the companion animal is with the intent to threaten, coerce, intimidate or harm the petitioner or his family or household members.

Patron - Scott, J.M.

HB2489 Assault and battery against a family or household member; protective order; penalty. Provides that a person who commits an assault and battery against a person who is protected by the provisions of a protective order is guilty of a Class 1 misdemeanor and, for a third offense, a Class 6 felony.

Patron - McClellan

HB2503 DNA sampling of juveniles. Expands the collection of DNA of juveniles to include that of any juvenile age 14 or older whose delinquency (felony if committed by an adult) charges are deferred and dismissed under § 16.1-278.8. The sample would be kept permanently without eligibility for expungement. Currently, juvenile DNA is only collected when a juvenile age 14 or older is convicted of a felony or adjudicated delinquent of an offense that would be a felony if committed by an adult, and under current expungement provisions, such samples may be expunged upon subsequent acquittal or dismissal.

Patron - Pogge

HB2611 Service of protective orders. Provides that a law-enforcement officer may effect service of a protective order by personally serving the person subject to the order with either (i) a copy of the order or (ii) a notification of the issuance of the order, which shall be on a form approved by the Supreme Court of Virginia. The officer making service shall enter or cause to be entered the date and time of service and other appropriate information into the Virginia Criminal Information Network and make due return to the court.

Patron - Shannon

SB902 Confidentiality of law-enforcement records; disclosures to school principal. Provides that the chief of police or sheriff of a jurisdiction or his designee may disclose, for the protection of the juvenile, his fellow students, and school personnel, to the school principal that a juvenile is currently the subject of a protective order and any relevant information relating thereto.

Patron - McDougle

SB1297 Juvenile dispositions. Allows juveniles who have previously been adjudicated delinquent of a violent juve-

nile felony to be confined in a detention home or other secure juvenile facility. The bill also requires the court to consider the assessment completed by the secure facility regarding the appropriateness of the placement when ordering a period of confinement that exceeds 30 days.

Patron - Herring

FSB1298 Juvenile dispositions. Allows the court to reduce a felony to a misdemeanor after deferring adjudication when a juvenile was placed on probation and fulfills the terms and conditions of his probation.

Patron - Herring

FSB1392 Children in need of supervision or services. Creates an article entitled "Children in Need of Supervision or Services" into which certain existing statutory provisions relating to intake, violations of court orders, and the criteria for detention or shelter care are either moved or duplicated.

Patron - Stolle

Courts of Record

Passed

PHB1845 Occasional remote access to land records; pilot program; fee. Allows the clerk of the Circuit Court of Prince William County to establish a pilot program under which a daily fee is assessed for occasional remote access to land records by the general public. The clerk shall also assess a separate fee per image downloaded in an amount not to exceed the usual copying fee. The clerk shall make a report on the pilot program to the House and Senate Committees for Courts of Justice on or before September 30, 2012. The bill expires September 30, 2012. This bill is identical to SB 935.

Patron - Lingamfelter

PHB1946 Statewide case and financial management systems; interface with circuit courts. Gives the Executive Secretary of the Supreme Court the responsibility for the operation and maintenance of a statewide case management system and financial management system, for related technology improvements, and requires that he permit an interface to any circuit court that uses automation or technology improvements provided by a private vendor or the locality. The costs of designing, implementing, and maintaining any such interface shall be the responsibility of the circuit court clerk. Any expenses incurred by the office of the Executive Secretary, not to exceed \$104,280, related to this system shall be reimbursed through the Technology Trust Fund. This bill is identical to SB 1442.

Patron - Peace

PHB2311 Construction, renovation, or maintenance of a courthouse; fees. Allows localities to assess an additional three dollar fee as part of the costs in each civil, criminal, or traffic case to be used solely for the construction, renovation, or maintenance of a courthouse. Such fee shall not be assessed in any civil action if the amount in controversy is \$500 or less. The additional fee may only be assessed by localities that, on or after January 1, 2009, operated a courthouse not in compliance with the current safety and security guidelines contained in the Virginia Courthouse Facility Guidelines and the courthouse cannot be feasibly renovated to correct the non-compliance. This bill is identical to SB 1387.

Patron - Melvin

PSB923 Mileage reimbursement for circuit court judges. Repeals the section granting mileage reimbursement for circuit judges to travel to and from the courthouse each day if they do not reside in the county seat. The state budget gives circuit court judges \$1,500 per year intended to cover their expenses.

Patron - Reynolds

PSB935 Occasional remote access to land records; pilot program; fee. Allows the clerk of the Circuit Court of Prince William County to establish a pilot program under which a daily fee is assessed for occasional remote access to land records by the general public. The clerk shall also assess a separate fee per image downloaded in an amount not to exceed the usual copying fee. The clerk shall make a report on the pilot program to the House and Senate Committees for Courts of Justice on or before September 30, 2012. The bill expires September 30, 2012. This bill is identical to HB 1845.

Patron - Smith

PSB960 Acceptance of credit cards by clerks. Clarifies the language allowing the acceptance of credit cards by clerks to make it clear that the convenience fee collected is to be collected from the person presenting the card as payment and not the credit card issuer. The bill also changes the language calling this fee a service charge to a reasonable convenience fee to mirror the language used in credit contracts.

Patron - Obenshain

PSB1277 Land records; social security numbers. Requires, beginning July 1, 2012, that land records posted via secure remote access to the Internet may contain only the last four digits of the social security number of any party.

Patron - Newman

PSB1387 Construction, renovation, or maintenance of a courthouse; fees. Allows localities to assess an additional three dollar fee as part of the costs in each civil, criminal, or traffic case to be used solely for the construction, renovation, or maintenance of a courthouse. Such fee shall not be assessed in any civil action if the amount in controversy is \$500 or less. The additional fee may only be assessed by localities that, on or after January 1, 2009, operated a courthouse not in compliance with the current safety and security guidelines contained in the Virginia Courthouse Facility Guidelines and the courthouse cannot be feasibly renovated to correct the non-compliance. This bill is identical to HB 2311.

Patron - Stolle

PSB1442 Statewide case and financial management systems; interface with circuit courts. Gives the Executive Secretary of the Supreme Court the responsibility for the operation and maintenance of a statewide case management system and financial management system, for related technology improvements, and requires that he permit an interface to any circuit court that uses automation or technology improvements provided by a private vendor or the locality. The costs of designing, implementing, and maintaining any such interface shall be the responsibility of the circuit court clerk. Any expenses incurred by the office of the Executive Secretary, not to exceed \$104,280, related to this system shall be reimbursed through the Technology Trust Fund. This bill is identical to HB 1946.

Patron - Stolle

Failed

PHB1745 Victim witness fee. Increases the fee in criminal cases for the victim witness fund from \$3 to \$12 and

requires that the fee increase each year by one dollar until such time as the fee reaches \$25.

Patron - Pogge

HB1804 Recall of retired judges and justices. Requires the General Assembly to approve retired judges and justices for recall as substitutes.

Patron - Loupassi

HB1865 Duties of the chief judges. Places the authority for recalling judges for duty after retirement with the chief judges of the district and circuit courts.

Patron - Janis

HB1867 Payment of jury costs; civil actions. Provides that, except in cases where Virginia law mandates a trial by jury, a party who requests a jury trial in a civil case shall be assessed any jury costs if he does not substantially prevail on the merits of his case.

Patron - Janis

HB2526 Judicial performance evaluation program. Requires the Survey and Evaluation Research Laboratory of the Center for Public Policy at Virginia Commonwealth University to administer the judicial performance evaluation program for the General Assembly and make annual reports to the Chairmen of the Committees for Courts of Justice of the House and Senate.

Patron - Janis

HB2527 Terms of the Chief Justice of the Virginia Supreme Court. Provides that the chief justice of the Virginia Supreme Court shall serve as chief justice for only two consecutive terms.

Patron - Janis

SB854 Mental health courts; pilot program. Directs the Office of the Executive Secretary of the Supreme Court to establish by January 1, 2010, no less than two and no more than five mental health courts in Virginia for nonviolent offenders with serious mental illnesses. This bill incorporates SB 1503.

Patron - Edwards

SB916 Fees in civil cases. Increases the fee for filing any civil action in general district court to \$100 (currently \$27); and increases the fees for filing a civil action in circuit court to a sliding scale (currently, between \$60 and \$160): in cases seeking recovery up to \$50,000 - fee is \$150; up to \$100,000 - \$200; up to \$250,000 - \$300; up to \$500,000 - \$400; up to \$1,000,000 - \$500; and above \$1,000,000 - \$750.

Patron - Stuart

SB998 Process and service fees. Increases from \$25 to \$35 certain sheriffs' fees for levying upon property or serving an ejectment and from \$25 to \$50 for serving a writ of possession. This bill incorporates SB 1191.

Patron - Miller, J.C.

SB1061 House location surveys. Provides that a house location survey prepared pursuant to the terms of a real estate contract shall be recorded in the deed book of the clerk's office of the county or city in which such real estate lies. The bill also provides that house location surveys prepared pursuant to the terms of real estate contracts shall, unless otherwise provided, be recorded in a book to be known as the deed book.

Patron - Puller

SB1134 Electronic summons system; fees. Allows localities to assess an additional three dollar fee as part of the

costs in each civil, criminal or traffic case to be used solely for an electronic summons system.

Patron - Petersen

SB1191 Process and service fees. Increases from \$25 to \$35 certain sheriffs' fees for levying upon property or serving an ejectment and from \$25 to \$50 for serving a writ of possession. This bill has been incorporated into SB 998.

Patron - Puckett

SB1390 Number of circuit court and district court judges. Designates specific districts and circuits to provide judicial assistance to each other on a regular basis. The designations are made to deal specifically with those districts and circuits where new judgeships have been recommended but not yet created.

Patron - Stolle

SB1434 Terms of the Chief Justice of the Virginia Supreme Court. Provides that the chief justice of the Virginia Supreme Court shall serve as chief justice for only two consecutive terms.

Patron - Cuccinelli

SB1481 Additional local fee; criminal cases. Allows the circuit court clerk to assess a local fee of up to 10 percent of the total fees charged in criminal cases to be retained by the clerk for use in the operation of the clerk's office.

Patron - Ruff

SB1503 Mental health court; Richmond. Requires the Executive Secretary of the Supreme Court to establish a mental health court in the Thirteenth Circuit, Richmond City. This bill is incorporated into SB 854.

Patron - McEachin

SB1540 Home/electronic incarceration; risk assessment. Provides that the risk assessment instrument developed by the Sentencing Commission shall be used to recommend sentencing alternatives for nonviolent offenders, with consideration being given to home/electronic incarceration for low-risk offenders meeting certain criteria.

Patron - Stolle

Crimes and Offenses Generally

Passed

HB1693 Mandatory minimum punishment for DUI; elevated blood alcohol. Adds an additional qualifier in DUI punishment provisions that allows use of blood alcohol testing on whole blood to be admitted into evidence in a DUI prosecution, thus allowing mandatory punishments to be imposed when the blood alcohol concentration is elevated but the test may have been performed in another, e.g., hospital, setting.

Patron - Albo

HB1805 Operation of a motor vehicle without an ignition interlock; penalty. Provides that operation of a motor vehicle without an ignition interlock when such operation is prohibited is a Class 1 misdemeanor and that the person's operator's license shall be revoked for one year. This bill is identical to SB 889.

Patron - Loupassi

HB1842 Protective orders; sexual battery. Expands the authority of a magistrate or judge to issue any stalking pro-

tective order to include issuance when a warrant is issued for sexual battery or aggravated sexual battery. Currently, issuance of such an order predicated on a criminal act is limited to criminal offenses resulting in serious bodily injury or stalking.

Patron - Griffith

HB1851 Purchase of firearms by members of the United States Armed Forces. Allows active duty service members of the United States Armed Forces or the Virginia National Guard to purchase more than one handgun within a 30-day period. The bill has a delayed effective date of January 1, 2010.

Patron - Lingamfelter

HB1868 Underage DUI; penalties. Clarifies that punishment for underage drinking includes, but is not limited to, license forfeiture and either a mandatory minimum fine of \$500 or 50 hours of community service.

Patron - Janis

HB1908 Assault and battery of family or household member; deferred disposition. Rewrites the existing statute for clarity and allows the court to order the person to obtain services from local community-based probation if the services are available or to get alternative treatment. As introduced, this bill was a recommendation of the Committee on District Courts.

Patron - Armstrong

HB2016 Abduction. Expands abduction to include abducting a person with the intent to subject the person to forced labor or services. Intimidation is redefined to include withholding a person's passport or like documents. The bill also adds four new RICO (Racketeer Influenced and Corrupt Organizations) crimes.

Patron - Ebbin

HB2144 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.

Patron - Nutter

HB2178 Possession of ammunition by convicted felons; penalty. Prohibits a convicted felon from possessing ammunition for a firearm and adds a definition of ammunition. A violation is a Class 6 felony.

Patron - Scott, E.T.

HB2275 Drug Treatment Court Act. Establishes a drug treatment court in the Juvenile and Domestic Relations District Court for the County of Franklin, provided that such court is funded solely through local sources. This bill is identical to SB 1304.

Patron - Poindexter

HB2303 DUI blood test refusal form. Provides that Office of the Executive Secretary of the Supreme Court shall make the refusal form available on the Internet and the form shall be considered an official publication of the Commonwealth for the purposes of judicial notice

Patron - Griffith

HB2313 Illegal software, ticket sales; penalty. Provides that resale of event tickets via the Internet is not subject to prohibition by local ordinance. The bill also clarifies the def-

inition of "without authority" in the Computer Crimes Act and the definition of "improper means" in the Uniform Trade Secrets Act and makes a violation of the Uniform Trade Secrets Act a prohibited practice under the Consumer Protection Act. This bill is identical to SB 1384.

Patron - Kilgore

HB2358 Criminal law; 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 961.

Patron - Gilbert

HB2362 Drug offenses; prior convictions. Specifies that prior out-of-state convictions for substantially similar offenses count as prior offenses for the purpose of enhancing punishment for a second offense of manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute a controlled substance or an imitation controlled substance.

Patron - Gilbert

HB2393 Obstruction of justice; animal control officers. Includes animal control officers in the misdemeanor provisions of the obstruction of justice statute.

Patron - Bell

HB2397 Venue for possession of child pornography. Adds a venue provision to the statute that punishes possession, transmission, and reproduction of child pornography to include the jurisdiction where the unlawful act occurs or where any child pornography is produced, reproduced, found, stored, received, or possessed in violation of the statute.

Patron - Bell

HB2402 Identity theft; penalty. Clarifies that to obtain money, credit, or loans by using, without authorization or permission, a person's identifying information is prohibited under the identity theft statutes. This bill is identical to SB 1301.

Patron - Bell

HB2578 Novelty lighters. Defines "novelty lighter" and provides that any individual who sells a novelty lighter to a person he knows or has reason to know is a juvenile is subject to a civil penalty of no more than \$100. This bill incorporates HB 2054.

Patron - Howell, A.T.

HB2595 Charitable gaming; certain permits. Raises the permit exemption threshold from \$25,000 to \$40,000 for all organizations authorized to conduct charitable gaming.

Patron - Lewis

HB2638 Capital murder; auxiliary police officers and fire marshals. Adds auxiliary police officers and auxiliary deputy sheriffs, as well as fire marshals and assistant fire marshals with police powers, to the definition of law-enforcement

officer in the capital murder statute so that the death sentence can be imposed for the murder of such an officer or marshal, when the killing is for the purpose of interfering with the performance of the officer's duties.

Patron - Pogge

PSB877 Carrying concealed weapons; retired law-enforcement officers. Allows retired law-enforcement officers who are qualified under federal law to carry concealed firearms to carry a concealed handgun into a restaurant that serves alcohol.

Patron - Martin

PSB889 Operation of a motor vehicle without an ignition interlock; penalty. Provides that operation of a motor vehicle without an ignition interlock when such operation is prohibited is a Class 1 misdemeanor and that the person's operator's license shall be revoked for one year. This bill is identical to HB 1805.

Patron - McDougle

PSB922 Larceny of money. Allows larceny of bank notes, checks, or other writing or paper of value to be charged as larceny under the grand larceny and petit larceny statutes.

Patron - Reynolds

PSB951 Assault and battery of law-enforcement officer; penalty. Adds Metropolitan Washington Airports Authority police officers to the definition of law-enforcement officer, which means that the punishment for committing an assault and battery on such an officer 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 term of confinement, 30 days of which is a mandatory minimum.

Patron - Howell

PSB961 Redefinition of the triggerman rule; penalty. 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 2358.

Patron - Obenshain

PSB1035 Concealed handguns; restaurants; penalty. Allows a person with a concealed handgun permit to carry a concealed handgun onto the premises of a restaurant or club and prohibits such person from consuming alcoholic beverages while on the premises. 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.

Patron - Hanger

PSB1066 Trains operated by transportation districts. Provides that any person who boards or rides a train operated by or under contract with a transportation district created pursuant to Chapter 45 (§ 15.2-4500 et seq.) of Title 15.2 and willfully and with intent to defraud (i) fails to pay the posted fare published by the transportation district, (ii) fails to properly validate a ticket, (iii) uses a fraudulent or counterfeit ticket, or

(iv) uses a validated ticket outside the designated zone of the paid ride, is guilty of a Class 2 misdemeanor.

Patron - Puller

PSB1069 Capital murder; fire marshals. Adds fire marshals and assistant fire marshals with law-enforcement powers to the capital murder statute so that the death sentence can be imposed for the murder of such a fire marshal.

Patron - Martin

PSB1219 Displaying of noose; penalty. Provides that any person who, with the intent of intimidating any person or group of persons, displays a noose on the private property of another without permission is guilty of a Class 6 felony. It is also a Class 6 felony for a person to, with the intent of intimidating any person or group of persons, display a noose on a highway or other public place in a manner having a direct tendency to place another person in reasonable fear or apprehension of death or bodily injury.

Patron - Obenshain

PSB1300 Assault and battery of family or household member; deferred disposition. Rewrites the existing statute for clarity and allows the court to order the person to obtain services from local community-based probation if the services are available or from an alternative service provider. The bill also requires the court to order the person to be of good behavior for at least two years following deferral of proceedings. This bill is a recommendation of the Committee on District Courts.

Patron - Hurt

PSB1301 Identity theft; penalty. Clarifies that to obtain money, credit, or a loan by using without authorization or permission a person's identifying information is prohibited under the identity theft statutes. This bill is identical to HB 2402.

Patron - Hurt

PSB1304 Drug Treatment Court Act. Establishes a drug treatment court in the Juvenile and Domestic Relations District Court for the County of Franklin, provided that such court is funded solely through local sources. This bill is identical to HB 2275.

Patron - Hurt

PSB1383 Firearm silencers. Repeals the provision that makes it a Class 6 felony to possess a firearm muffler or silencer that is not registered in the National Firearms Registration and Transfer Record.

Patron - Stolle

PSB1384 Illegal software, ticket sales; penalty. Provides that resale of event tickets via the Internet is not subject to prohibition by local ordinance. The bill also clarifies the definition of "without authority" in the Computer Crimes Act and the definition of "improper means" in the Uniform Trade Secrets Act and makes a violation of the Uniform Trade Secrets Act a prohibited practice under the Consumer Protection Act. This bill is identical to HB 2313.

Patron - Stolle

PSB1409 Capital murder; auxiliary police officers. Adds auxiliary police officers and auxiliary deputy sheriffs to the definition of law-enforcement officer in the capital murder statute so that the death sentence can be imposed for the murder of such an officer.

Patron - Norment

SB1462 Drug Treatment Court Act. Authorizes a drug treatment court for the County of Tazewell provided it is funded within existing state and local appropriations.

Patron - Puckett

SB1463 DUI; ignition interlock. Requires installation of an ignition interlock as a condition of license restoration (after the three-year revocation) for a second conviction committed within ten years after a first offense, rather than five years.

Patron - McDougle

SB1528 Concealed handgun permits; handgun competence demonstration. Provides that the completion of a firearms training or safety course conducted by a state-certified or National Rifle Association-certified firearms instructor may be done electronically or on-line.

Patron - Cuccinelli

Failed

HB1689 Fraudulently assisting illegal aliens; penalty. Provides that any person who knows an individual is an alien in the United States unlawfully and 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

HB1702 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

HB1734 Concealed handgun permits. Amends various processes, procedures, and requirements for obtaining a Virginia concealed handgun permit. The bill allows permit applications to be submitted and returned by mail, and specifies that the court may not require any additional information with a permit application other than what is required or authorized by § 18.2-308. If a current permit holder wishes to obtain a replacement permit indicating a change of address, the permit holder is no longer required to provide proof of the new address. The bill allows a court to consider only specific acts of the applicant within the immediately preceding three-year period to determine if the applicant is disqualified from obtaining a permit because the applicant is likely to use a weapon unlawfully or negligently. If the court finds that a person is disqualified from obtaining a permit, it must include the specific Code section that is the basis for the denial. Finally, the bill adds special conservators of the peace to the definition of a "law-enforcement officer" for purposes of § 18.2-308, thereby allowing special conservators of the peace to carry a concealed handgun anywhere in the Commonwealth without a permit, and exempting special conservators of the peace from limitations placed on concealed handgun permit holders, including carrying concealed handguns in restaurants that serve alcohol and carrying handguns on elementary, middle, and high school property.

Patron - Pogge

HB1741 Criminal law; possession or transportation of certain firearms by persons under the age of 18; penalty. Increases from a Class 1 misdemeanor to a Class 6 felony the

possession or transportation of certain firearms by persons under the age of 18.

Patron - Pogge

HB1748 Concealed handgun permit; fingerprints. Clarifies that no locality may require a person who has previously been issued a concealed handgun permit in the Commonwealth to submit to fingerprinting for a new permit.

Patron - Pogge

HB1754 Criminal law; unlawful use of, filling, evacuating, refilling or trafficking in containers. Makes it a Class 3 misdemeanor to evacuate a liquefied petroleum gas container greater than five gallons without the authorization of the owner, and provides that such evacuation of the container is presumptive evidence of the crime.

Patron - Hargrove

HB1755 Crimes; death penalty. Abolishes the death penalty for all Class 1 felonies committed on or after July 1, 2009.

Patron - Hargrove

HB1764 Mandatory minimum term for battery of a teacher. Increases the mandatory minimum term of confinement of a person convicted of battery of a teacher, principal, assistant principal, or guidance counselor of any elementary or secondary school, while engaged in the performance of his duties as such, from two to five days.

Patron - Ingram

HB1781 Juvenile records; confidentiality. Allows the Department of Juvenile Justice to share with law enforcement the information of a juvenile, without request, if the Department reasonably believes that it would aid in a criminal investigation involving a predicate criminal act or a criminal street gang as criminal street gang is defined in § 18.2-46.1. The bill also provides that a local court services unit shall provide information on criminal gang activity to the State Police, a local police department, a sheriff's office, or the locally designated gang coordinator, gang task force, or law-enforcement task force, and that the information shall include identifying information of the juvenile.

Patron - Albo

HB1796 Unsolicited bulk electronic mail (spam); penalty. Creates a Class 1 misdemeanor when a person (1) uses a computer or computer network with the intent to falsify or forge electronic mail transmission information or other routing information in any manner in connection with the transmission of unsolicited commercial electronic mail ("spam") through or into the computer network of an electronic mail service provider or its subscribers; or (2) knowingly sells, gives, or otherwise distributes or possesses with the intent to sell, give, or distribute software that (i) is primarily designed or produced for the purpose of facilitating or enabling the falsification of the transmission information or other routing information of spam; (ii) has only limited commercially significant purpose or use other than to facilitate or enable the falsification of the transmission information or other routing information of spam; or (iii) is marketed by that person acting alone or with another for use in facilitating or enabling the falsification of the transmission information or other routing information of spam. A person is guilty of a Class 6 felony if, in addition to the elements of the Class 1 misdemeanor offense, the volume of spam transmitted exceeds a certain limit or the revenue generated exceeds a certain amount. This bill parallels the existing spam law but limits application to commercial electronic mail. Commercial electronic mail is defined in the bill as electronic mail, the primary purpose of which is the

commercial advertisement or promotion of a commercial product or service (including content on an Internet website operated for a commercial purpose).

Patron - Loupassi

HB1797 Unsolicited bulk electronic mail (spam); penalty. Creates a Class 1 misdemeanor for (1) the use of a computer or computer network to transmit, with the intent to falsify or forge electronic mail transmission information or other routing information, unsolicited bulk electronic mail (spam) through or into the computer network of an EMSP that has implemented anti-spam security measures; or (2) knowingly selling, giving, or otherwise distributing or possessing with the intent to sell, give, or distribute software that (i) is primarily designed or produced for the purpose of facilitating or enabling the falsification of the transmission information or other routing information of spam in an effort to bypass anti-spam security measures of an EMSP; (ii) has only limited commercially significant purpose or use other than to facilitate or enable the falsification of the transmission information or other routing information of spam; or (iii) is marketed by that person acting alone or with another for use in facilitating or enabling the falsification of the transmission information or other routing information of spam. A person is guilty of a Class 6 felony if, in addition to the Class 1 misdemeanor offense, (i) the volume of spam transmitted exceeded 10,000 attempted recipients in any 24-hour time period, 100,000 attempted recipients in any 30-day time period, or one million attempted recipients in any one-year time period; or (ii) the revenue generated from a specific spam transmission exceeded \$1,000 or the total revenue generated from all spam transmitted through any EMSP exceeded \$50,000. This bill parallels the existing spam law but adds provisions requiring that a person bypass an anti-spam security measure implemented by an EMSP to be culpable for the offense.

Patron - Loupassi

HB1801 Special conservators of the peace. Authorizes special conservators of the peace employed by a locality to use flashing blue lights in their vehicles, like other law-enforcement vehicles. The law currently allows special conservators of the peace to use flashing red lights. The bill also exempts special conservators of the peace employed by a locality from the prohibition against wearing a uniform with an insignia containing the seal of Virginia.

Patron - Loupassi

HB1806 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 - Loupassi

HB1807 Transporting marijuana into the Commonwealth; penalty. Provides that except as authorized in the Drug Control Act (§ 54.1-3400 et seq.) it is a Class 6 felony for any person to transport into the Commonwealth by any means with intent to sell or distribute one ounce or more but less than five pounds of marijuana. Currently, there is no penalty for transportation of less than five pounds of marijuana; however, transportation of five pounds or more of marijuana is punishable by five to 40 years imprisonment with a 3-year mandatory minimum term plus a \$1,000,000 fine. Whereas this bill expands the application of the unlawful drug transportation statute to include a small amount of marijuana, it also expands, by reference to the code section amended in this bill, the application of the criminal gang predicate crimes, the presumption

against bail, and the inability to petition for restoration of voting rights.

Patron - Loupassi

HB1811 Deferred disposition in criminal cases. Allows a court to defer and dismiss any criminal case other than Class 4 felonies or more severe felonies, violent felonies, crimes that require registration on the sex offender registry, certain felony sex crimes, manslaughter, and DUI. Deferred disposition would be available to a person even though he had previously availed himself of deferred disposition or had been previously convicted of a crime, except in the interests of justice.

Patron - Morrissey

HB1821 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.

Patron - Johnson

HB1822 Possession of handguns on school property; concealed handgun permittees. Exempts concealed handgun permit holders from the prohibition against carrying handguns onto the property of a public, private, or religious elementary, middle, or high school.

Patron - Johnson

HB1954 Transfer of custody in a DUI arrest. Allows a law-enforcement officer to arrest without a warrant any person whom the officer has probable cause to suspect of driving while intoxicated or committing certain DUI-related offenses in the officer's presence and to thereafter transfer custody of the person suspected of any such violation to another officer, who may obtain a warrant based upon statements made to him by the arresting officer. Currently this transfer authority exists only for arrests made for drunk boating. This bill was incorporated into HB 2245.

Patron - Mathieson

HB1979 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.

Patron - McClellan

HB2004 Affirmative defense that silencer is registered. Shifts the burden of proof that a firearm silencer is registered or not from the Commonwealth to the defendant. Possession of an unregistered firearm silencer is unlawful, a Class 6 felony.

Patron - Crockett-Stark

HB2025 Charitable gaming; use of proceeds; audit fee. Allows proceeds from charitable gaming to be used for those expenses relating to the acquisition, construction, maintenance, or repair of any interest in real or personal property involved in the operation of the organization and used for law-

ful religious, charitable, community, or educational purposes. Currently, proceeds may be used only for real property. The bill also based the annual audit fee on net receipts and not gross receipts.

Patron - Marshall, D.W.

HB2041 DUI ignition interlock limitations. Provides that a person who is convicted of DUI is required to have an ignition interlock on the first offense as a condition of a restricted license. Currently, the requirement for an interlock is only imposed upon a second offense or when the offender's BAC is above 0.15 percent.

Patron - Iaquinto

HB2053 Charitable gaming; prohibited acts; exceptions. Provides that where a qualified organization that (i) is exempt from taxation pursuant to § 501 (c) of the Internal Revenue Code and (ii) owns the building or other premises utilized in whole or in part for the purpose of conducting bingo games, such organization may conduct more frequent operations of bingo games, not to exceed four calendar days in any calendar week. The bill also increases bingo prize amounts, allows non-members of an organization to operate bingo games provided they are under the direct supervision of a member, and limits to 50 the number of bingo games in a session.

Patron - Gear

HB2054 Sale or purchase of novelty cigarette lighters; fine. Provides that any person who sells to, distributes to, purchases for or knowingly permits the purchase by any person less than 18 years of age, knowing or having reason to believe that such person is less than 18 years of age, any cigarette lighter that is not readily identifiable as such, is subject to a fine of no more than \$100 and that any person less than 18 years of age who attempts to purchase a cigarette lighter that is not readily identifiable as such is likewise subject to a fine of no more than \$100. This bill was incorporated into HB 2578.

Patron - Lohr

HB2131 Gang-free zones; enhanced punishment. Establishes gang-free zones on certain types of public property and on private property upon petition by residents within the zone. Within such zones, criminal gang activity is subject to enhanced criminal penalties.

Patron - Miller, J.H.

HB2189 Criminal law; prohibition against disposal of dead body; penalty. Increases from a Class 1 misdemeanor to a Class 6 felony the disposal of a dead body (i) on private property without the written permission of the landowner or (ii) on public property.

Patron - Phillips

HB2227 Concealed weapons. Adds weapons designed to expel a projectile at a speed of more than 250 feet per second by action of compressed air or gas, such as an airsoft gun, to the list of weapons that are prohibited from being carried concealed.

Patron - Marsden

HB2245 Transfer of custody in a DUI arrest, etc. Allows a law-enforcement officer to arrest without a warrant any person whom the officer has probable cause to suspect of driving while intoxicated or committing certain DUI-related offenses in the officer's presence and to thereafter transfer custody of the person suspected of any such violation to another officer, who may obtain a warrant based upon statements made to him by the arresting officer. Currently this transfer authority exists only for arrests made for drunk boating. The bill also provides that a law-enforcement officer may arrest, without a

warrant, any person who commits any misdemeanor or traffic infraction, or substantially similar local ordinance, not committed in his presence, if he receives a message, from another officer who personally observed the violation, provided that the observing officer sends the message after he observes the alleged offense and positively identifies the alleged offender to the arresting officer. This bill incorporates HB 1954.

Patron - Barlow

HB2271 Telephone trespass; penalty. Provides that any person who uses a telephone to place a call to another person after the caller has been given notice by the recipient of the call that he has no permission to do so is guilty of a Class 3 misdemeanor.

Patron - Poindexter

HB2331 Sale of raffle tickets. Provides that raffle tickets may be sold by and that the proceeds of sale shall not be included in determining the gross receipts for a qualified organization. Currently this is limited to instant bingo, pull tabs and seal cards.

Patron - Athey

HB2359 Tracking of ephedrine and pseudoephedrine; pilot program. Requires the Board of Pharmacy, in conjunction with local law-enforcement officials, to establish a mandatory pilot program in the Counties of Page, Clarke, Frederick, Rockingham, Shenandoah, and Warren to implement an electronic recordkeeping system of the transactions involving the distribution of ephedrine and pseudoephedrine as required by state law. This bill is contingent upon funds being provided by a third party or agency, such that there will be no cost to participating pharmacies.

Patron - Gilbert

HB2436 Assault and battery of emergency room personnel; penalty. Provides that the punishment for assault and battery upon a physician, physician's assistant, nurse, or nurse practitioner while engaged in the performance of his duties as an emergency health care provider in an emergency room of a hospital or clinic or on the premises of any other facility rendering emergency medical care is a Class 6 felony, with a mandatory minimum punishment of six months incarceration.

Patron - Peace

HB2468 Expungement of marijuana charges. Provides that any person who has been convicted of a charge of possession of marijuana or 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 the expungement to be made available to any attorney for the Commonwealth upon request.

Patron - Morgan

HB2481 Criminal law; registration of machine guns. Requires any registrant to forthwith notify the Superintendent of State Police, in writing, of the change of address of the registrant or permanent change of the physical location of the machine gun.

Patron - Ward

HB2492 Assault and battery of law-enforcement officer; penalty. Adds Metropolitan Washington Airports Authority police officers to the definition of law-enforcement officer, which means that the punishment for committing an

assault and battery on such an officer 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 term of confinement, 30 days of which is a mandatory minimum.

Patron - Miller, P.J.

HB2498 Assault and battery against a family or household member; authority to defer and dismiss. Provides that a court shall not defer disposition in and discharge and dismiss a criminal proceeding against a person for violation of § 18.2-57.2 (assault and battery against a family or household member) if it finds, among the facts that would justify a finding of guilt, that the accused, during the commission of such offense, knew that a third person, younger than 18 years of age, was physically present.

Patron - Iaquinto

HB2579 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

HB2585 Capital murder; auxiliary police officers. Adds uncompensated auxiliary police officers and auxiliary deputy sheriffs to the definition of law-enforcement officer in the capital murder statute so that the death sentence can be imposed for the murder of such an officer. This bill was incorporated into HB 2638.

Patron - Poisson

HB2610 Charitable Gaming; one-time raffle. Requires the Division of Charitable Gaming to contract with the State Lottery Department to provide administrative and marketing support for a one-time raffle conducted by a qualified organization as defined in § 18.2-340.16, the proceeds, after payment of expenses, prizes, and 20 percent to the Virginia Film Incentive, shall be paid to the qualified organization conducting the raffle. The bill sets out the requirements for the conduct of the raffle.

Patron - Ware, O.

HB2633 Assault and battery on a campus police officer. Adds campus police officers appointed pursuant to the provisions of Chapter 17 (§ 23-232 et seq.) of Title 23 to the list of officers who, when victims of assault and battery, subject the perpetrator to enhanced punishment, a Class 6 felony instead of a Class 1 misdemeanor.

Patron - Cline

HB2634 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

SB816 Assault and battery; fire marshals. Adds fire marshals and assistant fire marshals who have police powers 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 - Locke

SB835 Criminal law; fee for person entering VASAP. Increases from \$250 to \$300 the minimum fee and from \$300 to \$360 the maximum fee for persons entering VASAP. Upon each biennium beginning July 1, 2012, the maximum fee will increase by a percentage equal to the increase in the Consumer Price Index calculated from the time the fee was last set.

Patron - Locke

SB952 School property; sale of certain medicines. Makes the sale of over-the-counter medicines containing dextromethorphan on school property a Class 1 misdemeanor.

Patron - Stuart

SB999 Illegal gambling. Revises one portion of the definition of illegal gambling by deleting "a matter of chance" and inserting "contains any element of chance."

Patron - Quayle

SB1099 Financial exploitation of incapacitated adults; penalty. Creates the crime of financial exploitation of an incapacitated adult when a person responsible for the adult (i) knowingly and willfully uses, obtains, takes, secretes, appropriates, or retains the adult's real or personal property or other thing of value with the intent to defraud or with the intent to temporarily or permanently deprive the incapacitated adult of the use, benefit, or possession of the subject property or (ii) assists another in doing so. The penalty is a Class 1 misdemeanor if the value is less than \$200 in a six-month period and a Class 6 felony if the value is \$200 or more in a six-month period.

Patron - Herring

SB1121 Division of Charitable Gaming; conduct of fifty-fifty certain raffles. Authorizes a qualified organization to conduct a raffle commonly referred to as a fifty-fifty raffle subject to certain limitations. The bill also provides that the proceeds from the from a fifty-fifty raffle shall not be included in determining the gross receipts for the qualified organization provided the gaming (i) is limited exclusively to members of the organization and their guests, (ii) is not open to the general public, and (iii) there is no public solicitation or advertisement made regarding such gaming.

Patron - Colgan

SB1136 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 - Petersen

SB1166 Criminal records check; purchase of firearms. Increases the fee paid to firearms dealers for criminal history record information checks from \$2 to \$5 for Virginians and from \$5 to \$8 for persons living out-of-state. The bill also provides that data and forms submitted to and maintained by the Department of State Police for such criminal history checks and purchases may not be inspected by the public.

Patron - Watkins

SB1208 Obtaining or attempting to obtain commercial goods or services without payment; penalty. Provides that any person who knowingly, with the intent to defraud, obtains or attempts to obtain, any commercial goods or services without paying therefor is guilty of a Class 1 misdemeanor if the value of the goods or services is less than \$200, and is guilty of a Class 6 felony if the value of the goods or services is \$200 or more.

Patron - Puckett

FSB1254 Concealed handgun permits. Makes changes to the procedures governing the application for a concealed handgun permit and the carrying of a concealed handgun in the Commonwealth. The bill provides that a conviction from another state for driving while intoxicated or for drunkenness in public disqualifies an individual from obtaining a concealed handgun permit. The bill also requires that a nonresident carrying a concealed handgun in the Commonwealth with either a reciprocal permit from another state or a Commonwealth-issued nonresident permit display photo identification along with the permit, upon request of a law-enforcement officer.

Patron - Marsh

FSB1257 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

FSB1333 Paramilitary activity; penalty. Makes it a Class 5 felony to provide land or other resources knowing that it will be used to conduct illegal paramilitary activities.

Patron - Cuccinelli

FSB1420 Charitable Gaming; one-time raffle. Requires the Division of Charitable Gaming to contract with the State Lottery Department to provide administrative and marketing support for a one-time raffle conducted by a qualified organization as defined in § 18.2-340.16, the proceeds, after payment of expenses, prizes, and 20 percent to the Virginia Film Incentive, shall be paid to the qualified organization conducting the raffle. The bill sets out the requirements for the conduct of the raffle.

Patron - Lucas

FSB1422 Criminal penalties; larceny. Creates a new class of misdemeanor, called an "aggravated misdemeanor", allowing for up to two years of incarceration and/or a fine of up to \$2,500, for crimes including, but not limited to, larceny offenses between \$200 and \$500, second offense petit larceny, second offense of a violation of a protective order within five years, recruiting another into a street gang, assault and battery hate crimes, assault and battery of school personnel, second offense domestic assault, second offense stalking, second offense DUI crimes, third offense of driving on a suspended sentence, and driving after having been declared an habitual defendant. The bill also creates the crime of conspiracy to commit petit larceny and allowing for the amount of all goods stolen pursuant to such a conspiracy to be aggregated for any six-month period. Multijurisdictional grand juries are empowered to investigate and issue indictments for grand larceny and conspiracy to commit larceny. The bill adds larceny to the offenses that comprise a "predicate criminal act" as for the purposes of criminal gang activity and raises the threshold amount for grand larceny from \$200 to \$500.

Patron - Stolle

FSB1424 DUI; prior offenses. Provides a definition of "substantially similar" for the purpose of determining when an out-of-state DUI conviction can be used to enhance punishment for a current Virginia DUI offense. Out-of-state laws that criminalize driving with a prohibited blood alcohol content of .08 percent or more by weight by volume or .08 grams or more per 210 liters of breath are deemed to be substantially similar

offenses. In addition, a driving under the influence conviction in a state contiguous to the Commonwealth or in the District of Columbia is deemed to be substantially similar.

Patron - Martin

FSB1428 Admissibility of evidence of nonuse of safety lap belts and shoulder harness in civil actions. Provides that a violation of certain statutes relating to the installation or use of safety lap belts and shoulder harnesses or the use of child restraint devices may be considered in mitigation of damages of whatever nature, be admissible in evidence, or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a motor vehicle.

Patron - Quayle

FSB1518 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 - Stolle

Criminal Procedure

Passed

PHB1850 Medical examiner reports; admissibility. Provides that any statement of fact or opinion in a medical examiner's report concerning the physical or medical cause of death is admissible in a preliminary hearing as evidence of the cause of death as long as it does not allege any conduct by the accused.

Patron - Lingamfelter

PHB1866 Court-established community service programs. Provides that a court has the discretion to allow persons upon whom fines and costs have been imposed the option to discharge all or part of the fines or costs through the performance of community service.

Patron - Janis

PHB1874 Power of magistrates to issue felony arrest warrants. Provides that a magistrate may not issue an arrest warrant for a felony offense upon the basis of a complaint by a person other than a law-enforcement officer without prior consultation by the magistrate with the attorney for the Commonwealth or, if no attorney for the Commonwealth is available, without prior consultation with a law-enforcement agency. The bill also provides that a written complaint shall be required whenever practicable if the complainant is not a law-enforcement officer.

Patron - Cosgrove

PHB1968 Failure to comply with sentencing order. Provides that whenever a person willfully and knowingly fails to surrender or submit to the custody of a sheriff as ordered by a court, any law-enforcement officer, with or without a warrant, may arrest the person anywhere in the Commonwealth. If the arrest is made in the county or city in which the person was ordered to surrender, or in an adjoining county or city, the officer may forthwith return the accused before the proper court. If the arrest is made elsewhere, the officer shall proceed according to the provisions of § 19.2-76, and if the arrest is made without a warrant, the officer shall procure a warrant