

**SB862 Special license plates; supporters of the Friends of the Blue Ridge Parkway, Inc.** Authorizes the issuance of revenue-sharing special license plates to members and supporters of the Friends of the Blue Ridge Parkway, Inc. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other nonrevenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 would go to the Friends of the Blue Ridge Parkway, Inc. to support its operation and programs in Virginia. This bill was incorporated into SB 817.

*Patron - Edwards*

**SB874 Use of mobile telephone and other wireless electronic devices while driving.** Provides that, with certain exceptions, no person may use a mobile telephone or other wireless electronic telecommunications device while operating a moving motor vehicle on any public highway in the Commonwealth unless such mobile telephone or other wireless electronic telecommunications device is equipped with a hands-free accessory. This bill incorporates SB 966.

*Patron - Ticer*

**SB933 Mufflers on motorcycles.** Provides that motorcycles shall use a muffler system in good working order that meets federal standards.

*Patron - Puller*

**SB937 Vehicle license plates.** Provides for display of one license plate on vehicles. This bill is identical to HB 1731.

*Patron - Cuccinelli*

**SB966 Wireless telecommunications devices.** Prohibits, except for emergency 911 calls, the use of any cellular telephone, mobile telephone, or other wireless telecommunications device while operating a motor vehicle, unless the device is configured for hands-free operation. This bill was incorporated into SB 874.

*Patron - Blevins*

**SB970 Safety belts.** Makes non-use of safety belts a primary offense. This bill was incorporated into SB 1161. This bill is identical to HB 2253 and HB 2339.

*Patron - Blevins*

**SB1023 Real ID; alternative verification system.** Requires the Department of Health's Office of Vital Records, along with the Department of Motor Vehicles and other appropriate state and local agencies, to develop and implement a plan to provide Virginia resident verification, as an alternative to the requirements of the federal Real ID Act of 2005. The measure specifies that Virginia shall not comply with the unfunded mandates of the Real ID Act.

*Patron - Hanger*

**SB1048 Temporary vehicle registrations; overload and overweight permits; fees.** Revises the fees for temporary vehicle registrations and vehicle overload and overweight permits.

*Patron - Miller, Y.B.*

**SB1054 Special license plates; supporters of the Washington Capitals hockey team.** Authorizes the issuance of revenue-sharing special license plates to supporters of the Washington Capitals hockey team. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other nonrevenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 will go to the

Washington Capitals Charities to support its operation and programs in Virginia. This bill was incorporated into SB 817.

*Patron - Whipple*

**SB1084 Learner's permit fees; requirements for issuance of driver's licenses to minors.** Requires that minor applicants for a driver's license show they have successfully completed, with a parent or guardian, an in-person 90-minute or longer driver safety course prescribed by DMV. The bill also increases the learner's permit issuance fee from \$3 to \$8; the additional \$5 is to be retained by DMV to cover its costs associated with this new requirement.

*Patron - Howell*

**SB1108 Special license plates; Mid-Atlantic Regional Spaceport (MARS).** Authorizes the issuance of special license plates displaying the logotype of the Mid-Atlantic Regional Spaceport (MARS). This bill was incorporated into SB 817.

*Patron - Northam*

**SB1138 Regulation of parking on public highways.** Allows counties and towns that may by ordinance regulate the parking of (i) watercraft, (ii) boat trailers, (iii) motor homes, and (iv) camping trailers also to regulate or prohibit vehicles transporting commercial freight externally. The bill also replaces circumlocutions with the names of the localities to which those circumlocutions apply.

*Patron - Petersen*

**SB1161 Safety belts.** Makes non-use of motor vehicle safety belts a "primary offense." This bill incorporates SB 970. This bill is identical to HB 2339 and HB 2253.

*Patron - Saslaw*

**SB1167 Transportation surcharge; special license plates; license plates bearing reserved numbers or letters.** Allows the Commissioner to impose a transportation surcharge not to exceed \$10 per year on the issuance or renewal of most special license plates and license plates bearing reserved numbers or letters.

*Patron - Watkins*

**SB1168 DMV records.** Authorizes DMV to contract with the U.S. Postal Service to get updated addresses for the Department's records from the National Change of Address System.

*Patron - Watkins*

**SB1209 Special license plates; Appalachian School of Law and University of Appalachia College of Pharmacy.** Authorizes the issuance of revenue-sharing special license plates to supporters and alumni of the Appalachian School of Law and the University of Appalachia College of Pharmacy. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other nonrevenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 will go to the Appalachian School of Law or the University of Appalachia College of Pharmacy to support its operations and programs in Virginia. The provisions of § 46.2-749 of the Code dealing with "college logo" special license plates generally will not apply to these plates. This bill was incorporated into SB 817.

*Patron - Puckett*

**SB1227 Provisional driver's license holders.** Makes cell phone use while driving by a provisional driver's license holder a "primary offense."

*Patron - Barker*

**SB1239 Pedestrians and drivers; responsibilities.** Sets out the responsibilities of pedestrians and drivers at marked and unmarked crosswalks.

*Patron - Barker*

**SB1261 Speed limits in business and residence districts.** Allows towns to increase the 25 mph speed limit on roads in business and residence districts if the roads carry high volumes of traffic and no businesses or residences front the road where the speed limit would be increased.

*Patron - Vogel*

**SB1265 Unattended children in a motor vehicle.** Amends the definition of abused or neglected child to provide that leaving a child under six in a car unattended is abuse or neglect if it is done with reckless disregard for the child's health or safety.

*Patron - Vogel*

**SB1360 Motor vehicle liability insurance coverage limits; penalty.** Increases the minimum motor vehicle liability insurance coverage amounts from \$25,000 to \$100,000 in cases of bodily injury to or death of one person, from \$50,000 to \$300,000 in cases of bodily injury to or death of more than one person in any one accident, and from \$20,000 to \$100,000 for property damage coverage. The measure also repeals provisions that allow for the registration of uninsured motor vehicles upon payment of a \$500 uninsured motor vehicle fee and that provide for disposition of such funds through the Uninsured Motorist Fund. The penalty for violating certain requirements regarding the registration and operation of uninsured motor vehicles is increased from a Class 3 misdemeanor to a Class 1 misdemeanor.

*Patron - Reynolds*

**SB1370 Branding of titles; repaired or rebuilt vehicles.** Provides that the title for a repaired or rebuilt vehicle shall be branded with the term "Repaired" or "Rebuilt" printed on the title. This bill is identical to HB 1824.

*Patron - Ruff*

**SB1402 Improper driving; penalty.** Increases the maximum penalty from \$500 to \$1,000.

*Patron - Norment*

**SB1408 Safety belt enforcement.** Allows for primary enforcement of safety belt requirements when violations are observed by law-enforcement officers at traffic safety checkpoints.

*Patron - Norment*

**SB1444 Wireless telecommunications devices.** Prohibits use of wireless telecommunications devices while operating commercial motor vehicles.

*Patron - Martin*

**SB1488 Special license plates; MAPGA Scholarship Foundation.** Authorizes the issuance of revenue-sharing special license plates to supporters of the Middle Atlantic Professional Golfers' Association (MAPGA) Scholarship Foundation. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other nonrevenue-sharing special license plates. For each set of plates issued (after the first 1,000 sets), \$15 will go to the Middle Atlantic Professional Golfers' Association Scholarship Foundation to support its program of providing college scholarships to junior golfers in Virginia. This bill was incorporated into SB 817.

*Patron - Vogel*

**SB1491 Special license plates; supporters of the Shenandoah National Park Association.** Authorizes the issuance of revenue-sharing special license plates to supporters of the Shenandoah National Park Association. This bill was incorporated into SB 817.

*Patron - Deeds*

**SB1500 Overload and overweight permits; fees.** Requires the Commonwealth Transportation Board, in consultation with the Commissioner of the Department of Motor Vehicles, to establish a new schedule of fees for issuance of overweight and overload vehicle permits. Such fees shall not apply to all vehicles hauling cargoes subject to a coal or gas severance tax.

*Patron - Barker*

**SB1502 Safety belt use.** Extends requirement for safety belt use to all occupants of a motor vehicle, not just those in the front seat.

*Patron - Barker*

**SB1526 Special license plates; REMEMBERING PEARL HARBOR.** Authorizes the issuance of special license plates bearing the legend: REMEMBERING PEARL HARBOR. This bill was incorporated into SB 817.

*Patron - Blevins*

**SB1538 Motorcycles.** Provides that three-wheeled motor vehicles manufactured in the UK from 1909 to 1952 and commonly known as Morgan Three-Wheelers will be deemed passenger cars and not motorcycles for all purposes of Title 46.2 (Motor Vehicles).

*Patron - Petersen*

## Notaries and Out-of-State Commissioners

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### Passed

**SB833 Notaries public.** Provides that equipment, security, and technological standards for electronic notarization shall be developed by the Secretary of the Commonwealth with the assistance of the Virginia Information Technologies Agency. The process for developing and maintaining such standards shall be exempt from the Administrative Process Act. In addition, the bill requires that applicants submit a registration form for registering and being commissioned as an electronic notary public, which shall include certification of compliance to the Secretary of the Commonwealth with the aforementioned electronic notary standards developed. Furthermore, the bill provides that a notary's electronic signature and seal shall conform to the developed standards for electronic notarization. This bill contains an emergency clause.

*Patron - Locke*

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### Partnerships

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### Passed

**SB1328 Limited liability partnerships; cancellation of status.** Provides for the cancellation, rather than the revocation, of registered limited liability partnership status. The revision conforms these provisions to those applicable to other

business entities. The measure also (i) provides for the automatic cancellation of status of a domestic or foreign partnership if its registered agent resigns and a replacement is not timely appointed; (ii) requires a written application for restoration of status as a registered limited liability partnership; and (iii) makes technical changes.

*Patron - McEachin*

## Pensions, Benefits and Retirement

### Passed

**PHB1647 Retirement benefits for City of Danville's sheriff.** Requires the City of Danville to provide retirement benefits to deputy sheriffs that are equivalent to those provided to State Police officers.

*Patron - Marshall, D.W.*

**PHB2065 Virginia Retirement System; regional jails.** Requires regional jail boards and authorities (and localities participating in such boards and authorities) participating in the Virginia Retirement System to provide retirement benefits comparable to the benefits provided to state police officers to the regional jail's superintendent and sworn officers.

*Patron - Hamilton*

**PHB2068 Virginia Retirement System; notarizing certain forms.** Removes the requirement that certain forms be notarized.

*Patron - Tata*

**PHB2069 Virginia Retirement System; health insurance credits for retired teachers.** Makes a technical change that corrects a cross-reference to a subsection in the statute.

*Patron - Tata*

**PHB2128 Virginia Retirement System; members disabled or killed while in the military.** Modifies several provisions governing the benefits of members who are disabled or killed, to comport with the federal Heroes Earnings Assistance and Relief Tax Act ("HEART Act") for those members disabled or killed in action in the military.

*Patron - Cox*

**PHB2346 Pensions paid to the widows and maiden or widowed daughters of Confederate veterans.** Repeals § 51.1-900, relating to the pensions paid to the widows and maiden or widowed daughters of Confederate veterans. This bill is a recommendation of the Virginia Code Commission.

*Patron - Landes*

**SB919 Teacher's retirement allowance.** Extends the July 1, 2010, sunset date to July 1, 2015, for provisions allowing retirees to be hired as teachers or administrative personnel without interruption of their retirement benefits.

*Patron - Reynolds*

**SB1306 Retirement benefits for City of Danville's sheriff.** Requires the City of Danville to provide retirement benefits to its deputy sheriffs equivalent those provided under the State Police Officers' Retirement System.

*Patron - Hurt*

### Failed

**FHB1589 Virginia Retirement System; duty of employers to correct erroneous records.** Requires employers participating in the Virginia Retirement System (VRS) to use due diligence to provide accurate records to the VRS Board and to correct any such records that are erroneous. If the employer fails to use due diligence to correct any such erroneous records after notification by the employee adversely affected, then the employee may recover reasonable attorney fees incurred in correcting the records.

*Patron - Orrock*

**FHB1632 Virginia Retirement System; membership.** Adds to the membership of the Virginia Retirement System all full-time employees of the Virginia Municipal League and the Virginia Association of Counties.

*Patron - Kilgore*

**FHB1684 Virginia Retirement System; retirees hired as nurses.** Provides that retired persons who are members of the Virginia Retirement System may be hired as nurses without interrupting their retirement benefits under the following conditions: (i) the person has been receiving such retirement allowance for a minimum period of time as jointly determined by VRS and the Joint Legislative Audit and Review Commission; (ii) the person has not retired pursuant to an early retirement incentive; and (iii) the person did not voluntarily resign or voluntarily retire under the Workforce Transition Act of 1995.

*Patron - Valentine*

**FHB1742 Local deferred compensation plans.** Permits a locality to provide for automatic enrollment of all employees in a deferred compensation plan.

*Patron - Pogge*

**FHB1818 Mandatory retirement age for judges.** Increases the mandatory retirement age for judges from age 70 to age 75. This is a recommendation of Judicial Council.

*Patron - Kilgore*

**FHB1827 Virginia Retirement System; authority to manage and invest certain funds.** Authorizes the Virginia Retirement System to manage and invest funds in a trust or equivalent arrangement established by a local government or other local entity to fund certain postemployment benefits. The bill would provide that the Commonwealth would not be liable for any losses suffered by a local entity, or a trust or equivalent arrangement established by the local entity, on investments of such funds made by the Virginia Retirement System. In addition, no officer, director, or member of the Board of the Virginia Retirement System or of any advisory committee thereof or any subsidiary corporation of the Virginia Retirement System whose actions are within the standard of care of a prudent person acting in a like capacity would be liable for any investment losses.

*Patron - Fralin*

**FHB1858 Virginia Retirement System; optional increase for political subdivisions.** Permits any locality that participates in the Virginia Retirement System to increase the retirement allowance for its employees from 1.70 percent of their average final compensation multiplied by the amount of their creditable service to 1.85 percent of their average final compensation multiplied by the amount of their creditable service.

*Patron - Shannon*

**HB1911 Teacher's retirement allowance.** Extends the July 1, 2010, sunset date to July 1, 2015, for provisions allowing retirees to be hired as teachers or administrative personnel without interruption of their retirement benefits.

*Patron - BaCote*

**HB1949 Retirement; teachers and administrative faculty of institutions of higher education.** Provides that teachers and administrative faculty of institutions of higher education who are covered under an optional retirement plan (in lieu of the Virginia Retirement System) and have 10 years of service with the Commonwealth may make a one-time, irrevocable election to transfer into VRS.

*Patron - Shuler*

**HB1998 Virginia Retirement System; purchase of prior service credit.** Removes the cap (four years) on the number of years of creditable service a member may purchase for prior service at a private institution of higher education when the private institution is merged with a public institution of higher education.

*Patron - Vanderhuy*

**HB2026 Virginia Employee Voluntary Accounts Program.** Creates the Virginia Employee Voluntary Accounts Program. Under the program, private employers with not more than 50 employees that have not offered a payroll savings deduction plan to employees in the preceding year may enroll to offer tax-deferred retirement plans to their employees. The Program will be administered by a board of directors, which is authorized to hire a director and staff, and to retain a financial institution to serve as third-party administrator for the management of the assets of the Program. The Program is not authorized to accept enrollees or funds until a plan of operation for the Program has been approved by the Internal Revenue Service.

*Patron - Marshall, D.W.*

**HB2139 Virginia Retirement System; retirees hired as school board security personnel.** Provides that retired persons who are members of the Virginia Retirement System, the State Police Officers' Retirement System, or the Virginia Law Officers' Retirement System may be hired as local school board security personnel without interruption of their retirement benefits under the following conditions: (i) the person has been receiving such retirement allowance for a minimum period of time as jointly determined by the Virginia Retirement System and the Joint Legislative and Audit Review Commission; (ii) the person has not retired pursuant to an early retirement incentive; and (iii) the person did not voluntarily resign or voluntarily retire under the Workforce Transition Act of 1995.

*Patron - Miller, J.H.*

**HB2143 Virginia Retirement System; purchase of prior service credit by teachers.** Permits teachers whose time period to purchase prior service credit at the rate of five percent of creditable compensation has expired under current law to make such purchase during the period July 1, 2009, through December 30, 2009.

*Patron - Nutter*

**HB2146 Virginia Retirement System; local school board members.** Adds school board members to the Virginia Retirement System membership.

*Patron - Nutter*

**HB2154 Virginia Retirement System; defined contribution retirement plan.** Creates a new defined contribution

retirement plan for all employees who begin employment on or after July 1, 2009, in lieu of participating in any other retirement plan administered by the Virginia Retirement System. All other employees may elect to participate in the plan in lieu of participating in any other retirement plan administered by the Virginia Retirement System.

*Patron - Purkey*

**HB2280 Virginia Law Officers' Retirement System.** Provides that the supplemental allowance currently paid to certain members upon retirement until age 65 would instead be paid until Social Security retirement age.

*Patron - Bowling*

**HB2357 Virginia Retirement System; investments related to state sponsor of terrorism.** Requires the Virginia Retirement System, under certain circumstances, to divest itself of investments in companies meeting certain criteria gauged to be related to a state sponsor of terrorism.

*Patron - Gilbert*

**HB2457 Virginia Retirement System; investments related to Iran.** Requires the Virginia Retirement System, under certain circumstances, to divest itself of investments in companies investing substantial amounts in Iran's petroleum sector, which significantly enhances Iran's ability to develop its petroleum resources.

*Patron - O'Bannon*

**SB814 Retirement System; purchase of service by school division superintendents.** Changes the formula for the additional service required of school division superintendents in order to fully earn credit for retirement service that has been purchased by the superintendent or by the local school board on his behalf. This bill would only apply to the additional 10 years of retirement service that may be purchased by school division superintendents under § 51.1-142.3 of the Code of Virginia.

*Patron - Locke*

**SB856 Mandatory retirement age for judges.** Increases the mandatory retirement age for judges from age 70 to age 75. This is a recommendation of Judicial Council.

*Patron - Edwards*

**SB953 Prior service credit; graduate teaching assistants.** Allows a member in service to purchase retirement credit for prior service rendered as a graduate teaching assistant of an institution of higher education.

*Patron - Stuart*

**SB1056 Virginia Retirement System; retirees hired as nurses.** Provides that retired persons who are members of the Virginia Retirement System may be hired as nurses without interrupting their retirement benefits under the following conditions: (i) the person has been receiving such retirement allowance for a minimum period of time as jointly determined by VRS and the Joint Legislative Audit and Review Commission; (ii) the person has not retired pursuant to an early retirement incentive; and (iii) the person did not voluntarily resign or voluntarily retire under the Workforce Transition Act of 1995. The provisions of the act will expire on July 1, 2015.

*Patron - Whipple*

**SB1193 Virginia Law Officers' Retirement System; reemployment after prior election of benefits.** Makes changes to the election of retirement benefits for employees in the Virginia Law Officers' Retirement System on July 1, 2001. If an employee at the time elected to take a compensation supplement, the employee was eligible to receive the supplement

at the time he ceased employment, and the employee ceased employment and was reemployed in a position eligible for the allowance after a break in service of less than a year, and meets other criteria, such employee would be eligible to keep his original election of the supplement in lieu of a two-percent compensation multiplier.

*Patron - Puckett*

**SB1205 Local Government Manager and Constitutional Officer Retention Program; retirement benefits.** Permits localities to elect to provide unreduced early retirement benefits and the additional allowance provided to State Police Officers to (i) constitutional officers, with the exception of the sheriff, with at least 27 years of service as a constitutional officer, or (ii) the chief local executive employee, who (a) has attained the age of 50, (b) has held such position in the locality for at least 15 consecutive years, and (c) has at least 20 years of creditable service with the Virginia Retirement System.

*Patron - Puckett*

**SB1234 Virginia Retirement System; retirees hired as school board security personnel.** Provides that retired persons who are members of the Virginia Retirement System, the State Police Officers' Retirement System, or the Virginia Law Officers' Retirement System may be hired as local school board security personnel without interruption of their retirement benefits under the following conditions: (i) the person has been receiving such retirement allowance for a minimum period of time as jointly determined by the Virginia Retirement System and the Joint Legislative and Audit Review Commission; (ii) the person has not retired pursuant to an early retirement incentive; and (iii) the person did not voluntarily resign or voluntarily retire under the Workforce Transition Act of 1995.

*Patron - Barker*

**SB1327 Health insurance credits for retired school division employees.** Expands the recipients of the health insurance credits currently going to retired teachers to all retired employees of local school divisions.

*Patron - McEachin*

**SB1355 State and local trusts for providing postemployment public benefits.** Creates trusts or equivalent arrangements to fund the costs of providing postemployment benefits other than pensions for the Commonwealth and for counties, cities, towns, school divisions, and other political subdivisions of the Commonwealth.

*Patron - Wagner*

**SB1378 Purchase of prior service credit by teachers.** Provides teachers with six years of teaching experience in the Commonwealth with an additional year to purchase prior service at a cost of five percent of creditable compensation or five percent of average final compensation, whichever is greater. The additional year would begin on the date that the teacher attained six years of creditable service earned as a teacher.

*Patron - Stolle*

**SB1388 Virginia Retirement System; superintendents and sworn officers of regional jails.** Requires localities participating in the Virginia Retirement System and participating in a regional jail to provide retirement benefits comparable to the benefits provided to state police officers to the regional jail's superintendent and sworn officers.

*Patron - Stolle*

**SB1545 Virginia Retirement System; investments related to Iran.** Requires the Virginia Retirement System, under certain circumstances, to divest itself of investments in

companies investing substantial amounts in Iran's petroleum sector, which significantly enhances Iran's ability to develop its petroleum resources.

*Patron - Blevins*

## Persons with Disabilities

Passed

**SB1063 Virginia Board for People with Disabilities; report.** Requires the Virginia Board for People with Disabilities to report triennially, rather than biennially, to the Governor through the Secretary of Health and Human Resources.

*Patron - Puller*

## Police, State

Failed

**HB2314 State Police Volunteer Chaplaincy Program.** Allows the Superintendent of State Police to establish a Voluntary Chaplaincy Program. The Superintendent may establish guidelines regarding the selection, conduct, and supervision of volunteers, but may not regulate the volunteers' expression of religious beliefs. The bill also requires that when a volunteer chaplain provides an invocation or benediction at a Department-sanctioned event, the printed program include a disclaimer that the beliefs expressed are those of the individual, and are not endorsed or approved by the Department of State Police.

*Patron - Carrico*

## Prisons and Other Methods of Correction

Passed

**HB1919 Corrections; payment of costs associated with prisoner keep.** Increases from \$1 to \$5 the amount a locality may charge an inmate to defray the costs associated with the inmate's keep. This bill incorporates HB 2493. This bill is identical to SB 1199.

*Patron - Crockett-Stark*

**HB2441 Powers and duties of the Director of the Department of Corrections.** Ensures that the attorney for the Commonwealth is notified of an inmate's membership in a gang by the Director when the attorney for the Commonwealth is prosecuting that inmate for an offense committed while in prison. This bill is identical to SB 1223.

*Patron - Cline*

**HB2624 Training of certain private correctional personnel at Central Virginia Criminal Justice Academy.** Allows the Central Virginia Criminal Justice Academy to enter into an agreement to train private correctional personnel employed by the Immigration Centers of America-Farmville, so long as such agreement provides for the reimbursement of

the costs of such training. The bill contains an emergency clause.

*Patron - Abbitt*

**SB1199 Payment of costs associated with prisoner keep.** Increases the per day fee from \$1 to \$5 charged to a jail inmate. This bill is identical to HB 1919.

*Patron - Puckett*

**SB1223 Powers and duties of the Director of the Department of Corrections.** Ensures that the attorney for the Commonwealth is notified of an inmate's membership in a gang by the Director when the attorney for the Commonwealth is prosecuting that inmate for an offense committed while in prison. This bill is identical to HB 2441.

*Patron - Obenshain*

**SB1312 Conveyance of certain lands to the County of Pittsylvania.** Authorizes the Department of Corrections to convey, with the approval of the Governor, a portion of the Camp 15 Work Camp facility including the Diversion Center and outbuildings, and the Warden's Residence.

*Patron - Hurt*

## Failed

**HB1863 Jail construction reimbursement.** Provides that the Commonwealth will reimburse any county or city up to one-half of the capital costs of a jail construction or renovation project that will increase the capacity by at least 150 beds. Certain shared jail arrangements will also be reimbursed up to one-half of the capital costs for increasing capacity by 150.

*Patron - Janis*

**HB2179 Credit for time served discretionary with court.** Provides that when a court orders credit for time served in jail pending trial, etc., it may order that no time or a portion of the time be deducted from the sentence of a term of confinement when a person violates his terms of bail and is incarcerated in a local correctional facility for a violation of his terms of bail pending his trial or appeal.

*Patron - Scott, E.T.*

**HB2493 Corrections; payment of costs associated with prisoner keep.** Increases from \$1 to \$5 the amount a locality may charge an inmate to defray the costs associated with the inmate's keep. This bill was incorporated into HB 1919.

*Patron - Miller, P.J.*

**HB2564 Three-time-loser parole eligibility.** Provides that in the case of a person who is ineligible for parole for a combination of three or more offenses involving rape, murder, or robbery the Parole Board shall consider a petition for reconsideration of ineligibility for parole if the person (i) was convicted only of robbery, (ii) did not injure or attempt to injure any person, (iii) did not have assistance of counsel in preparing a petition for review of ineligibility previously considered on the merits under this provision, (iv) has been continuously confined for 15 years, and (v) has a record of good conduct during confinement.

*Patron - Howell, A.T.*

**SB1088 Budgeting schedule for jail projects; Newport News.** Requires Newport News to file its community-based corrections plan on or before November 1, 2009.

*Patron - Miller, J.C.*

**SB1135 Parole Board; parole review and denial.** Requires the Parole Board to ensure that each person eligible for parole receives a timely and thorough review of his suitability for release on parole, including a review of any material post-sentencing factors. If the Board denies the inmate parole, the Board is required to deliver a written, fact-specific, and individualized statement of the reasons for such denial.

*Patron - Petersen*

**SB1235 Conditional release of terminally ill or totally disabled prisoners.** Provides that prisoners who are terminally ill or permanently and totally disabled may petition the Parole Board for conditional release. If any person who is designated terminally ill and granted conditional release shall be remanded upon a determination that such person has recovered from the terminal illness or is issued a prognosis which does not estimate death within six months or less. The bill defines the terms "terminally ill" and "permanently and totally disabled."

*Patron - Barker*

**SB1311 Local correctional facilities.** Allows Danville and Pittsylvania to enter into a regional jail project without a third participating jurisdiction.

*Patron - Hurt*

**SB1386 State reimbursement for local and regional jail construction.** Eliminates the state reimbursement to localities of a percentage of the capital costs of local and regional jail construction. The changes to the reimbursement will not apply to projects approved by the Board of Corrections on or before June 1, 2009, or to any facility that was completed and accepting inmates as of May 1, 2009.

*Patron - Stolle*

**SB1496 Rate at which sentence credits may be earned; prerequisites.** Allows a maximum of seven and one-half sentence credits, as opposed to the current four and one-half, for each 30 days served.

*Patron - Ticer*

**SB1510 Good conduct credits for nonviolent felons.** Allows nonviolent felons serving time in local correctional facilities to receive good conduct credits at a rate of five days for every 30 days served. The rate at which violent felons earn good credits in local correctional facilities remains unchanged at four and a half days for every 30 days served.

*Patron - Ticer*

**SB1517 Home/electronic incarceration.** Provides that home/electronic incarceration is deemed to be a term of confinement for an offender who has been convicted and sentenced to a term of confinement. The bill also provides that a court can assign home/electronic incarceration without its being a condition of probation.

*Patron - Stolle*

**SB1552 A Bill to amend and reenact § 53.1-131.2 of the Code of Virginia, relating to assignment to home/electronic incarceration program.** Provides that home/electronic incarceration is deemed to be a term of confinement for an offender who has been convicted and sentenced to a term of confinement. The bill also provides that a court can assign home/electronic incarceration without its being a condition of probation.

*Patron - Stolle*

## Professions and Occupations

### Passed

#### **PHB1601 Administration of prescription drugs.**

Expands authority of persons who have completed a training course approved by the Board of Nursing to allow administration of prescription drugs, in compliance with the prescriber's instructions and in accordance with regulations promulgated by the Board of Pharmacy, where the drugs would normally be self-administered by an individual receiving services in a program licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services. Such authority was previously limited to administration of drugs that would normally be self-administered by a resident of a facility licensed or certified by the Department of Mental Health, Mental Retardation and Substance Abuse Services.

*Patron - Hamilton*

#### **PHB1613 Department of Professional and Occupational Regulation; regulation of polygraph examiners.**

Authorizes a federal, state, or local law-enforcement officer to operate, in the course of his employment with a law-enforcement agency, any instrument or device to detect deception or verify the truth of statements that does not meet the minimum instrumentation requirements set forth in § 54.1-1805, provided such officer is certified by the manufacturer of the instrument to operate such instrument. The bill specifies that no law-enforcement officer may use the instrument or device for internal or pre-employment investigations. This bill is identical to SB 1374.

*Patron - Wright*

#### **PHB1708 Board for Contractors; elevator mechanics.**

Authorizes the Board for Contractors to delegate to the Director of the Department of Professional and Occupational Regulation certification of elevator mechanics in the event of emergency. The Board may also delegate to the Director the issuance of temporary certification of elevator mechanics. The bill increases the membership of the Board for Contractors by adding one member who must be a certified elevator mechanic or a licensed elevator contractor. The bill contains several technical amendments.

*Patron - Oder*

#### **PHB1718 Board for Barbers and Cosmetologists; estheticians; licensure.**

Extends the grandfather period for licensure as an esthetician or master esthetician for individuals who apply before July 31, 2009 and meet certain experience, training or reciprocity requirements. Specifically to be covered by the extended grandfather provision, an individual must (i) have at least three years of documented work experience as an esthetician or a master esthetician prior to July 1, 2008, (ii) have completed, prior to July 1, 2008, a training program that is deemed satisfactory by the Board, or (iii) hold an unexpired certificate of registration, certification, or license as an esthetician or a master esthetician issued to him on the basis of comparable requirements by a proper authority of a state, territory, or possession of the United States, or the District of Columbia. Under the bill, the extended grandfather period does not apply to individuals who have previously submitted applications for licensure that were denied by the Board. This bill is identical to SB 1527.

*Patron - Cox*

#### **PHB1852 Department of Health Professions; investigations.**

Provides that, when a complaint or report has been

filed about a person licensed, certified, or registered by a health regulatory board, a copy of the complaint or report shall be provided to the person who is the subject of the complaint or report prior to any interview of the person who is the subject of the complaint or report or at the time the person who is the subject of the complaint or report is notified of the complaint or report, whichever shall occur first, unless provision of the complaint or report to the person would materially obstruct a criminal or regulatory investigation. This bill clarifies that requirements related to confidentiality of information obtained during an investigation or disciplinary proceeding shall not prohibit investigative staff from interviewing fact witnesses, disclosing to fact witnesses the identity of the subject of the complaint or report, or reviewing with fact witnesses a copy of records or other supporting documentation necessary to refresh the fact witness's recollection.

*Patron - Morrissey*

#### **PHB1939 Radiologist assistants; licensure.**

Provides for the licensure of radiologist assistants as individuals who have met the requirements of the Board of Medicine for licensure as advanced-level radiologic technologists and who, under the direct supervision of a licensed doctor of medicine or osteopathy specializing in the field of radiology, are authorized to (i) assess and evaluate the physiological and psychological responsiveness of patients undergoing radiologic procedures; (ii) evaluate image quality, make initial observations, and communicate observations to the supervising radiologist; (iii) administer contrast media or other medications prescribed by the supervising radiologist; and (iv) perform, or assist the supervising radiologist to perform, any other procedure consistent with the guidelines adopted by the American College of Radiology, the American Society of Radiologic Technologists, and the American Registry of Radiologic Technologists. This bill is identical to SB 968.

*Patron - Peace*

#### **PHB1943 Optometrists; contact lenses and ophthalmic devices.**

Specifies that only licensed optometrists and licensed opticians may sell or dispense contact lenses, upon the valid, written prescription of a licensed physician or optometrist, and allows licensed optometrists to dispense ophthalmic devices that contain medication. This bill is identical to SB 1075.

*Patron - Peace*

#### **PHB1986 Medication aide training programs; required registration delayed.**

Sets forth requirements for Board of Nursing approved education and training programs for medication aides, and provides that any person who has successfully completed a training program approved by the Board of Nursing may administer medications that would normally be self-administered to residents of an assisted living facility until August 1, 2009. This bill also delays enforcement of the requirement for medication aides to be registered until August 1, 2009, and is effective retroactively to January 1, 2009. This bill is identical to SB 1032.

*Patron - O'Bannon*

#### **PHB2032 Department of Professional and Occupational Regulation; mold inspectors and remediators.**

Provides for the licensure of mold inspectors and mold remediators by the Board for Asbestos, Lead, and Home Inspectors. The bill increases the membership of this Board by one member to include a mold inspector or a mold remediator.

*Patron - Marshall, D.W.*

#### **PHB2040 Real Estate Board; compensation to referring attorneys prohibited; exception.**

Provides that an attorney-at-law referring a client to a licensee shall not receive any

compensation from a listing firm or offered in the common source information company to cooperating brokers, unless the attorney is also licensed as a real estate broker or salesperson.

*Patron - Iaquinto*

**HB2058 Board of Dentistry; recovering monitoring costs.** Allows the Board of Dentistry to recover from any licensee against whom disciplinary action has been imposed reasonable administrative costs associated with investigating and monitoring such licensee and confirming compliance with any terms and conditions imposed upon the licensee as set forth in the order imposing disciplinary action. Such recovery shall not exceed a total of \$5,000.

*Patron - Hamilton*

**HB2097 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 is identical to SB 897.

*Patron - Orrock*

**HB2163 Regulation of the practice of midwifery.** Provides that regulations governing the practice of midwifery shall require midwives and certified nurse midwives to disclose to their patients information on health risks associated with home deliveries including but not limited to special risks associated with vaginal birth after a prior C-section, breech births, births by women experiencing high-risk pregnancies, and births of twins or multiples.

*Patron - Lohr*

**HB2180 Practice of dental hygienists.** Provides that a dental hygienist who holds a license or permit issued by the Board of Dentistry may provide educational and preventive dental care in the Lenowisco, Cumberland Plateau, and Southside Health Districts, which are designated as Virginia Dental Health Professional Shortage Areas by the Department of Health, and that any dental hygienist providing such services shall practice pursuant to a protocol developed by the Department of Health. This bill is identical to SB 1202.

*Patron - Phillips*

**HB2211 Prescription Monitoring Program; disclosure of information.** Removes requirement that a prescriber obtain written consent from the recipient of a prescription before requesting information on that recipient for the purpose of establishing his treatment history, and authorizes a prescriber authorized to access information in the possession of the Prescription Monitoring Program to delegate such authority to up to two health care professionals who are licensed, registered or certified by a health regulatory board and employed at the same facility under the direct supervision of the prescriber. This bill incorporates HB 2259. This bill is identical to SB 1195.

*Patron - Jones*

**HB2212 Automated drug dispensing systems; multi-dose packaging.** Allows drugs in multi-dose packaging, other than those administered orally, to be placed in an automated drug dispensing device if approved by the pharmacist-in-

charge in consultation with a standing hospital committee comprised of pharmacy, medical, and nursing staff.

*Patron - Jones*

**HB2214 Pharmacies; bulk donation programs.** Provides that a pharmacy participating in bulk donation programs may charge a reasonable dispensing or administrative fee to offset the cost of dispensing donated medications, not to exceed the actual costs of such dispensing.

*Patron - Jones*

**HB2258 Immunity from liability for routine organ and tissue donation.** Provides that a funeral service establishment, funeral service licensee, crematory, or registered crematory that receives a body following routine donation of organs, tissues, or eyes, and provides embalming, cremation, or other funeral services, shall be immune from civil liability for any act, decision, or omission related to the handling, processing, or presentation of the decedent including any failure to restore the decedent's form or features in a manner acceptable for viewing prior to the disposition of the remains, unless such act, decision or omission resulted from bad faith or malicious intent.

*Patron - Massie*

**HB2352 Donation of prescription medication; liability of pharmaceutical manufacturers.** Clarifies the liability of pharmaceutical manufacturers relating to storage, donation, acceptance, or dispensing of any drug in accordance with the Prescription Drug Donation Program.

*Patron - Landes*

**HB2396 Advance medical directives.** Revises the Health Care Decisions Act to (i) allow a person to make a written advance directive to specify health care the declarant does or does not authorize, appoint an agent to make health care decisions for the declarant, and specify an anatomical gift; (ii) clarify the process for determining a patient to be incapable of making an informed decision regarding health care; (iii) require that determinations of incapacity be made by two physicians, or one physician and one licensed clinical psychologist, one of whom is not otherwise involved in the care of the patient; (iv) allow any one physician to declare that a patient is again capable of making an informed decision; (v) clarify the authority of an agent named in an advance directive, or a person otherwise given authority to make medical decisions for an incompetent patient, including authority to admit the declarant to a facility for mental health treatment for a period not to exceed 10 days and to authorize participation by the declarant in a health care study approved by an institutional review board or research review committee; and (vi) determine when a physician may treat a patient over his protests. (This bill specifies that any person who willfully destroys, conceals, cancels, defaces, obliterates, or damages an advanced directive, shall be guilty of a Class 2 felony when such act directly causes life-prolonging procedures to be withheld or withdrawn and death to be hastened.) This bill incorporates HB 2062 and HB 2334. This bill is identical to SB 1142.

*Patron - Bell*

**HB2405 Department of Health Professions; submission of information.** Expands the requirement to submit certain information to the Department of Health Professions to anyone applying for initial licensure, certification, or registration, and individuals licensed, certified, or registered by a health regulatory board. Also the bill allows the Department, and the Board of Nursing, to release any information for the purposes of determining shortage designations and to qualified personnel if pertinent to an investigation, research, or study, provided a written agreement between such qualified personnel

and the Department, which ensures that any person to whom such information is divulged shall preserve the confidentiality of the information, is executed.

*Patron - Tyler*

**HB2407 Health Practitioners' Intervention Program; revisions.** Changes the name of the Health Practitioners' Intervention Program to the Health Practitioners' Monitoring Program, and clarifies that the purpose of the Program is to monitor impaired health professionals, rather than to intervene or treat them. The bill provides that the Director of the Department of Health Professions shall work together with the Health Practitioner's Monitoring Program to develop contracts necessary for implementation of monitoring services. This bill also expands the membership of the Health Practitioner's Monitoring Program Committee to include a registered nurse engaged in active practice.

*Patron - Hall*

**HB2432 Department of Professional and Occupational Regulation; Board for Asbestos, Lead, and Home Inspectors; regulation of lead-based paint renovation, repair, and painting.** Provides for the Board for Asbestos, Lead, and Home Inspectors to regulate the practice of lead-based paint renovation businesses, individuals, and training providers. The bill defines "renovation" as the modification of any existing structure, for compensation, that results in the disturbance of painted surfaces, unless that activity is performed as a part of a lead abatement project. Currently the Board's authority is limited to the regulation of permanent elimination of lead-based paint. The bill adds definitions for a dust-sampling technician, renovation contractor, and renovator and increases the size of the Board from 10 to 14 members. The bill also contains technical amendments.

*Patron - Joannou*

**HB2482 Prescription donation; hospitals to dispense.** Clarifies that hospitals, as well as clinics organized in whole or in part for the delivery of health care services to the indigent, may redispense donation medications to the indigent.

*Patron - Eisenberg*

**HB2541 Department of Professional and Occupational Regulation; criminal records checks.** Requires the Department of Professional and Occupational Regulation (DPOR) to obtain criminal history record information regarding individuals for initial licensure as real estate licensees. DPOR must also amend the renewal license application form to require applicants for a renewal real estate sales or brokerage license to state that they have no criminal convictions that have not been previously disclosed.

*Patron - Amundson*

**SB811 Certified elevator mechanics.** Extends the time for compliance with elevator mechanic licensure requirements for individuals who install, service, or repair wheelchair lifts, incline chairlifts, dumbwaiters, and residential elevators until July 1, 2010. The bill also provides for the Board for Contractors to convene a group of stakeholders to evaluate the level of regulation appropriate for individuals who install, service, or repair wheelchair lifts, incline chairlifts, dumbwaiters, residential elevators, and Limited Use Limited Application (LULA) elevators and provide recommendations to the Senate Committee on General Laws and Technology and the House Committee on General Laws by November 30, 2009.

*Patron - Cuccinelli*

**SB878 Advisory Board on Massage Therapy; created.** Creates the Advisory Board on Massage Therapy to assist the Board of Nursing in carrying out the provisions

regarding the qualifications, examination, registration, regulation, and standards of professional conduct of massage therapists.

*Patron - Martin*

**SB886 Board for Contractors; elevator mechanics.** Authorizes the Board for Contractors to delegate to the Director of the Department of Professional and Occupational Regulation certification of elevator mechanics in the event of emergency. The Board may also delegate to the Director the issuance of temporary certification of elevator mechanics. The bill contains several technical amendments. The bill increases the Board's membership from thirteen to fourteen by adding a member who is either a certified elevator mechanic or a licensed elevator contractor.

*Patron - McEachin*

**SB940 Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects; licensure of landscape architects; penalty.** Requires the licensure of landscape architects by the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects effective July 1, 2010. Currently landscape architects are required to be certified by the Board.

*Patron - Watkins*

**SB965 Prescribing authority; preventive medications for sexual assault victims.** Provides that pursuant to an oral or written order or standing protocol issued by a prescriber within the course of his professional practice, such prescriber may authorize registered professional nurses certified as sexual assault nurse examiners under his supervision and when he is not physically present to possess and administer preventive medications for victims of sexual assault as recommended by the Centers for Disease Control and Prevention.

*Patron - Blevins*

**SB968 Radiologist assistants; licensure.** Provides for the licensure of radiologist assistants as individuals who have met the requirements of the Board of Medicine for licensure as advanced-level radiologic technologists and who, under the direct supervision of a licensed doctor of medicine or osteopathy specializing in the field of radiology, are authorized to (i) assess and evaluate the physiological and psychological responsiveness of patients undergoing radiologic procedures; (ii) evaluate image quality, make initial observations, and communicate observations to the supervising radiologist; (iii) administer contrast media or other medications prescribed by the supervising radiologist; and (iv) perform, or assist the supervising radiologist to perform, any other procedure consistent with the guidelines adopted by the American College of Radiology, the American Society of Radiologic Technologists, and the American Registry of Radiologic Technologists. This bill is identical to HB 1939.

*Patron - Blevins*

**SB1031 Department of Professional and Occupational Regulation; Real Estate Board; commercial real estate brokers.** Exempts from the license requirement any person who is licensed and in good standing as a real estate broker or salesperson in another state, who assists a prospective purchaser, tenant, optionee, or licensee located in another state to purchase, lease, option, or license an interest in commercial real estate, as defined and amended in § 55-526, in the Commonwealth. The bill also authorizes such real estate licensee from another state to be compensated by a real estate broker in the Commonwealth.

*Patron - Hanger*

**SB1032 Medication aide training programs; required registration delayed.** Sets forth requirements for Board of Nursing approved education and training programs for medication aides. This bill also delays enforcement of the requirement for medication aides to be registered until August 1, 2009, allows medication aides to administer drugs that would normally be self-administered in assisted living facilities until that date, and is effective retroactively to January 1, 2009. This bill is identical to HB 1986.

*Patron - Hanger*

**SB1075 Optometrists; contact lenses and ophthalmic devices.** Specifies that only licensed optometrists and licensed opticians may sell or dispense contact lenses, upon the valid, written prescription of a licensed physician or optometrist, and allows licensed optometrists to dispense ophthalmic devices that contain medication.

*Patron - Howell*

**SB1085 Durable Do Not Resuscitate Orders; revocation.** Clarifies that (i) the expression by the patient of the desire to be resuscitated in the event of cardiac or respiratory arrest shall constitute revocation of the Durable Do Not Resuscitate Order; (ii) Do Not Resuscitate Orders may be revoked only by the patient or the person authorized to consent for the patient if he is a minor; and (iii) Do Not Resuscitate Orders may be rescinded in accordance with accepted medical practice, by the provider who issued the order.

*Patron - Houck*

**SB1142 Advance medical directives.** Revises the Health Care Decisions Act to (i) allow a person to make a written advance directive to specify health care the declarant does or does not authorize, appoint an agent to make health care decisions for the declarant, and specify an anatomical gift; (ii) clarify the process for determining a patient to be incapable of making an informed decision regarding health care; (iii) require that determinations of incapacity be made by two physicians, or one physician and one licensed clinical psychologist, one of whom is not otherwise involved in the care of the patient; (iv) allow any one physician to declare that a patient is again capable of making an informed decision; (v) clarify the authority of an agent named in an advance directive, or a person otherwise given authority to make medical decisions for an incompetent patient, including authority to admit the declarant to a facility for mental health treatment for a period not to exceed 10 days and to authorize participation by the declarant in a health care study approved by an institutional review board or research review committee; and (vi) determine when a physician may treat a patient over his protests. This bill provides that a person who willfully conceals, cancels, defaces, obliterates, damages, falsifies, or forges an advance directive or revocation of an advance directive of another shall be guilty of a Class 1 misdemeanor. Where such action causes life-prolonging procedures to be utilized in contravention of the previously expressed intent of the declarant, such person shall be guilty of a Class 6 felony, and where such action directly causes life-prolonging procedures to be withheld in contravention of the previously expressed intent of the declarant and death to be hastened, the person shall be guilty of a class 2 felony. This bill incorporates SB 1051. This bill is identical to HB2396.

*Patron - Whipple*

**SB1195 Prescription Monitoring Program; disclosure of information.** Removes requirement that a prescriber obtain written consent from the recipient of a prescription before requesting information on that recipient for the purpose of establishing his treatment history, and allows prescribers to delegate authority to access information in the Program to up

to two licensed health care professionals. Also allows the Director of the Department of Health Professions to enter into agreements for mutual exchange of information among prescription monitoring programs in other jurisdictions. This bill is identical to HB 2211.

*Patron - Puckett*

**SB1202 Practice of dental hygienists.** Provides that a dental hygienist who holds a license or permit issued by the Board of Dentistry may provide educational and preventive dental care in the Lenowisco, Cumberland Plateau, and Southside Health Districts, which are designated as Virginia Dental Health Professional Shortage Areas by the Department of Health, and that any dental hygienist providing such services shall practice pursuant to a protocol developed by the Department of Health. This bill is identical to HB 2180.

*Patron - Puckett*

**SB1282 Department of Health Professions; information concerning health professionals.** Provides that the Department of Health Professions shall collect an official address of record from each health professional licensed, registered or certified by each health regulatory board within the Department, to be used by the Department and relevant health regulatory boards for agency purposes, and that such address shall remain confidential. This bill also requires that the Department provide an opportunity for health professionals to provide a second address for purposes of public dissemination, which may include a work address, post office address, or home address, and that where no alternative address is provided, the address of record shall be made public. This bill further requires the Department to develop a procedure for health professionals to update their address information at regular intervals, and authorizes the Department to collect a fee sufficient to cover the costs of such updates.

*Patron - Newman*

**SB1374 Department of Professional and Occupational Regulation; regulation of polygraph examiners.** Authorizes a federal, state, or local law-enforcement officer to operate, in the course of his employment with a law-enforcement agency, any instrument or device to detect deception or verify the truth of statements that does not meet the minimum instrumentation requirements set forth in § 54.1-1805, provided such officer is certified by the manufacturer of the instrument to operate such instrument. The bill specifies that no law-enforcement officer may use the instrument or device for internal or pre-employment investigations. This bill is identical to HB 1613.

*Patron - Ruff*

**SB1379 Revocation or suspension of license to practice law; professional malpractice insurance.** Requires an attorney who is found guilty of engaging in any criminal activity that violates the Virginia Rules of Professional Conduct resulting in loss of a client's property to maintain professional malpractice insurance, during the time for which he is licensed to practice law, if the attorney is allowed to retain his license, or is permitted to have his license re-instated or restored. The Virginia State Bar shall establish standards setting forth the amount of coverage the attorney is to maintain. The bill also requires the attorney to certify to the Virginia State Bar that he has the required insurance.

*Patron - Stolle*

**SB1527 Board for Barbers and Cosmetologists; estheticians; licensure.** Extends the grandfather period for licensure as an esthetician or master esthetician for individuals who apply before July 31, 2008 and meet certain experience, training or reciprocity requirements. Specifically to be covered

by the extended grandfather provision, an individual must (i) have at least three years of documented work experience as an esthetician or a master esthetician prior to July 1, 2008, (ii) have completed, prior to July 1, 2009, a training program that is deemed satisfactory by the Board, or (iii) hold an unexpired certificate of registration, certification, or license as an esthetician or a master esthetician issued to him on the basis of comparable requirements by a proper authority of a state, territory, or possession of the United States, or the District of Columbia. Under the bill, the extended grandfather period does not apply to individuals who have previously submitted applications for licensure that were denied by the Board. This bill is identical to HB 1718.

*Patron - McDougle*

## Failed

**HB1593 Perpetual care trust fund overpayments.** Permits a cemetery company that has made a deposit to its perpetual care trust fund in excess of the required deposit amount to recover the amount of the overpayment by withholding the amount of the overpayment from future trust fund deposits.

*Patron - Morgan*

**HB1744 Health professions; natural health care providers.** Clarifies that an individual who is not licensed, registered, certified, or permitted by a health regulatory board may provide health care services, therapies, and methods by assessing, evaluating, advising, educating, counseling, informing, or rendering care to consumers regarding the use of natural foods, dietary supplements, homeopathic remedies and products, and healing and natural therapies for the prevention, remedy, or treatment of various health or physical conditions as long as he discloses to consumers his qualifications and does not violate existing provisions governing the health professions.

*Patron - Pogge*

**HB1820 Practice of naturopathy.** Establishes licensure requirements for the practice of naturopathy. This bill establishes criteria for the practice of naturopathy, including educational requirements, examinations, scope of practice, requirements for the promulgation of regulations governing the profession, and an advisory board to the Board of Medicine.

*Patron - Kilgore*

**HB1900 Common Interest Community Board; powers; hearings.** Allows the Board, without complying with the Administrative Process Act, to assess a monetary penalty to be paid to the Common Interest Community Management Information Fund of not more than \$1,000 against any person who files one or more complaints with the Board or the Common Interest Community Ombudsman that the Board in its sole discretion determines to be without merit or filed with the intent to harass or intimidate any person or entity. The bill also provides that hearings held by the Board for the issuance of a cease and desist order shall be conducted within the planning district in which the association is located.

*Patron - Watts*

**HB1909 Designation of persons authorized to make funeral and burial decisions.** Designates the persons in order of priority who have the ability to make all necessary arrangements for a decedent's funeral and the disposition of his remains. This bill is in response to recent cases in Virginia concerning who had the right to make such decisions. Current law allows any next of kin to make arrangements, without specifying an order of priority. This bill grants funeral services providers civil immunity for decisions made if there is a dispute

among members of the same class, in the absence of bad faith. The bill contains technical amendments.

*Patron - Armstrong*

**HB2072 Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects; exemptions from licensure.** Exempts persons who prepare plans, specifications, documents, and designs for conventional and alternative onsite sewage systems receiving residential wastewater from licensure under certain circumstances, including where the pump is included that is not part of the packaged equipment, such as equipment of catalogued standard design that has been coordinated and tested by the manufacturer.

*Patron - Scott, E.T.*

**HB2095 Board for Contractors; definition of tradesman.** Adds building framers and masonry contractors to the definition of tradesman, thereby requiring these individuals to be licensed by the Board for Contractors.

*Patron - Orrock*

**HB2147 Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects; land surveyors; public employees.** Provides that any person engaged in the practice of land surveying as an employee of the Commonwealth or any political subdivision shall be allowed to use such experience toward the requirements for a licensed land surveyor. The bill provides that in order to sit for the licensing examination, such applicant shall (i) have a surveyor-in-training designation by the Board; (ii) have a minimum of four years of approved surveying experience, which may be gained prior to the surveyor-in-training designation; and (iii) provide written references from three land surveyors licensed in a state, territory, or possession of the United States, or the District of Columbia, each having personal knowledge of the applicant's surveying experience. The bill defines approved surveying experience.

*Patron - Nutter*

**HB2167 Reimbursement of services of certified professional midwives.** Provides that the Board of Medicine and the Department of Medical Assistance Services shall review all regulations, policies, and guidelines to ensure that no reimbursement is made to certified professional midwives providing services in high-risk situations including high-risk home births.

*Patron - Lohr*

**HB2217 Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects; required insurance for certain licensees.** Provides that the Board shall, by regulation, require each architect or professional engineer to maintain an errors and omissions policy that is acceptable to the Board and to provide a certification or attestation that such policy is in effect as a prerequisite to license issuance or renewal.

*Patron - Jones*

**HB2259 Prescription Monitoring Program; disclosure of information.** Removes requirement that a prescriber obtain written consent from the recipient of a prescription before requesting information on that recipient for the purpose of establishing his treatment history. However, the bill requires that notice be given to patients that information may be requested by the prescriber from the Prescription Monitoring Program. This bill was incorporated into HB 2211.

*Patron - Kilgore*

**HB2318 Sale of firearms at firearms shows.** Requires any person who has a fixed location at a firearms show to display and sell firearms and any person who sells three or more firearms at a firearms show, regardless of whether he has a fixed location, to be licensed as a Virginia firearms dealer.

*Patron - Morrissey*

**HB2334 Advance directives; capacity determinations.** Requires that at least one of the physicians or the licensed clinical psychologist making the determination that a patient is incapable of making an informed decision about medical treatment shall have completed a training program in capacity assessments approved by the Board of Medicine for this purpose. This bill has been incorporated into HB 2396.

*Patron - Amundson*

**HB2338 Birth control; definition.** Adds definition of birth control. "Birth control" means contraceptive methods that are approved by the U.S. Food and Drug Administration. Birth control shall not be considered abortion for the purposes of Title 18.2.

*Patron - Amundson*

**HB2365 Restriction on Supreme Court rules; attorneys for the Commonwealth.** Provides that the Supreme Court of Virginia shall not promulgate any rule or regulation that prohibits any conduct of an attorney for the Commonwealth that is permitted by the Constitution of Virginia or the Constitution of the United States or prohibits an attorney for the Commonwealth from, in good faith, advising a law-enforcement officer as to investigative conduct permitted by the Constitution of Virginia or the Constitution of the United States.

*Patron - Gilbert*

**HB2373 Pharmacies; filling birth control prescriptions.** Requires any pharmacist who refuses to fill a prescription for contraception to ensure that the patient seeking such contraception is treated in a nonjudgmental manner and is not subjected to indignity, humiliation, or breeches in confidentiality, and states that the pharmacist shall not confiscate such prescription. Also requires any pharmacy holding a permit issued by the Board that refuses to fill or refill prescriptions for contraceptives to place a conspicuous notice as close as possible to the pharmacy counter that states, in both English and Spanish, "THIS PHARMACY WILL NOT FILL OR REFILL BIRTH CONTROL PRESCRIPTIONS" in at least 30-point boldface type.

*Patron - Englin*

**HB2452 Prescription information; confidentiality.** Prohibits any health insurer, self-insured employer, electronic transmission intermediary, pharmacy or other similar entity from licensing, transferring, using, or selling records that include prescription information containing patient-identifiable or prescriber-identifiable data for any commercial purpose.

*Patron - Sickles*

**HB2488 Common Interest Communities.** Clarifies powers and duties of the Common Interest Community Board and changes the annual report fee percentage paid from unit owners' association to five-hundredths of one percent (0.5) and makes other needed technical changes. This bill is recommended by the Virginia Housing Commission.

*Patron - Sickles*

**HB2631 Firearms show in Fairfax County; criminal history record information request.** Provides that Fairfax County may by ordinance require the promoter of any show

held in Fairfax County to make available to all vendors or exhibitors at a firearms show at least one location on the premises where the vendor or exhibitor shall conduct criminal history record information requests for the sale of firearms.

*Patron - Caputo*

**HB2647 Cemetery Board; exemptions from licensure.** Limits the exemption from licensure for certain nonstock corporations not operated for profit by adding an additional requirement that such corporation does not also operate a crematorium.

*Patron - Jones*

**HB2670 Common Interest Community Board; complaint fee.** Increases the filing fee for persons to register written complaints to the Office of the Common Interest Community Ombudsman. The bill also contains technical amendments.

*Patron - Sickles*

**SB402 Virginia Law Officers' Retirement System.** Provides that the supplemental allowance currently paid to certain members upon retirement until age 65 would instead be paid until Social Security retirement age. 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 - Puckett*

**SB825 Involuntary commitment hearings; law students.** Provides that it is not the unauthorized practice of law for a third-year law student enrolled at any law school in the Commonwealth to represent a petitioner in a commitment hearing for involuntary admission without the presence of a practicing attorney. The student must have completed coursework in evidence and trial advocacy and received training on involuntary commitment law. The student must inform the petitioner that he is not a licensed attorney, that he may not be compensated for his services, and that he can be held liable only for intentional malfeasance.

*Patron - Cuccinelli*

**SB1008 Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects; exemptions from licensure.** Exempts persons who prepare plans, specifications, documents, and designs for conventional and alternative onsite sewage systems receiving residential wastewater from licensure under certain circumstances, including where the pump is included that is not part of the packaged equipment, such as equipment of catalogued standard design that has been coordinated and tested by the manufacturer.

*Patron - Deeds*

**SB1207 Disposal of unused pharmaceuticals.** Establishes a program for the disposal of unused pharmaceuticals.

*Patron - Puckett*

**SB1210 Department of Professional and Occupational Regulation; Virginia Real Estate Board; waiver of broker education requirements.** Requires the Virginia Real Estate Board to waive the broker education requirement for any applicant for a broker's license who has owned a real estate brokerage firm for more than 15 years and during that time and maintained an active license as a real estate salesperson.

*Patron - Puckett*

**SB1267 Department of Professional and Occupational Regulation; licensure of business brokers.** Provides

for the licensure of persons providing business broker services in the Commonwealth.

*Patron - Vogel*

**SB1385 Firearms shows; state police presence.** Requires the promoter of a firearms show to arrange and pay for a law-enforcement officer from the Department of State Police to be present at all times during a firearms show. Also allows the Superintendent of State Police to enter into agreements with the federal Bureau of Alcohol, Tobacco, Firearms and Explosives whereby law-enforcement officers with the Department of State Police may be granted federal law-enforcement authority for the purposes of enforcing firearms laws of the United States.

*Patron - Stolle*

**SB1543 Assisted living facility staff; administrators and medication aides.** Requires the Board of Nursing to accept five years of work experience as a medication aide, as of December 31, 2008, as an alternative to fulfillment of the approved education program required for registration, and requires the Board of Long-Term Care Administrators to accept five years continuous employment as an administrator of an assisted living facility, as of December 31, 2008, as successful completion of any educational and experience requirements for initial licensure. This bill is also effective retroactively to January 1, 2009, and delays enforcement of this licensure requirement until July 1, 2009. This bill also contains an emergency clause.

*Patron - McEachin*

## Property and Conveyances

### Passed

**HB1785 Exceptions to disclosure requirements.** Adds to the list of exceptions to disclosure requirements a disposition of a lot by a sale at an auction, where the association disclosure packet was made available as part of an auction package for prospective purchasers prior to the auction sale.

*Patron - Hull*

**HB1856 Virginia Residential Property Disclosure Act; disclosure of stormwater detention facilities.** Provides that an owner of real property makes no representations with respect to the presence of any stormwater detention facilities located on the property and that purchasers are advised to exercise whatever due diligence they deem necessary to determine the presence of any stormwater detention facilities on the property, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to that contract.

*Patron - Shannon*

**HB2080 Landlord and tenant laws; rights and obligations of tenants.** Requires the landlord to give the same notice to the tenant for the application of insecticides as is required for pesticide applications, and requires the tenant to prepare the dwelling unit for the application of insecticides or pesticides in accordance with any written instructions of the landlord, and if insects or pests are found to be present, to follow any written instructions of the landlord to eliminate the insects or pests following the application of insecticides or pesticides. The bill also (i) eliminates the landlord's obligation to pay all costs for mold remediation where the mold is a result of the tenant's failure to maintain the dwelling unit; (ii) eliminates a tenant's right to repair, replace, or clean a damaged item in

the dwelling unit and instead allows the landlord to do so and charge all costs to the tenant, which costs shall be due on the next rent due date; (iii) changes the cap on liquidated damages penalties included in a rental agreement to 150 % of the per diem of the monthly rent, and (iv) amends the schedule of interest rates on security deposits between January 1, 2009 and December 31, 2009. The bill requires the landlord to provide notice to the tenant in the event of foreclosure under certain circumstances. The bill contains technical amendments.

*Patron - Oder*

**HB2291 Release of deed of trust; assignment of penalty.** Prohibits settlement agents and real estate attorneys from facilitating an assignment, to any third party designated by them, of their client's right to the \$500 penalty levied on lenders that fail to timely deliver a certificate of satisfaction releasing a deed of trust. This bill is identical to SB 888.

*Patron - Cline*

**HB2305 Property Owners' Association Act; access to books and records.** Provides that actual salary information of the six highest paid employees of a property owners' association making over \$75,000 shall be available for examination and copying by association members. Currently, only aggregate salary information is required to be open. The bill also specifies that all books and records of the association, including individual salary information for all employees and payments to independent contractors, are available for examination by a member of the board of directors.

*Patron - Griffith*

**HB2306 Virginia Residential Landlord and Tenant Act; rent escrow pending appeal.** Provides that no rent required to be escrowed in an unlawful detainer action shall be disbursed within 10 days of the date of the judgment unless otherwise agreed to by the parties. If an appeal is taken by the plaintiff (landlord), the rent held in escrow shall be transmitted to the clerk of the circuit court.

*Patron - Griffith*

**HB2435 Uniform Principal and Income Act (UPIA).** Revises the Act to address a 2006 IRS ruling regarding marital deductions to ensure that an IRA or other retirement arrangement that is payable to a marital deduction trust qualifies for the federal estate tax marital deduction. The trustee will be required to demand certain distributions if the surviving spouse so requests because the IRS requires that the surviving spouse be separately entitled to demand the fund's income. The bill also clarifies how a trust that is required to pay income to a beneficiary keeps enough money to pay its taxes and distribute the balance of the income to the mandatory income beneficiary. The bill also allows for the creation of grantor-created unitrusts to be administered in the manner of a total return unitrust. Current law allows for the conversion of income trusts into total return unitrusts but does not allow unitrusts to be otherwise created. The bill also provides that a qualified beneficiary of a trust, other than the attorney general of the Commonwealth, may petition the circuit court to convert an income trust to a total return unitrust, convert a total return unitrust to an income trust, or change the percentage used to calculate the unitrust amount or the method used to determine the fair market value of the trust assets. Currently, only the trustee may file such a petition.

*Patron - Janis*

**HB2599 Real Estate Cooperative Act; amendment of declaration; revival of expired declarant rights.** Provides that if the time limit specified in the declaration for the creation of cooperative interests or the exercise of special declarant rights has expired, with the approval of the persons entitled to

cast at least two-thirds of the votes in the association, other than any votes allocated to cooperative interests owned by the declarant, or any larger percentage as the declaration specifies, the declaration may be amended to (i) revive and reinstate any or all of the expired rights to create additional cooperative interests and any or all of the expired special declarant rights and (ii) vest in any person, including the original declarant, any or all of the powers, rights, privileges, and authority to which a declarant is entitled under the Act regarding the exercise of the revived and reinstated rights with respect to any parcel of real estate that is a common element or any additional real estate that such amendment permits to be added to the cooperative. In no event, however, shall any such amendment extend or renew a period of declarant control of the association or provide a new period of declarant control.

*Patron - Knight*

**HB2656 Property held in abeyance of any finding of surplus property.** Provides that the Board of Education and the Department of General Services hold in abeyance any finding that the Virginia School for the Deaf, Blind, and Multi-Disabled is surplus property until at least July 1, 2010.

*Patron - Ward*

**SB888 Release of deed of trust; assignment of penalty.** Prohibits settlement agents and real estate attorneys from facilitating an assignment, to any third party designated by them, of their client's right to the \$500 penalty levied on lenders that fail to timely deliver a certificate of satisfaction releasing a deed of trust. This bill is identical to HB 2291.

*Patron - McDougale*

**SB959 Fraudulent conveyances; attorney fees.** Provides that attorney fees shall be awarded to a creditor in an action where a gift; deed; conveyance, assignment, or transfer of or charge upon the estate of a debtor; suit commenced or decree, judgment, or execution suffered or obtained; or bond or other writing is declared void. The award of attorney fees shall be paid out of the proceeds of a resulting judicial sale, if any, but shall not affect a prior lien creditor not represented by the attorney. This bill is a recommendation of the Boyd-Graves Conference.

*Patron - Obenshain*

**SB1143 Common Interest Communities.** Limits that authority of the Common Interest Community Board to impose fines against governing boards rather than individual members of the governing board and adds requirement for a hearing before imposing a fine. The bill also changes the annual assessment collected by the Board from common interest community managers, condominium unit owners associations, real estate cooperative associations and property owners associations from the two hundredths of one percent (0.02%) to the lesser of \$1,000 or five hundredths of one percent (0.05%) of the managers' gross receipts from community management work and the associations' gross assessment income. A minimum assessment of \$10 is also provided. The bill also makes several other technical amendments including (i) conforming provisions relating to the delivery of the association disclosure packet, and (ii) changing the venue for Board actions from City of Richmond to Henrico County. This bill is recommended by the Virginia Housing Commission.

*Patron - Whipple*

**SB1546 Proposed sale in execution of deeds of trust.** Provides that when written notice of proposed sale in execution of a deed of trust is given as provided by general law, there shall be a rebuttable presumption that the lienholder has com-

plied with any requirement to provide notice of default contained in a deed of trust.

*Patron - Stolle*

## Failed

**HB1584 Common Interest Community Board; membership.** Clarifies that to be eligible for appointment to the Common Interest Community Board, common interest community managers must hold valid licenses issued by the Common Interest Community Board. The bill requires the Governor to make new appointments to the Board on July 1, 2009, to conform to the requirements of the bill.

*Patron - Suit*

**HB1640 Form of deeds and deeds of trust.** Provides that when a corporation, partnership, limited partnership, business trust, or limited liability company is the grantee of a deed or the grantor of a deed of trust, the deed or deed of trust shall contain the names of the registered agents and the directors, officers, partners, etc., of these various business entities.

*Patron - Marshall, R.G.*

**HB1688 Mortgage foreclosures; notices and reinstatement right.** Requires certain institutional lenders that are the beneficiary of a first priority deed of trust securing a loan on residential real property that is the primary residence of the grantor, within two days after characterizing the loan as being in default, accelerating the balance due on the loan, or otherwise instituting collection proceedings on the loan as a result of the grantor's failure to make any payment due on the loan, to send written notice to the grantor that the beneficiary has taken such action with respect to the loan, and informing the grantor of any programs or options that the beneficiary provides, conducts, or has knowledge of, that may permit the grantor to avoid foreclosure of the deed of trust, and a telephone number or Internet address through which the grantor may find contact information for counseling agencies approved by the U.S. Department of Housing and Urban Development. The measure prohibits the beneficiary of such a loan that is in default status from unreasonably refusing to provide information regarding the status of the loan or to reply to inquiries from the grantor regarding the status of the loan or programs or options that may permit the grantor to avoid foreclosure. The measure also gives the grantor a new right, exercisable at any time, up to the date of the sale of the property, to cure the default, deaccelerate, and reinstate the loan by paying all sums that would have been due in the absence of default and performing any other obligation that the grantor would have been bound to perform in the absence of the default or acceleration. The grantor may exercise the right to cure a default as to a particular loan and reinstate that mortgage once every 18 months. The measure expires January 1, 2012. This bill has been incorporated into HB 2261.

*Patron - Tata*

**HB1777 Common interest communities.** Eliminates the assessment against common interest communities for the Common Interest Community Management Information Fund and limits the enforcement authority of the Common Interest Community Board to common interest community managers who are licensed by the Board. The current authority of the Board to appoint a receiver in the event such a manager misappropriates association funds remains. The bill contains technical amendments.

*Patron - Athey*

**HB1798 Property; early termination of rental agreement by military personnel.** Requires that a written notice of

termination from a tenant who is in the military include a copy of the official notification of the orders or a signed letter confirming the orders from the tenant's commanding officer. Currently, the tenant is required to submit such copy or letter prior to the termination date.

*Patron - Loupassi*

**HB2115 Common Interest Community Management Information Fund; assessments; exceptions.** Clarifies that the provisions relating to the mandatory assessment of \$1,000 by the Common Interest Community Board shall not apply to volunteer community management companies.

*Patron - Nichols*

**HB2116 Common interest communities.** Eliminates the assessment against common interest communities for the Common Interest Community Management Information Fund and limits the enforcement authority of the Common Interest Community Board to common interest community managers who are licensed by the Board. The current authority of the Board to appoint a receiver in the event such a manager misappropriates association funds remains. The bill contains technical amendments.

*Patron - Nichols*

**HB2124 Virginia Residential Landlord and Tenant Act; early termination of rental agreement with military personnel.** Provides that when a tenant qualifies to terminate a rental agreement based on discharge from duty or military orders that change the duty station, the termination is effective 30 days after written notice is provided by the tenant. Currently the termination is effective not less than 30 days after the first date on which the next rental payment is due after the written notice is received.

*Patron - Byron*

**HB2129 Landlord and tenant laws; notice to tenant in event of foreclosure.** Requires a landlord to give written notice to the tenant of a mortgage default, notice of mortgage acceleration, or notice of foreclosure sale relative to the loan on the dwelling unit, within five business days after written notice from the lender is received by the landlord. The bill provides that it does not apply (i) to any managing agent who does not receive a copy of such written notice from the lender or (ii) if the tenant provides a copy of the written notice from the lender to the landlord or the managing agent.

*Patron - Nichols*

**HB2536 Easements; injury to servient estate.** Provides that, unless otherwise provided for in the terms of an easement, the owner of a dominant estate shall not use an easement in a way that materially damages or injures the servient estate or is hazardous to the health or safety of the servient estate or its owner.

*Patron - Hogan*

**HB2659 Virginia Residential Landlord and Tenant Act; exemptions.** Provides that a duplex shall be deemed to be one single-family residence. The bill defines duplex.

*Patron - Fralin*

**SB1042 Transfer on Death Real Property Act; created.** Creates the Transfer on Death Real Property Act which permits an owner of real property to execute a transfer on death deed that names a beneficiary who takes ownership of the property upon the death of the owner. A transfer on death deed is nontestamentary and allows the owner of the property to avoid probate. Such deeds must be acknowledged before a notary public or other official and recorded in the office of the circuit court where the property is located. Such deeds may

only be revoked by the owner by the recording of a subsequent transfer on death deed or the recording of a written notice of revocation.

*Patron - Hanger*

**SB1233 Common Interest Communities; fees and liability.** Limits that authority of the Common Interest Community Board to impose fines against governing boards rather than individual members of the governing board and adds requirement for a hearing before imposing a fine.

*Patron - Barker*

**SB1366 Virginia Property Owners' Association Act; control of association by declarant.** Provides that a declaration may provide for declarant control of an association and its board of directors until (i) three months after 80 percent of all lots that the declarant has reserved the right to develop in all phases of development have been conveyed to a person other than a declarant or builder and (ii) the number of lots not yet developed is less than 200. The bill also provides that the declarant has the right to develop all additional lots in accordance with provisions in effect at the time of transfer of control and gives the declarant a seat on the board of the association until such time as all lots have been conveyed to a person other than a declarant or a builder. In addition, the bill requires all association funds collected during the period of declarant control to be maintained separately in the association's name unless held by a title company or common interest community manager. The bill prohibits the declarant from using association funds to defend any civil or criminal action, or administrative or arbitration proceeding that has been filed or initiated against the declarant.

*Patron - Barker*

**SB1489 Virginia Property Owners' Association Act; reformation of declarations.** Includes in the definition of "development" real property located within the Commonwealth developed in phases and subject to individual declarations corresponding to each such phase when the phases are part of a uniform and overall scheme of development. The bill also (i) clarifies the definition of "declaration" and (ii) establishes a judicial procedure for reformation of a declaration under certain circumstances. The bill has an emergency clause and contains technical amendments.

*Patron - Vogel*

## Public Service Companies

### Passed

**HB1636 Telephone utilities; certificated service territories.** Authorizes the State Corporation Commission to make changes to a local exchange carrier's incumbent certificated service territory at the request of those incumbent local exchange carriers that are directly involved in a proposed change in the certificated service territory.

*Patron - Saxman*

**HB1649 Telephone and cable lines; right-of-way contracting.** Prohibits a telegraph or telephone company or cable operator from being required to accept an interest, franchise, privilege, or easement for a right-of-way for its poles, other structures and facilities that restrict the services that may be offered legally by the company or operator.

*Patron - Ware, R.L.*

**HB1819 Electric rates of distribution cooperatives.** Authorizes any distribution electric cooperative, upon an affirmative resolution of the cooperative's board of directors, and without State Corporation Commission approval, to make any adjustment to its rates reasonably calculated to collect any or all of the fixed costs of owning and operating its electric distribution system through a new or modified fixed monthly charge. Such monthly charge would be in lieu of charges that are based on the volume of use of electric energy. Such changes in rates shall be revenue neutral based on the cooperative's determination of the proper intra-class allocation of the revenues produced by its then-current rates. Adjustments may be phased in over a three-year period, and revised tariffs are required to be filed with the State Corporation Commission for information purposes.

*Patron - Kilgore*

**HB1885 Telephone regulatory alternatives; determination of competitiveness.** Requires the State Corporation Commission, when determining whether the telephone services of a telephone company are competitive, to consider all wireless communications providers that offer voice communications services to be facilities-based competitors owning wireline network facilities and reasonably meeting the needs of consumers. The measure also requires the Commission, if it determines that 75 percent or more of residential households or businesses in a telephone company's incumbent territory are in areas that are competitive for a telephone service, to expand, for that telephone service throughout the company's incumbent territory, its competitive determination. In such cases, the Commission is further required to apply the same regulatory treatment already adopted for that telephone service in competitive areas. The same regulatory treatment shall be applied if a telephone company provides 90 percent or more of its residential and business lines access to fiber-optic or copper-based broadband service within an exchange area.

*Patron - Nixon*

**HB1970 Utility Facilities Act; delivery of propane service.** Excludes any company that provides non-utility gas service from the definition of a "public utility" for purposes of the Utility Facilities Act. The State Corporation Commission may authorize a person to provide non-utility gas service to (i) two or more residential or commercial customers located one-half mile or less from any existing underground natural gas line operated by a regulated utility; (ii) more than 10 residential or two commercial customers located more than one-half mile but within one mile or less from any existing underground natural gas line operated by a regulated utility; (iii) more than 20 residential or five commercial customers located more than one mile but within three miles or less from any existing underground natural gas line operated by a regulated utility; or (iv) more than 50 residential or 10 commercial customers located more than three miles but no more than five miles from an existing underground natural gas line operated by a regulated utility, if the Commission finds that (a) the natural gas utility that holds the certificate to provide natural gas service in the defined geographic area proposed to be served is not currently offering service to the area and is unable to extend natural gas utility service to the requested area within a reasonable period of time, and (b) the proposed provision of non-utility gas service is in the public interest. Non-utility gas service providers are required to comply with all pipeline safety standards, and are subject to applicable penalties for violations of pipeline safety requirements. The measure also provides that the provision of non-utility gas service without SCC approval is punishable by a penalty of up to \$500 per day. HB 2081 is

incorporated. The measure declares that an emergency exists and it will be effective upon enactment.

*Patron - Ware, R.L.*

**HB1994 Renewable portfolio standard program.** Establishes a goal for investor-owned incumbent electric utilities to have 15 percent of their total electric energy sales in the base year be from renewable energy sources in calendar year 2025. Currently, such a utility may participate in the voluntary renewable energy portfolio standard program if it demonstrates that it has a reasonable expectation of achieving 12 percent of its base year electric energy sales from certain renewable energy sources during calendar year 2022. A participating utility that meets the specified percentage goals is eligible for performance incentives that increase the fair combined rate of return on common equity and provide an enhanced rate of return on costs associated with the construction of renewable energy generation facilities.

*Patron - Bulova*

**HB2152 Stand-by service charges for renewable distributed electrical generation.** Directs the State Corporation Commission to adopt regulations that require an electric utility to provide a rate for stand-by service to customers that operate a cogeneration facility that generates renewable power. The regulation shall allow the utility to recover all of the costs related to the provision of the stand-by service.

*Patron - Rust*

**HB2155 Net energy metering.** Authorizes utilities to elect a capacity limit for participation by nonresidential customers in the net energy metering program that exceeds the existing limit of 500 kW. The measure also permits customers who are served on time-of-use tariffs that have electricity supply demand charges contained within the electricity supply portion of the time-of-use tariff to participate as customer-generators. In addition, the measure provides that a participating customer-generator owns any renewable energy certificate associated with its generation of electricity, and provides for a one-time option to sell the certificates to its supplier at a rate established by the State Corporation Commission. The utility's costs of acquiring the certificates shall be reasonable under the Renewable Energy Portfolio Standard rate adjustment clause or through the supplier's fuel adjustment clause. HB 1705 is incorporated.

*Patron - Toscano*

**HB2171 Electrical generation from agricultural waste.** Excludes any farm or aggregation of farms that owns and operates facilities within the Commonwealth for the generation of electric energy from waste-to-energy technology, including methane digesters, from regulation as a public utility, public service corporation, or public service company. To be eligible for such designation, a person must obtain at least 51 percent of its annual gross income from agricultural operations and produce the agricultural waste that is used as feedstock in the generation of the electricity. Such generator will be permitted to interconnect to the electric grid in accordance with regulations to be adopted by the State Corporation Commission. The measure also provides that such generators of electricity shall not be considered "manufacturers" under any provision of the Code of Virginia.

*Patron - Vanderhuy*

**HB2172 Interconnection of renewable generation facilities.** Establishes procedures for the operator of an eligible non-utility renewable energy facility that produces not more than 2 megawatts of electricity from a renewable energy source, not more than 5,000 mmBtus/hour of steam from a renewable energy source, or landfill gas from a solid waste

management facility, to connect the facility to the transmission grid pipeline or to customers, as applicable, by co-locating distribution facilities with those of public service corporations and by occupying public rights-of-way through a procedure that requires the payment of a public rights-of-way use fee to the affected locality or the Department of Transportation.

*Patron - Hogan*

**HB2175 Small renewable energy projects; penalty.** Directs the Department of Environmental Quality to develop a permit or permits by rule for the construction and operation of small renewable energy projects that have a maximum capacity of 100 megawatts if they generate electricity from sunlight, wind, or falling water, wave motion, tides, or geothermal power, or 20 megawatts if they generate electricity from biomass, energy from waste, or municipal solid waste. 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. However, the Commission will retain jurisdiction regarding use of rights-of-way and interconnection of such facilities. Violations are subject to civil and criminal penalties. HB 2525 is incorporated. SB 1347 is identical.

*Patron - Hogan*

**HB2268 Definition of renewable energy.** Provides that the term "biomass," as used in the definition of renewable energy for purposes of Chapter 23 of Title 56, includes both sustainable and non-sustainable biomass; and provides that the definitions thereof shall be liberally construed. The measure also provides that the term "renewable energy" shall include the proportion of the thermal or electric energy from a facility that results from the co-firing of biomass.

*Patron - Poindexter*

**HB2277 Natural gas distribution service by municipalities and authorities.** Authorizes a municipal corporation or public service authority created under the Virginia Water and Sewer Authorities Act to purchase natural gas for resale from any public utility that is certificated to provide natural gas distribution service within the Commonwealth. The municipality or authority may provide natural gas distribution service within any underserved area of a county that is adjacent to the boundaries of the municipal corporation or any political subdivision that is a member of the public service authority, if the area is not within the certificated territory assigned to a public utility for the provision of natural gas service. The municipality or authority is required to notify the State Corporation Commission but is not required to obtain a certificate of public convenience and necessity before providing such service in the area. A municipality or authority that undertakes to provide gas service within such area shall have the same rights as a public service authority to acquire and maintain any lines, pipelines, or other improvements necessary or appropriate for the provision of natural gas distribution service, by condemnation or otherwise, to the same extent that apply to a public service authority in its provision of water and sewer service.

*Patron - Bowling*

**HB2371 Electric utilities; pilot proceeding for rate initiatives.** Directs the State Corporation Commission to conduct a proceeding to establish two pilot programs for certain customers that generate electricity from renewable generation facilities. One program addresses dynamic rates for power purchases by eligible customer/renewable generators. The second pilot addresses rates at which participating customers are provided the opportunity to sell electricity to a participating utility at dynamic rates. Participating utilities are required to include

on customers' bills a statement of the amount of the charges that results from the implementation of this act.

*Patron - Nutter*

**HB2506 Energy efficiency programs.** Authorizes investor-owned electric utilities to recover, through a rate adjustment clause, the costs of designing and operating energy efficiency programs that have the effect of producing measured and verified reductions in the amount of electricity required. The utility may earn a general rate of return on energy efficiency programs. The State Corporation Commission may allow for the recovery of reductions in revenue related to energy efficiency programs, to the extent the revenue is not recovered through off-system sales. The costs of new energy efficiency programs shall not be assigned to any large general service customer that has implemented energy efficiency measures. HB 2176 is incorporated.

*Patron - Pollard*

**HB2519 Electric utilities; over-recovery of fuel costs.** Requires the State Corporation Commission (SCC) to review fuel costs if it approves an increase in fuel factor charges that would increase the total rates of residential customers by more than 20 percent, which review shall be conducted within 6 months after the effective date of the increase. If the Commission finds that the utility is in an over-recovery position with respect to its fuel costs by more than 5 percent, it may reduce the fuel costs.

*Patron - Phillips*

**HB2531 Demand-side management, energy conservation, energy efficiency, and demand reduction.** Directs the State Corporation Commission (SCC) to conduct a proceeding to determine achievable, cost-effective energy conservation and demand response targets that can be accomplished through demand-side management portfolios administered by generating electric utilities. The measure directs the SCC's cost-benefit analysis to take into consideration certain data on program costs and avoided costs and to consider standard industry-recognized tests. The SCC is required to report to the Governor and the General Assembly by November 15, 2009. The measure also requires the SCC to approve a demand response program that is proposed by a certain generating electric utility or a qualified nonutility provider if certain conditions are satisfied. The Department of Environmental Quality, in consultation with the SCC and Department of Mines, Minerals and Energy, is required to adopt regulations that exempt certain customers from the major and minor new source review regulations during verifiable peak shaving periods, to create a class or classes of general permits that would create the same exemptions, or both. The measure also directs the Air Pollution Control Board to adopt a general permit or permits for the use of back-up generation, in order to allow emergency generation sources to operate during periods that the independent system operator has notified electric utilities that an emergency exists or may occur. HB 2000 is incorporated.

*Patron - Kilgore*

**HB2576 Electricity generated from solid waste.** Expands the definition of a "qualifying project" under the Public-Private Education Facilities and Infrastructure Act of 2002 to include any solid waste management facility that produces electric energy derived from solid waste.

*Patron - May*

**SB1153 Public-Private Education Facilities and Infrastructure Act of 2002; definitions; review of proposals.** Amends the definition of "qualifying project" to include any services designed to increase the productivity and efficiency of a responsible public entity. Currently such services require the

direct or indirect use of technology. In addition the bill (i) requires that a public hearing be held by the responsible public entity on a proposal at least 30 days prior to entering into an interim or comprehensive agreement, and (ii) provides for the Auditor of Public Accounts to post copies of interim and comprehensive agreements that have been periodically reviewed by that office in an online database. The bill also establishes a working group convened by the Chairmen of the Senate Committee on General Laws and Technology and the House Committee on General Laws to annually review model guidelines used by responsible public entities and to consider best practices recommendations. The bill incorporates SB 1244.

*Patron - McDougle*

**SB1248 Energy efficiency programs.** Authorizes investor-owned electric utilities to recover, through a rate adjustment clause, the projected and actual costs of designing, implementing, and operating energy efficiency programs and fair and effective peak-shaving programs. The utility may earn a general rate of return on energy efficiency programs. The State Corporation Commission may allow for the recovery of reductions in revenue related to energy efficiency programs, to the extent the revenue is not recovered through off-system sales. Certain large general service customers may be exempted from paying the costs of such energy efficiency programs. The measure also requires electric cooperatives to file assessments of impediments to their implementation of certain rate initiatives.

*Patron - Northam*

**SB1339 Electric utility regulation.** Establishes a fourth voluntary renewable portfolio standard goal of 15 percent by 2025. The measure also (i) requires investor-owned electric utilities to develop tariffs offering dynamic rates that vary in accordance with the utility's costs of providing electricity seasonally, daily, and throughout each day; and (ii) requires that rates for utility payments to eligible customer-generators under a net energy metering program be based on the utility's avoided generation costs and the average market value of the renewable attributes for the customer-generator's facility. The measure will become effective if reenacted by the 2010 Session.

*Patron - Herring*

**SB1347 Small renewable energy projects; penalty.** Directs the Department of Environmental Quality to develop a permit or permits by rule for the construction and operation of small renewable energy projects that have a maximum capacity of 100 megawatts if they generate electricity from sunlight, wind, or falling water, wave motion, tides, or geothermal power, or 20 megawatts if they generate electricity from biomass, energy from waste, or municipal solid waste. 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. However, the Commission will retain jurisdiction regarding use of rights-of-way and interconnection of such facilities. Violations are subject to civil and criminal penalties. This bill incorporates SB 1194. HB 2175 is identical.

*Patron - Wagner*

**SB1348 Demand-side management, energy conservation, energy efficiency, and demand reduction.** Directs the State Corporation Commission (SCC) to conduct a proceeding to determine achievable, cost-effective energy conservation and demand response targets that can be accomplished through demand-side management portfolios administered by generating electric utilities. The SCC is required to report to the Governor and the General Assembly by November 15, 2009. The measure also requires the SCC to approve a demand-side man-

agement program that is proposed by a certain generating electric utility or a qualified nonutility provider if certain conditions are satisfied. The Department of Environmental Quality, in consultation with the SCC and Department of Mines, Minerals and Energy, is required to adopt regulations that exempt certain customers from the major and minor new source review regulations during verifiable peak shaving periods, to create a class or classes of general permits that would create the same exemptions, or both. The measure also directs the Air Pollution Control Board to adopt a general permit or permits for the use of back-up generation, in order to allow emergency generation sources to operate during periods that the independent system operator has notified electric utilities that an emergency exists or may occur.

*Patron - Wagner*

**SB1523 Southeastern Public Service Authority.** Requires the Southeastern Public Service Authority of Virginia to, in good faith, entertain any and all reasonable landfill gas contract offers that have the potential to result in landfill gas-to-fuel or landfill gas-to-electricity and steam generation, thereby creating green-energy job opportunities and revenue to the area served by the Authority.

*Patron - Quayle*

## Failed

**HB1705 Community net metering.** Requires the State Corporation Commission to establish a program of community net metering, which will allow a group of residential, small commercial, and other customers to establish an "eligible community customer" to act collectively to generate renewable energy for their own use. Members of an eligible community customer develop a net metered system that provides that excess generation by some members of the group will be used to offset consumption by other members within the group. The generating capacity of an eligible community customer's facility shall not exceed two megawatts at a single site but may exceed the amount of electricity provided by the incumbent electric utility over a net metering period at the site that hosts the generation facility. If electricity generated by the generation facility or facilities within the eligible community customer group in a year exceeds the net electricity consumption by members of the group, the utility shall reduce the eligible community customer's bill for the next monthly billing period by the amount of the excess. This bill was incorporated into HB 2155.

*Patron - Poisson*

**HB1770 Offering additional telephone services in underserved localities.** Authorizes the State Corporation Commission, when it finds that the telephone customers in a locality are not offered optional, additional-cost services such as call waiting, voice mail, or caller identification, while customers in an adjacent locality who are charged the same telephone service rates are offered such additional services, to require the telephone company to (i) offer such additional services to customers in the locality, (ii) lower the telephone service rates to just and reasonable levels that appropriately reflect the telephone company's failure to offer the additional services, or (iii) prescribe other appropriate relief that is in the public interest.

*Patron - Pollard*

**HB2000 Electric utility rate structures; advancing conservation and efficiency.** Directs the State Corporation Commission to encourage investor-owned electric utilities to file tariffs with rate structures that reflect time of day and seasonal cost differentials. In proceedings that involve a new or

amended retail rate structure, the Commission is directed to consider several factors, including the extent to which the rates are designed to align with the utility's marginal cost of providing service at different times of the day. In such rate structure proceedings, electric utilities may seek, and the Commission may approve, financial incentives for the implementation of creative rate options that would allow the utility and its customers to share the economic benefits of rate structures that lower the utility's fuel costs. The measure also directs the Commission to give the highest level of priority in its development of the electric energy consumer education program to efforts to increase consumer awareness and knowledge of electricity rate structures and the overall cost of electricity. This bill was incorporated into HB 2531.

*Patron - Vanderhye*

**HB2066 Public-Private Transportation Act of 1995; VDOT as responsible public entity.** Establishes provisions that apply when the Virginia Department of Transportation considers a proposal for a transportation facility. VDOT is required to conduct an initial review of competing proposals and present its recommendations to the Commonwealth Transportation Commissioner within 60 days after the required publication period. Following the Commonwealth Transportation Commissioner's acceptance of the proposal, the agency shall, within 60 days, return to the private entity with a request for a detailed submission, and the private entity shall complete and resubmit the submission within 120 days. A resubmitted proposal shall be acted upon by the agency within 90 days, and negotiations on an agreement shall begin within 30 days thereafter. The procedures apply only to proposals submitted on or after January 1, 2008.

*Patron - Hamilton*

**HB2081 Distribution of underground gas service; penalty.** Declares that it is unlawful to sell and distribute natural gas or propane, propane-air mixture, or other manufactured gas to the public via underground lines, except pursuant to a certificate of public convenience and necessity issued by the State Corporation Commission. The measure states that this provision is declarative of existing law. The measure imposes a fine on any person violating the prohibition of up to \$1,000 per day, which fine is in addition to any other penalties provided by law. This bill was incorporated into HB 1970.

*Patron - Saxman*

**HB2105 Electric utility regulation.** Directs the State Corporation Commission to take into account, when considering requests for a certificate, permit, or approval for a generation facility, whether the facility is consistent with the utility's integrated resource plan. The measure also (i) establishes a fourth voluntary renewable portfolio standard goal of 15 percent by 2025; (ii) allows utilities to recover costs of designing and operating demand management, conservation, energy efficiency, and load management programs, including an enhanced rate of return on capital invested in energy efficiency, including advanced metering infrastructure, of 200 basis points for between three and seven years; (iii) requires utilities to develop tariffs offering real-time variable rates; and (iv) requires that rates for utility payments to eligible customer-generators under a net energy metering program be not less than the rate the utility charges its customers for electricity provided 100 percent from renewable energy.

*Patron - McClellan*

**HB2173 Utility Facilities Act; renewable energy generators.** Excludes any company, or aggregation of not more than five companies, that sells steam or electricity generated or produced from a renewable energy source to not more than five commercial or industrial customers from regulation as a public

utility, public service corporation, or public service company. If the facility generates electricity, its nameplate capacity shall not exceed one megawatt. An affected electric utility may file a proposed tariff to reflect any changes in service as a result of purchases of the electricity.

*Patron - Hogan*

**HB2176 Electric energy efficiency standards.** Establishes an energy efficiency standard under which investor-owned electric utilities are required to reduce the consumption by their retail customers in the Commonwealth, through implementation of energy efficiency and conservation programs, 2025 is 19 percent less than the consumption level currently projected for such year. Between 2010 and 2025, utilities are required to meet interim benchmarks established by the State Corporation Commission (SCC), which may be amended due to such factors as economic growth, the addition of load to serve plug-in vehicles, or regulatory, economic, or technological reasons beyond the utility's control. If a utility fails to comply with a benchmark, it is required to pay an alternate compliance payment in an amount not to exceed 3 cents per kilowatt hour consumed in excess of the benchmark amount. A utility's energy efficiency and conservation programs shall be reported in its integrated resource plans. This bill was incorporated into HB 2506.

*Patron - Plum*

**HB2267 Renewable energy facilities.** Defines a renewable energy facility, for purposes of Title 56, as a facility that either: (i) generates thermal or electric power primarily by the use of a renewable energy resource; (ii) uses heat primarily derived from a renewable energy resource to produce electricity or useful, measurable thermal or mechanical energy at a facility of an electric utility's retail customer; (iii) is a solar thermal energy facility, or (iv) specifically allows for co-firing with non-renewable energy resources as long as non-renewable energy resources are not the primary energy source. Hydroelectric power facilities are excluded from the scope of the term. The measure also defines a renewable energy resource as a solar electric, solar thermal, wind, hydropower, geothermal, or ocean current or wave energy resource; biomass; heat derived from a renewable energy resource and used to produce electricity or useful, measurable thermal energy at a retail electric customer's facility; or hydrogen derived from a renewable energy resource. Finally, the measure defines "biomass" as organic material, including materials that are within the scope of "biomass" in the existing section establishing a streamlined environmental permitting process for qualified energy generators, and (a) organic refuse-derived fuel, (b) other industrial solid waste of an organic, non-hazardous nature; and (c) unusable reject materials from recycling operations that are primarily of a cellulosic or lignin nature.

*Patron - Poindexter*

**HB2315 Electric utility rates; deferral of increases.** Requires the State Corporation Commission (SCC) to defer a portion of an investor-owned electric utility's increase in residential electric rates or charges if, as a result of the increase, the new residential rates are 15 percent higher than its residential rates in the year preceding the rate increase. The deferred amount is the revenue that would be collected by the utility over the 36 months following the SCC's order, based on the difference between the new rate and 115 percent of its residential rate in the preceding year. The deferred amount, with interest at a rate set by the SCC, will be recovered from residential retail customers over a three-year period.

*Patron - Carrico*

**HB2372 Electric utility rates; curtailing peak power purchases.** Directs the State Corporation Commission to pro-

mulgate regulations requiring electric utilities to offer electric service to nonresidential customers under a tariff that induces customers to curtail electricity usage during periods when the utility's costs of purchasing electric power rise above their norm as a result of heightened load demand and system congestion. The tariff shall ensure that the utility's costs savings are shared with customers who curtail demand for electric power through reduced rates or charges.

*Patron - Nutter*

**HB2525 Wind energy development.** Exempts wind energy projects with a rated capacity of less than 100 megawatts that will be operated or constructed by a nonutility generator from provisions that require State Corporation Commission (SCC) approval. The Department of Environmental Quality (DEQ) is designated as the lead agency for issuing permits for such projects. Limits are imposed on the duration and financial obligations of the developer with respect to monitoring the effect of the project on birds and other wildlife. Any SCC proceeding involving an application for a certificate, permit, or approval required for the construction or operation by a public utility of a wind power facility is required to be completed within nine months following the utility's submission of a complete application. The measure establishes an investment tax credit whereby a taxpayer is allowed a credit against income taxes equal to 35 percent of the cost of constructing, purchasing, or leasing wind turbines and towers. The credit may be claimed over a five-year period. The amount of income tax credits in any taxable year shall not exceed 50 percent of the tax liability otherwise due, and a taxpayer is ineligible to claim a credit of more than \$500,000 in any year. Finally the measure declares that wind turbines and towers are tangible personal property used primarily for the purpose of abating or preventing pollution of the atmosphere and waters of the Commonwealth and exempts 80 percent of their value from state and local taxation. This bill was incorporated into HB 2175.

*Patron - Miller, J.H.*

**SB807 Mobile camps for railroad employees.** Establishes standards for rooms at terminals and headquarters, permanent assembly points, and mobile work camps provided by a railroad company for employees and contractors. Railroad companies are required to provide drinking water at assembly points where maintenance-of-way employees meet. The Board of Health is required to adopt regulations concerning mobile camps. The State Corporation Commission is responsible for investigating reports of failures to comply with the requirements.

*Patron - Lucas*

**SB908 Condemnations by public service corporations.** Prohibits a public service corporation from acquiring by condemnation proceedings land or interest therein that is subject to a conservation easement. If the public service corporation owns a right-of-way in land that is subject to a conservation easement on which it has existing lines or other facilities, then it shall not expand its easement by condemning adjacent land that is subject to a conservation easement. This restriction does not prohibit a corporation from acquiring the right to install, operate, and maintain additional utility facilities within the area of its existing right-of-way or similar interest.

*Patron - Stuart*

**SB913 Renewable portfolio standards; forest products.** Removes the requirement that utilities participating in a renewable portfolio standard (RPS) program collectively use no more than 1.5 million tons of forest products such as wood chips, bark, sawdust, and trees each year towards meeting RPS goals.

*Patron - Stuart*

**SB1126 Electric energy consumption reduction goal.** Revises the Commonwealth's stated goal to reduce electric energy consumption. The revised goal is to reduce the consumption of electric energy by retail customers, by the year 2022, to an amount equal to 90 percent of the amount of electric energy consumed by retail customers per capita in 2006. The existing goal is to reduce the consumption of electric energy by retail customers by the year 2022 by an amount equal to 10 percent of the amount of electric energy consumed by retail customers in 2006.

*Patron - Petersen*

**SB1190 Local exchange telephone service; competition policy.** Requires the State Corporation Commission, in cases involving local exchange telephone service, to consider it in the public interest to sustain levels of intrastate access rates that ensure the provision of affordable and reliable local exchange telephone service in rural or high costs areas of the Commonwealth. Prior to reducing intrastate access rates in such a case, the Commission shall determine how the provider would fully recover the loss of revenues from the reduction. The reduction will be considered to be in the public interest if it results in the accrual of a net benefit to consumers. The measure removes the provision that requires the Commission to consider it in the public interest to reduce or eliminate any requirement to price retail and wholesale products and services at levels that do not permit providers of local exchange telephone services to recover their costs of those products and services. By enactment clauses, the measure prohibits the Commission from making any decision reducing intrastate access charges until the first to occur of (i) the Federal Communications Commission has issued a final unappealable order in proceeding FCC 08-262 or (ii) July 31, 2011, and requires the Commission to determine whether a universal service fund shall be established to ensure the provision of affordable and reliable local exchange telephone services provided by incumbent local carriers serving the rural areas of the Commonwealth and to report thereon by November 30, 2010.

*Patron - Puckett*

**SB1244 Public-Private Education Facilities and Infrastructure Act of 2002; definition of qualifying projects.** Provides that a "qualifying project" under the Public-Private Education Facilities and Infrastructure Act of 2002 may include any services designed to increase productivity or efficiency through the use of technology or any other means. This bill is incorporated into SB 1153.

*Patron - Stosch*

**SB1253 Electric service provided to public schools and libraries.** Prohibits electric utilities from charging public schools and libraries for service provided to them.

*Patron - Deeds*

**SB1273 Electric utility regulation.** Revises the procedures for setting the rates of investor-owned electric utilities. The State Corporation Commission (SCC) shall determine rates, for each investor-owned incumbent utility, that are just, reasonable, and nondiscriminatory. Proceedings shall be governed by the provisions of Chapter 10 of Title 56 and shall provide fair rates of return on common equity applicable to the generation and distribution services of the utility. The SCC may use any methodology to determine rates of return it finds is consistent with the public interest. In subsequent biennial reviews, the SCC may order changes in the utility's rates to ensure that such rates continue to be just, reasonable and nondiscriminatory. Rates, terms and conditions for each service shall be reviewed separately on an unbundled basis, and such reviews shall be conducted in a single, combined proceeding.

In the initial rate proceeding, the SCC is required to direct each incumbent electric utility to refund to retail customers the amount by which its actual stranded cost recoveries under capped rates exceeded the stranded costs actually incurred by the utility, which refunds shall be based on customer usage in 2008. Provisions applicable to rate caps shall not be applicable to incumbent electric utilities after the SCC's establishment of new rates. The measure repeals provisions that (i) established parameters in setting the rate of return on equity, (ii) authorize utilities to seek rate adjustment clauses for specific costs on a stand-alone basis, (iii) direct the SCC to approve an enhanced rate of return for certain generation facilities, and (iv) establish various other checks on the utility's rates.

*Patron - Vogel*

**FSB1296 Energy efficiency and demand response goals.** Establishes a goal that every investor-owned utility in the Commonwealth reduce the consumption by their retail customers in the Commonwealth, through implementation of energy efficiency programs, in 2025 by 19 percent compared to the consumption level currently projected for such year. The measure also establishes a goal that such utilities reduce their maximum peak demand in 2025 through their implementation of load-shifting and similar demand response programs to a level that is 26 percent less than the currently projected maximum peak demand for such year. The measure allows utilities to recover costs of designing and operating demand response and energy efficiency programs through a rate adjustment clause, and requires utilities to develop tariffs offering real-time variable rates.

*Patron - Reynolds*

**FSB1440 Integrated resource planning; electrical consumption.** Requires each electric utility to include in its integrated resource plan, and amendments thereto, a plan for the utility to reduce its customers' electricity consumption by 2025 to a level that is 19 percent less than the forecasted 2025 consumption level, through investments in programs that will reduce the amount of base load power that the utility will be required to make available to meet expected customer consumption. The measure requires electric cooperatives to prepare integrated resource plans on the same terms applicable to investor-owned electric utilities. If a utility fails to comply with a benchmark, it is required to pay an alternate compliance payment in an amount not to exceed three cents per kilowatt hour consumed in excess of the benchmark amount. Funds collected from alternate compliance payments are to be deposited in a special fund named the Virginia Energy Efficiency and Integrated Resource Plan Compliance Fund. The Fund shall be used to finance financial incentives, including grants and low-interest loans, to persons other than utilities for the implementation of energy efficiency and conservation programs.

*Patron - Herring*

**FSB1447 Energy efficiency by electric utilities.** Requires investor-owned electric utilities and electric cooperatives to implement energy efficiency programs. Utilities are eligible to recover costs of approved programs that achieve quantifiable, observable savings where the scope of the program is sufficient to reduce demand from retail customers by amounts needed to attain a targeted 19 percent consumption reduction goal by 2025. Investor-owned electric utilities are also eligible to earn a 200 basis points' enhanced return on equity on investments in approved energy efficiency programs. The integrated resource plans developed by electric utilities shall include investments in energy efficiency resources sufficient to achieve a 19 percent reduction in the utility customer's consumption in 2025, compared to the projected level of consumption that would occur without such investments. The net energy metering program shall be revised to supplement

energy efficiency programs. The State Corporation Commission is required to develop regulations that provide access to the electrical grid by distributed generators with combined heat and power systems. The measure requires electric cooperatives to prepare integrated resource plans on the same terms applicable to investor-owned electric utilities. If a utility fails to comply with a benchmark, it is required to pay an alternate compliance payment in an amount not to exceed 3 cents per kilowatt hour consumed in excess of the benchmark amount. Funds collected from alternate compliance payments are to be deposited in a special fund named the Virginia Energy Efficiency and Integrated Resource Plan Compliance Fund. The Fund shall be used to finance financial incentives, including grants and low-interest loans, to persons other than utilities for the implementation of energy efficiency and conservation programs. A Virginia Energy Efficiency Commission is established as an advisory Commission in the executive branch to evaluate the success of energy efficiency programs, to verify the achievements of such programs, and to identify new cost-effective opportunities for new energy efficiency programs.

*Patron - McEachin*

**FSB1452 Energy efficiency programs.** Imposes a \$1 per month surcharge on rates for retail customers of investor-owned electric utilities and distribution electric cooperatives. The moneys generated from the charge will be deposited in the Energy Efficiency Fund, which shall be administered by a program administrator selected by the State Corporation Commission subject to the approval of the Governor. The program administrator is charged with developing energy efficiency plans and, if approved by the SCC, implementing such plans. The SCC shall approve a proposed energy efficiency plan if it is consistent with energy objectives of the Virginia Energy Plan.

*Patron - Petersen*

**FSB1472 Prepaid wireless E-911 charges.** Establishes a procedure for the collection and remittance of prepaid wireless E-911 charges by sellers of prepaid wireless service in the Commonwealth. The charge is established at \$0.38 per retail transaction, as such amount is adjusted proportionately with any change to the wireless E-911 surcharge. The Department shall establish registration and payment procedures with respect to prepaid wireless E-911 charges that substantially coincide with those applicable to the sales tax. Seller may retain three percent of collected prepaid wireless E-911 charges. The measure applies to retail transactions occurring on or after January 1, 2010.

*Patron - Saslaw*

## Religious and Charitable Matters; Cemeteries

Failed

**FSB1072 Prayer at public events.** Provides that whenever a individual is requested to provide a prayer, invocation, or benediction at a public event that is sanctioned by a governmental agency, such governmental agency shall have no authority to regulate how that individual refers to God in prayer or prohibit the religious content of the individual's prayer, invocation, or benediction, provided such prayer, invocation, or benediction is not used to advance a particular religion or to disparage another faith or belief.

*Patron - Martin*

# Taxation

## Passed

**HB1594 Voluntary contributions of tax refunds; new organizations.** Adds the Middle Peninsula Chesapeake Bay Public Access Authority to the list of organizations that may receive contributions of taxpayer refunds. The Authority will be added to the bottom of the list of other organizations waiting to appear on the income tax return.

*Patron - Morgan*

**HB1691 Sales tax revenue; retention by the City of Virginia Beach.** Adds the City of Virginia Beach to the localities that are entitled to all sales tax revenues generated by transactions taking place at events in certain public facilities. This bill incorporates HB 2411.

*Patron - Tata*

**HB1737 Income tax; conformity.** Conforms Virginia's income tax with the Internal Revenue Code as it has been done each year for many years. This bill is identical to SB 985.

*Patron - Purkey*

**HB1779 Sales and use tax; exemption of sales by nonprofit entities.** Provides that nonprofit organizations are exempt from collecting the sales tax on their sales of 1) food, prepared food, and meals, and 2) tickets to events that include the provision of food, prepared food, and meals, so long as such sales take place on less than 24 occasions in a calendar year.

*Patron - Athey*

**HB1790 Neighborhood Assistance Act tax credits; veterinarians.** Adds veterinarians to the list of professionals who are eligible for tax credits under the Neighborhood Assistance Act and extends the sunset date from 2009 to 2011.

*Patron - Hull*

**HB1803 Sales and use tax; entitlement to certain revenues.** Sets aside certain sales tax revenues generated by transactions occurring on the premises of a stadium for a minor league professional baseball affiliated team, with such revenues to be used to repay any bonds issued to finance the construction of such stadium. The bonds must be issued on or after July 1, 2009, but before July 1, 2012. This bill is identical to SB 1021.

*Patron - Loupassi*

**HB1830 Setoff Debt Collection Act; setoff against federal tax refunds for local tax debt.** Allows local governments, with the Department of Taxation's assistance, to collect past due local debts from federal income tax returns. The provisions of the act will take effect on the effective date of federal legislation enacted by the United States Congress allowing such debt to be offset against federal income tax refunds.

*Patron - Fralin*

**HB1891 Land preservation tax credit.** Reduces from \$100,000 to \$50,000 the amount of the land preservation tax credit that may be claimed for each of taxable years 2009 and 2010. Any taxpayer affected by the credit reduction would be allowed an additional two taxable years in which to claim the land preservation tax credit. This bill is identical to SB 986.

*Patron - Brink*

**HB1917 Transient occupancy tax; Giles County.** Adds Giles County to the list of counties that may impose a transient occupancy tax at a rate of five percent with the revenue collected in excess of the two percent rate going to promote tourism. This bill is identical to SB 858.

*Patron - Crockett-Stark*

**HB1938 Income tax; livable home tax credit.** Increases the individual tax credit limit from \$500 to \$2,000 and the 25 percent amount for retrofitting to 50 percent for taxable years beginning on or after January 1, 2010. This bill incorporates HB 2343. This bill is identical to SB 845.

*Patron - Peace*

**HB1947 Transient occupancy tax; Bath County.** Permits Bath County to impose an additional transient occupancy tax not to exceed two percent with the revenue from such tax to be allocated as follows: (i) one-half for tourism and travel, marketing of tourism, or other initiatives that attract travelers; and (ii) one-half for the design, operation, construction and improvement, acquisition, and debt service for such expenses on debt incurred after June 30, 2009, of tourism facilities, historic sites, beautification projects, promotion of the arts, regional tourism marketing efforts, capital costs related to travel and transportation including air service, public parks, and information centers.

*Patron - Shuler*

**HB1975 Local incentives for green roofs.** Authorizes counties, cities, and towns to grant incentives or provide regulatory flexibility to encourage the use of green roofs in the construction, repair, or remodeling of residential and commercial buildings. The incentives or regulatory flexibility could include (i) a reduction in permit fees when green roofs are used, (ii) a streamlined process for the approval of building permits when green roofs are used, or (iii) a reduction in any gross receipts tax on green roof contractors as defined by the local ordinance. This bill is identical to SB 1058.

*Patron - Ware, R.L.*

**HB2059 Local meals, and food and beverage taxes; exemptions.** Provides numerous exemptions to meals taxes imposed by cities and towns, and expands such exemptions from meals taxes imposed by counties.

*Patron - Hamilton*

**HB2084 Real and personal property taxes.** Exempts certain pollution control equipment and facilities from local property taxes.

*Patron - Purkey*

**HB2091 Sales tax revenue; renovations to public facilities.** Includes the debt service on bonds issued for renovations to certain public facilities as eligible to be paid with sales tax revenue retained by the applicable locality from sales made in the facility. The bill also modifies a requirement for a locality's renovations to other public facilities to be eligible for similar benefits under current law. This bill incorporates HB 2264. This bill is identical to SB 868.

*Patron - Fralin*

**HB2098 Real property tax; agricultural use assessment.** Provides that real property that is otherwise devoted to a use qualifying it for special land use assessment (i.e. agricultural, horticultural, forest, or open-space) does not lose such designation solely because (i) a portion of the property is being used for a different purpose pursuant to a special use permit or otherwise allowed by zoning, or (ii) utility lines are located on the property. In addition the bill provides that, in determining

whether real property qualifies for special land use assessment, zoning designations and special use permits shall not be considered.

*Patron - Orrock*

**HB2101 Department of Taxation annual reports.** Changes the date from April 15 to October 1 for the Department to issue an annual report on corporate income tax relief and moves the report requirement language for nonprofit entities from one section of the Code to another.

*Patron - Orrock*

**HB2133 Boards of equalization; term limits.** Removes the nine-year term limit for members of boards of equalization.

*Patron - Miller, J.H.*

**HB2135 Recordation taxes; basis.** Changes from a Class 2 to a Class 1 misdemeanor the criminal penalty for knowingly misrepresenting the consideration for the interest in property conveyed for purposes of recordation and grantor taxes. The bill also would provide a penalty equal to 100 percent of the tax due on the understatement of the consideration in cases in which the understatement is false or fraudulent with the intent to evade a tax. The bill incorporates HB 1823. This bill is identical to SB 1157.

*Patron - Miller, J.H.*

**HB2186 Coal and gas road improvement tax.** Extends the sunset date to 2014 for the coal and gas road improvement tax.

*Patron - Phillips*

**HB2289 Real and personal property taxes; duty to provide information to commissioner of the revenue.** Requires (i) certain entities that manage real property and that maintain names of the owners of such property, on the request of the commissioner of revenue, to provide such names to the commissioner, and (ii) the owner or manager of a self-storage facility to provide the names and addresses of the lessees of any portion of the facility's outdoor common area. This bill is identical to SB 896.

*Patron - Cline*

**HB2308 Effect on rate when assessment results in tax increase; public hearings.** Provides that notice of the public hearing a locality must hold prior to increasing its real property tax when that locality's assessment of real property results in a tax increase shall be given at least 14 days before the date of the hearing in any year in which a general appropriation act or amendments to a general appropriation act have not been enacted by April 30. This bill is identical to SB 1003.

*Patron - Melvin*

**HB2316 Transient Occupancy Tax; Smyth County.** Adds Smyth County to those counties permitted to impose an additional three percent transient occupancy tax above the two percent, which all counties are permitted to impose.

*Patron - Carrico*

**HB2330 Sales and use tax exemption; nonprofit schools.** Eliminates the requirement that a nonprofit entity with gross annual revenue of at least \$1 million, seeking to be exempt from sales and use tax must provide a financial audit performed by an independent certified public accountant, and replaces it with a requirement that a nonprofit entity that has at least \$750,000 in gross annual revenue must provide a financial review performed by an independent certified public accountant. The Department of Taxation may, on a case-by-case basis, require any nonprofit entity with gross annual revenue

of at least \$1 million to provide a financial audit performed by an independent certified public accountant. This bill is identical to SB 1222.

*Patron - Athey*

**HB2347 Income tax credit.** Repeals obsolete code sections that give income tax credits for renewable energy source expenditures, steam producers, and purchasing of machinery and equipment for processing recyclable materials. This bill is a recommendation of the Virginia Code Commission.

*Patron - Landes*

**HB2348 Fiduciaries distributing intangible personal property to file informative tax returns.** Repeals § 58.1-20, relating to the filing of informative tax returns by fiduciaries paying or distributing intangible personal property to beneficiaries. This bill is a recommendation of the Virginia Code Commission.

*Patron - Landes*

**HB2360 Sales and use tax; fabrication of animal meat.** Exempts from sales and use tax, the fabrication of animal meat, grains, vegetables, or other foodstuffs when the purchaser (i) supplies the foodstuffs and they are consumed by the purchaser or his family, (ii) is an organization exempt from taxation under § 501 (c) (3) or (c) (4) of the Internal Revenue Code, or (iii) donates the foodstuffs to an organization exempt from taxation under § 501 (c) (3) or (c) (4) of the Internal Revenue Code. This bill is identical to SB 944.

*Patron - Gilbert*

**HB2378 Minimum tax on noncorporate entities.** Clarifies that the minimum tax shall be imposed on telecommunications and electric suppliers that are organized as pass-through entities and that certain taxes imposed on the pass-through entity itself are to be paid by the pass-through entity. This bill is identical to SB 946.

*Patron - Englin*

**HB2437 Corporate income tax; apportionment for manufacturers.** Allows manufacturers to elect an apportionment formula of multiplying their income by the sales factor or using the formula prescribed for other businesses, whether the manufacturers have a sales factor or not. The provisions of the bill would be effective beginning July 1, 2011, and would be phased in with the apportionment formula having a 100 percent sales factor by 2014. For certain manufacturers, the election of a single sales factor is conditioned upon employment levels.

*Patron - Byron*

**HB2472 Merchants' capital tax.** Deems a business with at least 60 percent of its gross rental receipts from the rental of heavy equipment property for periods of 270 consecutive days or less to be a short-term rental business. Such business would be subject to a one percent tax on its gross receipts from the rental of short-term rental property. This bill is identical to SB 1419.

*Patron - Hugo*

**HB2479 Real property tax rate; commercial property in Northern Virginia.** Reduces the rate of the additional real property tax that may be imposed on commercial property by localities embraced by the Northern Virginia Transportation Authority from \$0.25 per \$100 to \$0.125 per \$100. The bill has a sunset date of June 30, 2013.

*Patron - Hugo*

**HB2480 Real property tax; commercial property in Northern Virginia and Hampton Roads.** Requires localities to use the revenue from the special real property tax on com-

mercial property in localities embraced by the Northern Virginia Transportation Authority or the Hampton Roads Transportation Authority solely for (i) new road construction and associated design and right-of-way acquisition, (ii) new public transit construction and associated design and right-of-way acquisition, (iii) other initial capital costs related to new transportation projects and the operating costs directly related thereto, and (iv) the issuance costs and debt service on bonds to support the capital costs permitted in (i) through (iii). Under current law, the localities must use the revenue for transportation purposes that benefit the special regional transportation tax district to which the locality belongs.

*Patron - Hugo*

**HB2502 Transient occupancy tax.** Adds representatives of lodging properties to those local tourism organizations with whom counties consult prior to determining what tourism-related expenditures to make with the revenue from the additional three percent transient occupancy tax available to some counties (all counties may impose a two percent tax). The bill also expands the list of considerations regarding a proposed expenditure to include whether such expenditure will increase occupancy of lodging properties. This bill is identical to SB 1176.

*Patron - Pogge*

**HB2504 Corporate income tax; real estate investment trusts.** Includes certain dividend income in calculating the Virginia taxable income of "Captive Real Estate Investment Trusts (REITs)" to be certain their income is taxed in the same manner as any other corporation's shareholders/owners. This bill is identical to SB 1147.

*Patron - Amundson*

**HB2524 Personal property tax; classification.** Creates as a separate class of personal property, motor vehicles with a seating capacity of not less than 30 persons, permitting localities to impose a lower rate of taxation on such property than the rate applicable to the general class of tangible personal property.

*Patron - Lingamfelter*

**HB2545 Voluntary contributions of tax refunds; Virginia Aquarium and Marine Science Center.** Adds the Virginia Aquarium and Marine Science Center to the list of organizations that may receive contributions of taxpayer refunds. The Center will be added to the bottom of the list of other organizations waiting to appear on the income tax return.

*Patron - Purkey*

**HB2575 Corporate income tax; major business facility job tax credit.** Extends the sunset date of the major business facility job tax credit from January 1, 2010, to January 1, 2020, and allows the credit to be taken over a two-year period rather than a three-year period for taxable years beginning January 1, 2009, through December 31, 2010.

*Patron - Putney*

**HB2592 Personal property tax; electric vehicles.** Creates as a separate class of property for rate purposes, motor vehicles powered solely by electricity.

*Patron - Caputo*

**HB2607 Communications sales and use tax; distributions to certain localities.** Clarifies the amount of communications sales and use tax revenues that the Town of Clifton is to receive annually. The bill also establishes an administrative process that allows the Department of Taxation to make additional distributions of communications sales and use tax revenues to localities that collected telecommunications and

television cable funds in fiscal year 2006 but which funds were either not reported or incorrectly reported to the Auditor of Public Accounts.

*Patron - Hugo*

**HB2651 Real property tax; sale of tax-delinquent property.** Provides that a party whose interest in tax-delinquent property is secured by a properly recorded deed of trust and who has filed an answer in the action commenced pursuant to the provisions of the bill is not required to file a notice in order to have his claim paid upon the judicial sale of such property.

*Patron - Griffith*

**SB845 Livable Home Tax Credit; increase limit.** Increases the Livable Home Tax Credit limit from \$500 to \$2,000 for new residences, and from 25 percent to 50 percent of the amount spent retrofitting an existing residence, for taxable years beginning on or after January 1, 2010. This bill incorporates SB 1148. This bill is identical to HB 1938.

*Patron - Puller*

**SB858 Transient occupancy tax; Giles County.** Authorizes Giles County to impose a transient occupancy tax at a rate not to exceed five percent. Any revenues from that portion of the tax in excess of two percent would be required to be used solely for tourism or marketing of tourism. Currently, every county is authorized to impose a transient occupancy tax at a rate not to exceed two percent; however, many counties have been authorized to impose the tax at a rate not to exceed five percent. This bill is identical to HB 1917.

*Patron - Edwards*

**SB868 Sales and use tax; entitlement to revenues.** Reduces the size of the expansion of certain public facilities from 50% of the square footage of the existing public facilities to 10%, in order to qualify to use certain sales tax revenues to pay off bonds issued to fund the expansion. To qualify, such bonds must be issued on or after July 1, 2009 but before July 1, 2012. This bill is identical to HB 2091.

*Patron - Edwards*

**SB891 Communications sales and use tax; distributions to certain localities.** Clarifies the amount of communications sales and use tax revenues that Bath County is to receive annually. The bill also allows any locality that collected telecommunications and television cable funds from local taxes adopted on or before January 1, 2006, but did not submit or submitted incorrectly the information to receive a percentage share of the communications sales and use tax, to report such collections to the Department of Taxation to begin to receive a percentage share of the tax revenues.

*Patron - McDougle*

**SB896 Duty to file lists of property owners, renters, and lessees.** Adds the owners and operators of self-service storage facilities to the list of entities that are required to provide the name and address of renters or lessees to the local commissioner of revenue upon his request. The bill also would require property owners' associations, condominium unit owners' associations, and proprietary lessees' associations to provide a list of owners of the properties administered by such associations, to the extent that such list is maintained, to the commissioner upon his request. This bill is identical to HB 2289.

*Patron - McDougle*

**SB904 Neighborhood Assistance Act tax credits.** Extends the sunset date of the Neighborhood Assistance Act Tax Credit program from July 1, 2009, to July 1, 2011.

*Patron - Stosch*

**SB905 Power of attorney; tax matters.** Requires the Department of Taxation to provide a taxpayer's representative with power of attorney copies of any written correspondence or other written materials that were provided to the taxpayer, and to use the same method of delivery. The Department of Taxation will have until July 1, 2010, to implement these requirements. The bill is contingent on funding being included in the general appropriation act adopted by the 2009 Session of the General Assembly that becomes law.

*Patron - Stosch*

**SB944 Sales and use tax; fabrication of animal meat, grains, vegetables, and foodstuffs.** Exempts from sales and use tax the fabrication of animal meat, grains, vegetables, or other foodstuffs when the purchaser supplies the food stuffs and the foodstuffs are consumed by the purchaser or his family, or when the purchaser is a non-profit organization or donates the foodstuffs to a non-profit organization. This bill incorporates SB 813 and SB 1132. This bill is identical to HB 2360.

*Patron - Deeds*

**SB946 Minimum tax on noncorporate entities.** Clarifies that the minimum tax is imposed on telecommunications and electric suppliers that are organized as pass-through entities and that certain taxes imposed on the pass-through entity itself are to be paid by the pass-through entity. This bill contains an emergency clause. This bill is identical to HB 2378.

*Patron - Howell*

**SB978 Income taxes; recognition of income from dealer dispositions of property.** Allows the income from dealer dispositions of property made on or after January 1, 2009, to be recognized under the installment method at the election of the taxpayer, provided that (i) the election relating to the dealer disposition of the property has been made on or before the due date prescribed by law for filing the taxpayer's income tax return, and (ii) the dealer disposition is in accordance with restrictions and conditions established by the Department.

*Patron - Stuart*

**SB985 Income tax; conformity.** Conforms Virginia's income tax with the Internal Revenue Code as it has been done each year for many years. This bill is identical to HB 1737.

*Patron - Colgan*

**SB986 Land preservation tax credit.** Reduces from \$100,000 to \$50,000 the amount of the land preservation tax credit that may be claimed for each of taxable years 2009 and 2010. Any taxpayer affected by the credit reduction would be allowed an additional two taxable years in which to claim the land preservation tax credit. This bill is identical to HB 1891.

*Patron - Colgan*

**SB1003 Effect on rate when assessment results in tax increase; public hearings.** Provides that notice of the public hearing a locality must hold prior to increasing its real property tax when that locality's assessment of real property results in a tax increase shall be given at least 14 days before the date of the hearing in any year in which neither a general appropriation act nor amendments to a general appropriation act have been enacted by April 30. This bill is identical to HB 2308.

*Patron - Quayle*

**SB1004 Certification of energy-efficient buildings for local taxes.** Adds architects to those persons currently authorized to certify buildings as energy efficient using standards prescribed in the Uniform Statewide Building Code. The bill also makes technical changes.

*Patron - Quayle*

**SB1021 Sales and use tax; entitlement to certain revenues.** Sets aside certain sales tax revenues generated by transactions occurring on the premises of a new stadium or structures attached thereto with such revenues to be used to repay any bonds issued to finance the construction of such stadium. The bonds must be issued on or after July 1, 2009, but before July 1, 2012. This bill is identical to HB 1803.

*Patron - McEachin*

**SB1025 Transient occupancy tax; Greene County.** Authorizes Greene County to impose a transient occupancy tax at a rate not to exceed five percent. Any revenues from that portion of the tax in excess of two percent would be required to be used solely for tourism or marketing of tourism. Currently, every county is authorized to impose a transient occupancy tax at a rate not to exceed two percent; however, many counties have been authorized to impose the tax at a rate not to exceed five percent.

*Patron - Hanger*

**SB1052 Affordable housing assessments.** Provides for a determination of fair market value of affordable rental housing, allows for localities to determine the definition of affordable rental housing, and does not allow the determination to be made if pending building code violations exist. This bill is recommended by the Virginia Housing Commission.

*Patron - Whipple*

**SB1058 Local incentives for green roofs.** Authorizes counties, cities, and towns to grant incentives or provide regulatory flexibility to encourage the use of green roofs in the construction, repair, or remodeling of residential and commercial buildings. The incentives or regulatory flexibility could include (i) a reduction in permit fees when green roofs are used, (ii) a streamlined process for the approval of building permits when green roofs are used, or (iii) a reduction in any gross receipts tax on green roof contractors as defined by the local ordinance. This bill is identical to HB 1975.

*Patron - Whipple*

**SB1120 Virginia Tax Amnesty Program.** Authorizes the State Tax Commissioner to operate a tax amnesty program during the 2009-2010 fiscal year. The program would be open to any individual, corporation, estate, trust, or partnership that is required but has failed to file a return or to pay any tax administered by the Department of Taxation. All civil or criminal penalties assessed or assessable and one-half of the interest assessed or assessable, resulting from nonpayment, underpayment, nonreporting, or underreporting of tax liabilities would be waived upon payment of the taxes and interest. For purposes of implementing the amnesty program, the Department of Taxation would be exempt from the project management and procurement oversight of the Virginia Information Technologies Agency.

*Patron - Colgan*

**SB1147 Corporate income tax; real estate investment trusts.** Includes certain dividend income in calculating the Virginia taxable income of "Captive Real Estate Investment Trusts (REITs)" to be certain their income is taxed in the same

manner as any other corporation's shareholders/owners. This bill is identical to HB 2504.

*Patron - Whipple*

**SB1157 Recordation and grantor taxes.** Changes from a Class 2 to a Class 1 misdemeanor the criminal penalty for knowingly misrepresenting the consideration for the interest in property conveyed for purposes of recordation and grantor taxes. The bill also would provide a penalty equal to 100 percent of the tax due on the understatement of the consideration in cases in which the understatement is fraudulent with the intent to evade a tax. This bill is identical to HB 2135.

*Patron - Saslaw*

**SB1176 Transient occupancy tax; consultation with lodging industry.** Requires that authorized counties, in levying a transient occupancy tax greater than two percent, must consult with representatives of lodging properties within the county. Current law requires the counties to consult with "local tourism industry organizations," but does not specifically mention lodging properties. This bill is identical to HB 2502.

*Patron - Watkins*

**SB1222 Sales and use tax exemption; nonprofit entities.** Provides that nonprofit entities with gross annual revenue of at least \$750,000 in the previous year must file a financial review performed by an independent certified public accountant in order to be eligible for a sales and use tax exemption. However, for those nonprofit entities with gross annual revenue of at least \$1 million in the previous year, the Department of Taxation may require that the entity provide a financial audit performed by an independent certified public accountant in lieu of the financial review. This bill is identical to HB 2330.

*Patron - Obenshain*

**SB1246 Retaliatory costs tax credit.** Extends the carry-over period from five years to 10 years, allowing taxpayers an additional five years to carry over credit amounts they have not taken. The new 10-year period is applicable to credits allowed before or after January 1, 2009.

*Patron - Stosch*

**SB1292 Setoff Debt Collection Act; setoff against federal tax refunds for local tax debt.** Allows local governments, with the Department of Taxation's assistance, to collect past due local taxes from federal income tax returns. The provisions of the act will take effect on the effective date of federal legislation enacted by the United States Congress allowing such debt to be offset against federal income tax refunds. The bill also clarifies current policy for the priority of claims against income tax refunds.

*Patron - Edwards*

**SB1309 Recordation tax; exemption.** Expands the recordation tax exemption statewide for an organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code that is organized and operated primarily to acquire land and purchase materials to erect or rehabilitate low-cost homes on such land, which homes are sold at cost to persons who otherwise would be unable to afford to buy a home through conventional means, when the organization is the grantor. Under current law only such organizations located in the City of Lynchburg or Amherst County are exempt.

*Patron - Hurt*

**SB1315 Separate classification of machinery and tools.** Declares machinery and tools used directly in the manufacture of precision investment castings to be a separate classification of machinery and tools for local taxation. Localities

may tax property so classified at rates or assessment ratios that are less than those for other machinery and tools.

*Patron - Locke*

**SB1325 Neighborhood Assistance Act Tax Credit.** Changes the administration of the Neighborhood Assistance Act Tax Credit and the eligibility for an allocation of tax credits. The bill would provide that nonprofit organizations that serve individuals with family annual income not in excess of 180 percent of the federal poverty guidelines would be eligible for an allocation of neighborhood assistance tax credits. Current Department of Social Services regulations (22 VAC 40-41-10) set eligibility for tax credits for programs that serve individuals with family annual income not in excess of 150 percent of the federal poverty guidelines. The bill would provide that programs that offer counseling or supportive services to students or their parents in developing a postsecondary academic or vocational education plan would be eligible for tax credits. The bill would establish a \$0.5 million annual limit in tax credits for each neighborhood organization or a grouping of neighborhood organization affiliates. The bill would require the Department of Education to allocate up to \$4.9 million in tax credits each year for education-related programs for children with disabilities. The general appropriation act currently in effect provides for the Department of Education to award up to \$3 million in grants to schools for students with disabilities pursuant to the Neighborhood Assistance Act and for the State Department of Social Services to allocate up to \$9 million in tax credits pursuant to the Act. The bill extends the sunset date of the Neighborhood Assistance Act program from July 1, 2009, to July 1, 2011.

*Patron - Stosch*

**SB1356 General reassessments in Augusta County.** Authorizes Augusta County to elect by majority vote of its board of supervisors to conduct its general reassessments at either five-year or six-year intervals.

*Patron - Hanger*

**SB1357 Clean fuel vehicle job creation tax credit; adds cellulosic biofuels.** Expands the clean fuel vehicle job creation tax credit to include jobs created associated with the production of cellulosic biofuels, the conversion of vehicles from traditional fuels to cellulosic biofuels, and the manufacture of components for vehicles that utilize cellulosic biofuels. The bill also reorganizes the definition of "job" and the list of approved job fields to simplify and clarify eligibility requirements for the tax credit.

*Patron - Hanger*

**SB1358 Alternative fuel tax exemption for agricultural operations.** Exempts from the alternative fuel tax any alternative fuel produced by the owner or lessee of an agricultural operation, as defined in § 3.2-300, and used (i) exclusively for farm use by the owner or lessee or (ii) in any motor vehicles operated by the producer of such fuel.

*Patron - Hanger*

**SB1419 Daily rental property.** Creates a separate classification of property for daily rental property for taxation purposes. Currently, daily rental property is classified as merchants' capital for taxation purpose. The bill contains a reenactment clause. This bill is identical to HB 2472.

*Patron - Watkins*

**SB1421 Fee for in-room rental or purchase of digital media.** Creates a fee of 10 percent of the in-room purchase or rental price of digital media. The revenues shall be deposited

as follows: Fifty percent into the state's general fund; and Fifty percent into the Governor's Motion Picture Opportunity Fund.

*Patron - Lucas*

**PSB1507 Taxation of gases; Buchanan County.** Provides that gas wells and related improvements may be assessed on an annual basis in Buchanan County subject to the approval of the Board of Supervisors, but requires that gas wells and related improvements be reassessed in the general reassessment of property in the county. The bill also provides that there would be no deduction for expenses for local severance tax purposes in determining the fair market value of gases severed in Buchanan County.

*Patron - Puckett*

**PSB1532 Tax on fuels sales in Northern Virginia.** Changes the tax on fuels sales in Northern Virginia such that the tax would be collected by distributors at the time of making fuels sale to retail dealers located in Northern Virginia. The rate of the tax would also be changed from 2 percent to 2.1 percent.

*Patron - Saslaw*

## Failed

**HB1590 Income tax; toll payment tax credit.** Provides a tax credit against individual income tax for taxpayers making electronic toll collection payments, such as Smart Tag/EZ Pass, during peak hour traffic flow periods in an amount equal to 10 percent of the total amount paid annually for tolls on Virginia highways, for taxable years beginning on or after January 1, 2009.

*Patron - Poisson*

**HB1592 Sales and use tax; exemption for donations to out-of-state governmental entities.** Expands a current exemption for tangible personal property removed from inventory and donated to tax-exempt nonprofit entities or the Commonwealth and its political subdivisions, schools, agencies and instrumentalities to include donations made to any state in the United States, and its political subdivisions, schools, agencies and instrumentalities beginning on and after July 1, 2009.

*Patron - Morgan*

**HB1597 Neighborhood Assistance Act Tax Credit.** Makes localities' health care programs eligible to receive tax credits that can be transferred to professionals donating their services to the programs.

*Patron - Scott, J.M.*

**HB1661 Motor fuels tax.** Converts the rates of taxation on motor fuels from cents per gallon to percentage rates. The percentage rates shall be calculated by the Commissioner of the Division of Motor Vehicles in an amount that will most closely yield the amount of cents per gallon being charged on the applicable motor fuel prior to the effective date of the bill. Thereafter, the percentage rates would not change, but would be applied against the average price per gallon of the fuel, less federal and state taxes, as determined by the Commissioner of the Division of Motor Vehicles over rolling six-month periods, to determine the cents per gallon to be charged.

*Patron - Scott, J.M.*

**HB1669 Individual income tax; sharing with localities.** Provides that the Commonwealth shall return to cities and counties 50 percent of the growth in income tax collections for each city or county. The amounts returned shall be expended

for school construction costs and transportation needs of the cities and counties.

*Patron - Albo*

**HB1686 State Lottery; privatization of the administration of the lottery.** Requires the State Lottery Board, on or before December 1, 2009, to complete an implementation study for the privatization of the administration of the state lottery. The bill also requires that by December 15, 2009, the State Lottery Board report to the Governor and the chairmen of the House Committee on Appropriations and the Senate Committee on Finance the results of its implementation study and make its recommendations to achieve the privatization of the administration of the state lottery. The bill requires that the administration of the lottery be privatized on or before July 1, 2011. The bill contains an emergency clause.

*Patron - Poisson*

**HB1715 Admissions tax; Greensville County.** Adds Greensville County to the list of counties that may impose an admissions tax.

*Patron - Tyler*

**HB1721 Income tax; homebuyer tax credit.** Provides an income tax credit equal to \$1,250 for single taxpayers and \$2,500 for married taxpayers filing jointly for taxable years beginning January 1, 2009, and ending January 1, 2010, who purchase a home for the first time during that period for use as their principal residence. The taxpayer must repay the credit over a 10-year period which begins the first year when no credit remains to be taken.

*Patron - Peace*

**HB1751 Admissions tax.** Adds Carroll County to the list of localities that may levy a tax, not to exceed 10 percent, on the admissions charged for any event in the county.

*Patron - Carrico*

**HB1766 Treasurers; mailing of certain bills.** Requires treasurers to mail certain tax bills at least 30 days prior to the due date instead of 14 days.

*Patron - Dance*

**HB1786 Sales and use tax exemption; audiovisual productions.** Removes the sunset date (July 1, 2019) from the exemption for purchases made for use in the production of audiovisual works.

*Patron - Hull*

**HB1808 Income tax; homebuyer tax credit.** Provides an income tax credit equal to \$2,500 for single taxpayers and \$5,000 for married taxpayers filing jointly for taxable years beginning on or after January 1, 2009, but before January 1, 2011, who purchase a principal residence during that period. Any tax credit claimed would be recaptured if the taxpayer disposes of the principal residence within two years after purchase.

*Patron - Peace*

**HB1823 Recordation taxes; basis.** Changes the basis on which recordation taxes are calculated on the transfer of real estate to (i) the stated consideration for the real estate, or (ii) when the consideration is nominal or when the sale is through foreclosure or other similar sale, the appraised value of the property. Under current law the basis is the consideration for the real estate or the value of the real estate, whichever is greater. This bill is incorporated into HB 2135.

*Patron - Albo*

**HB1839 Commercial real estate tax in Northern Virginia.** Provides that half of the current special tax on commercial real property in Northern Virginia be used for local projects pursuant to existing law, and half be used to construct new roads or construct new transit, provided that the projects are approved by the most recent long-range plan of the Northern Virginia Transportation Authority. The bill accomplishes this by halving the rate of the special tax under current law (from \$0.25 to \$0.125) and providing for an additional tax for the new construction of roads and transit at the same rate.

*Patron - Albo*

**HB1846 Motor fuels tax.** Eliminates the current seventeen and one-half cents per gallon motor fuels tax and replaces it with a 5% sales and use tax, while retaining the collection of the replacement tax at the "rack" or terminal (wholesale level) where the current cents per gallon tax is collected.

*Patron - Lingamfelter*

**HB1895 Estate tax reinstated.** Reinstates the federal credit amount so that the Commonwealth would receive payments from those estates of persons dying on or after July 1, 2009. No estate tax would be imposed on a gross estate if the majority of the assets of the total estate were an interest in a closely held business or a working farm. The revenues from the estate tax would first be used for funding staffing standards in nursing homes required to be established under the bill, which staffing standards would require a minimum of direct care services to each resident per 24-hour period.

*Patron - Watts*

**HB1902 Admissions tax; Carroll County.** Adds Carroll County to the list of counties that may impose an admissions tax.

*Patron - Armstrong*

**HB1934 Income tax; age deduction income indexing.** Requires the \$50,000 and \$75,000 adjusted federal adjusted gross income amounts related to the age deduction to be indexed according to the CPI-U, for taxable years beginning on and after January 1, 2010.

*Patron - Plum*

**HB1965 Income tax; Public/Private Education Investment Tax Credit.** Creates income tax credits for business entities and individual taxpayers who make contributions to eligible public school foundations and eligible scholarship foundations. For individual taxpayers, the amount of the annual credit is 100 percent of the contribution but may not exceed \$800 for individual taxpayers and \$1,200 for married taxpayers filing jointly. The amount of the annual credit for business entities is 90 percent of the contribution with no limit on the dollar amount. The public school foundations are required to disburse annually 90 percent of the contributions for capital improvement projects approved by the local school board and for extracurricular activities. The scholarship foundations are required to disburse 90 percent of the contributions for qualified educational expenses through scholarships. There is a \$20 million cap on total tax credits awarded annually, with \$10 million allocated for contributions made to public school foundations and \$10 million allocated for contributions made to scholarship foundations. The credit would be effective for taxable years beginning on and after January 1, 2010.

*Patron - Saxman*

**HB1976 Individual income tax; school supplies expense tax credit.** Provides an income tax credit for taxable years beginning on and after January 1, 2009, equal to 100 percent of the amount paid by a taxpayer for school supplies for

use by students in public or private primary or secondary schools or students being home schooled. The credit amount may not exceed \$125 for individual taxpayers and \$250 for taxpayers filing jointly.

*Patron - Ware, R.L.*

**HB2010 Paper and plastic bag fee.** Imposes a fee of \$0.05 on paper and plastic bags used by purchasers to carry tangible personal property from the place of purchase. Durable, reusable plastic bags and bags used for ice cream, meat, fish, and poultry are exempt from the fee. The revenues raised by the fee will be deposited in the Water Quality Improvement Fund.

*Patron - Ebbin*

**HB2017 Transient occupancy tax; Fairfax County limitations.** Clarifies that the additional transient occupancy tax does not apply within the limits of any town located in Fairfax County.

*Patron - Rust*

**HB2027 Derelict buildings; recycled goods.** Allows for an owner of a building to apply to a locality and request that a building that fulfills certain conditions, be declared a derelict building and for the owner to receive a real estate tax abatement and allow for the building materials to be recycled.

*Patron - Marshall, D.W.*

**HB2094 Income tax; renewable energy property tax credit.** Provides a tax credit for individuals and corporations for renewable energy property placed in service for taxable years beginning on and after January 1, 2009. Credits are approved on a first-come, first-served basis and cannot exceed \$1,000,000 for individuals and \$1,000,000 for corporations in any year. Renewable energy property means photovoltaic property, solar water heating property, and wind-powered electrical generator property.

*Patron - Pollard*

**HB2106 Neighborhood Assistance Act tax credits; landlords participating in housing choice voucher programs.** Allocates \$4.5 million in Neighborhood Assistance Act tax credits to landlords participating in housing choice voucher programs for low-income tenants. The bill also increases the annual amount of Neighborhood Assistance Act tax credits from \$12 million to \$12.5 million, with the \$500,000 increase coming from a transfer of tax credits that are currently reserved for the low-income housing credit under § 58.1-435. A landlord who participates in a housing choice voucher program would receive a tax credit equal to 40 percent of the fair market value of the rent for each qualified housing unit. Qualified housing units would be (i) dwelling units located in census tracts in the Commonwealth in which less than 10 percent of the residents live below the poverty level, (ii) dwelling units included in a housing choice voucher program, (iii) required to be in substantial compliance with the Uniform Statewide Building Code, and (iv) part of a parcel of real property that contains at least four dwelling units with no more than 25 percent of the total dwelling units on the parcel included in a housing choice voucher program. The Department of Housing and Community Development would administer the tax credits for landlords participating in housing choice voucher programs. Tax credits would be allowed only for that portion of the taxable year in which a dwelling unit was included in a housing choice voucher program. The bill provides a five-year carryforward period for unused tax credits. The bill extends the sunset date of the Neighborhood Assistance Act tax credit program from July 1, 2009, to July 1, 2011.

*Patron - McClellan*

**HB2153 Business, professional, occupational license tax; limitation of authority.** Allows the Towns of Herndon and Leesburg to levy the BPOL tax on any person, firm, or corporation engaging in the business of renting real property.

*Patron - Rust*

**HB2161 Local sales and use tax; additional authorized in City of Charlottesville and Albemarle County.** Permits the City of Charlottesville and Albemarle County to impose an additional sales and use tax at a rate not exceeding one percent, provided that all revenue generated from the additional tax is used solely for transit or other transportation projects.

*Patron - Toscano*

**HB2195 Income tax; in-home health care tax credit.** Provides an income tax credit for every individual taxpayer who pays medical and in-home care expenses for mentally or physically impaired relatives living with the taxpayer for taxable years beginning on or after January 1, 2010, and who claims such relative as a dependent on his income tax return. The amount of the credit is equal to the amount paid and not reimbursed for such expenses but not more than \$1,000 annually. The credit will be reduced \$1 for every \$2 that the taxpayer's federal adjusted gross income exceeds \$50,000 for single taxpayers and \$75,000 for married taxpayers.

*Patron - Watts*

**HB2196 Income tax; deduction for certified nursing assistants and home health aides.** Grants an income tax deduction, for taxable years beginning on or after January 1, 2010, in the amount of \$10,000 for certified nursing assistants and home health aides who provide Medicare-authorized home health or long-term care services to individuals in their homes. The deduction is reduced \$1 for every \$2 the taxpayer's federal adjusted gross income exceeds \$40,000.

*Patron - Watts*

**HB2203 The Keep Our Promise Act of 2009.** Reinstates the Personal Property Tax Relief Act of 1998 at 100 percent reimbursement for qualifying vehicles effective January 1, 2010.

*Patron - Frederick*

**HB2205 BPOL taxes; repeal.** Repeals local business license (BPOL) taxes.

*Patron - Frederick*

**HB2206 Budget Bill; funding for transportation.** Requires the Governor to include in his Budget Bill funding for transportation in the biennium in an amount equal to at least 10 percent of the amount by which the projected general fund revenues for the biennium exceed the general fund revenues of the immediately previous biennium.

*Patron - Frederick*

**HB2249 Local cigarette tax; counties.** Authorizes any county to impose a local cigarette tax at a rate not to exceed \$0.05 per pack or the amount levied under state law, whichever is greater.

*Patron - Barlow*

**HB2250 Severance tax.** Adds sand, marl, and gravel to the list of items on which localities may impose the severance tax.

*Patron - Barlow*

**HB2264 Sales tax revenue; renovations to public facilities.** Includes the debt service on bonds issued for renova-

tions to certain public facilities as eligible to be paid with sales tax revenue retained by the applicable locality from sales made in the facility. The bill deals only with future renovations of a new public facility for which the sales tax revenue already has been retained by the applicable locality. Under current law, renovations of other public facilities must meet other requirements. This bill is incorporated into HB 2091.

*Patron - Ware, O.*

**HB2290 Income tax credit; animal adoption fee tax credit.** Allows a nonrefundable credit to individuals who adopt animals from pounds or nonprofit shelters, for taxable years beginning on and after January 1, 2009. The credit amount shall equal the adoption fee or \$100, whichever is less, and may only be taken by the taxpayer for the taxable year in which the animal is adopted.

*Patron - Cline*

**HB2296 Corporate income tax; major business facility job tax credit.** Extends the sunset date of the major business facility job tax credit from January 1, 2010, to January 1, 2020.

*Patron - Caputo*

**HB2298 Income tax; qualified adoption expenses tax credit.** Provides a tax credit for individuals with qualified adoption expenses, in an amount up to \$4,000, for taxable years beginning on or after January 1, 2009.

*Patron - Caputo*

**HB2343 Livable home tax credit.** Increases the limit of the livable home tax credit from \$500 annually to \$1,000, for taxable years beginning on and after January 1, 2009. This bill is incorporated into HB 1938.

*Patron - Amundson*

**HB2368 Income tax and sales and use tax; credit and exemption for certain telecommunications service providers.** Creates an income tax credit and sales and use tax exemption for wireless and broadband equipment purchased by telecommunications providers for use within rural areas of the Commonwealth. For taxable years beginning on and after January 1, 2009, the income tax credit is equal to 30 percent of all expenditures for wireless and broadband equipment used in providing telecommunications services in the rural areas of the Commonwealth. There is a \$10 million cap on the total amount of income tax credits that may be allowed in any tax year. The sales and use tax exemption is phased in beginning January 1, 2010, with 25 percent of the purchase price being exempt and increasing to 100 percent by 2012.

*Patron - Nutter*

**HB2374 Income tax; Renewable Energy Job tax credit.** Provides an income tax credit to corporations for each "Renewable Energy Job" created and filled. The amount of the credit for each such job is (i) two percent of each salary that is less than \$50,000 a year, and (ii) \$1,000 for each salary of \$50,000 and more a year. A Renewable Energy Job is employment in an industry related to renewable alternative energies. The credit is available for taxable years beginning on or after January 1, 2009, but before January 1, 2014.

*Patron - Englin*

**HB2376 Estate tax reinstated.** Reinstates the federal credit amount so that the Commonwealth will receive payments from those estates owing federal estate tax, for deaths occurring on or after January 1, 2009. It does exempt estates valued at \$5 million or less, working farms, and closely held businesses. The revenues raised from the tax shall be distributed equally to the Tuition Assistance Grant program, the Vir-

ginia Preschool Initiative, and the Healthy Families Virginia program.

*Patron - Englin*

**HB2379 Cigarette tax rate; funding education and Medicaid.** Increases the cigarette tax by \$0.89 per pack (from \$0.30 cents per pack to \$1.19 per pack). Of the \$0.89 increase, the additional revenue attributable to \$0.30 is dedicated to funding for the Medicaid program, and (ii) the increase in revenue attributable to the remaining \$0.59 is dedicated to funding for public schools.

*Patron - Englin*

**HB2383 Tax and fee discounts and allowances.** Eliminates dealer tax and fee discounts and allowances for the retail sales and use tax, tire recycling fee, communications sales and use tax, cigarette and tobacco products tax, E-911 service tax, and fuels taxes.

*Patron - Scott, J.M.*

**HB2389 State cigarette tax and tobacco products tax.** Increases the state cigarette tax from 1.5 cents per cigarette to 3 cents per cigarette, adds a \$0.25 per ounce tax on each can or package of moist snuff, and eliminates the stamping agent discount and the dealer discount.

*Patron - Brink*

**HB2411 Sales and use tax; entitlement to revenues; City of Virginia Beach.** Adds the City of Virginia Beach to the list of cities that may receive the sales tax revenues from sales in public facilities within the city to be used to pay off the financing bonds. This bill is incorporated into HB 1691.

*Patron - Bouchard*

**HB2414 Individual income tax; subtraction for Virginia Military Family Relief Fund.** Provides a subtraction when calculating Virginia taxable income for individuals who receive benefits under the Virginia Military Family Relief Fund.

*Patron - Bouchard*

**HB2439 Income tax; honorably discharged veteran job creation tax credit.** Provides an income tax credit to businesses for jobs created and filled by honorably discharged veterans. The amount of the credit for each such job is (i) two percent of each salary that is less than \$50,000 a year, and (ii) \$1,000 for each salary of \$50,000 and more a year. The credit is available for taxable years beginning January 1, 2009, but before January 1, 2014.

*Patron - Poisson*

**HB2455 Development of the biosciences and other technology industries in the Commonwealth; qualified equity and subordinated debt investments tax credit.** Redefines "qualified business" for purposes of investments eligible for the tax credit. The bill also allocates half of the available credits for investments in qualified businesses that were created to commercialize technology-related research developed at or in partnership with an institution of higher education. However, an investment shall not be qualified 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. The bill, as introduced, was a recommendation of the Joint Subcommittee Studying Biosciences and Biotechnology in the Commonwealth.

*Patron - O'Bannon*

**HB2470 Northern Virginia Transportation District Fund; dedication of state matching funds to the Washington Metropolitan Area Transit Authority.** Dedicates, through the year 2019, any additional funds that may be distributed to the Northern Virginia Transportation District Fund as a result of the 2009 Session of the General Assembly increasing the recordation tax revenue distributed to localities pursuant to § 58.1-816, to the Washington Metropolitan Area Transit Authority (WMATA) to provide funds to the Authority as may be required under federal law for the payment of certain federal funds to WMATA and shall be used for capital improvements for WMATA's transit service (Metro). The bill expires June 30, 2010, if such federal law is not in effect on June 30, 2010.

*Patron - Hugo*

**HB2512 Individual income tax; subtraction for Virginia Military Family Relief Fund.** Provides a subtraction when calculating Virginia taxable income for individuals who receive benefits under the Virginia Military Family Relief Fund.

*Patron - Marsden*

**HB2562 Retail sales and use tax exemptions.** Exempts from the retail sales and use tax solar photovoltaic systems, solar thermal systems, and wind-powered electrical generators purchased for installation in or on residential real property.

*Patron - Bouchard*

**HB2572 Income tax; energy-efficient equipment deduction.** Provides an income tax deduction for taxable years beginning on or after January 1, 2010, to individuals who purchase energy-efficient equipment, on or after January 1, 2009, used for heating, cooling, and providing electricity to their residences. The amount of the deduction equals 50 percent of such equipment expenditures, but not more than \$7,500 total.

*Patron - Caputo*

**HB2573 Income tax; energy-efficient equipment tax credit.** Grants an income tax credit for taxable years beginning on or after January 1, 2010, to taxpayers (individuals and corporations) who purchase energy-efficient equipment for heating, cooling, and electricity generation for their commercial property used in a business. The amount of the credit equals 25 percent of such equipment expenditures, but may not be more than \$7,500 total.

*Patron - Caputo*

**HB2587 Transient occupancy tax.** Provides that any county, by duly adopted ordinance, may levy a transient occupancy tax on single-family residences rented out for continuous occupancy for fewer than 30 consecutive days.

*Patron - Landes*

**HB2588 Individual income tax, corporate income tax, and sales and use tax.** Removes the remaining portion of the state sales and use tax (one and one-half percent) from food for human consumption (effective July 1, 2010), restructures the individual income tax rate brackets, and exempts corporations having less than \$100,000 of Virginia taxable income from the Virginia corporate income tax for taxable years beginning on or after January 1, 2010.

*Patron - Englin*

**HB2593 Income tax; deduction for military retirement pay.** Grants a deduction when calculating Virginia taxable income for military retirement pay for taxable years

beginning on and after January 1, 2010. To the extent the age deduction is taken, this deduction will not be allowed.

*Patron - Frederick*

**HB2601 Real property tax; notice of change in assessment.** Requires that the notice of a new assessment (i) be sent to the taxpayer at least 30 days prior to the date of a hearing to protest the assessment, and (ii) contain specific information regarding the new tax levy and the prior year's tax levy.

*Patron - Massie*

**HB2609 Fee for in-room rental or purchase of digital media.** Creates a fee of 10 percent of the in-room purchase or rental price of digital media. The revenues shall be deposited as follows: Fifty percent into the state's general fund; and Fifty percent into a special Film Incentive Programs Fund.

*Patron - Ware, O.*

**HB2635 Publication of information contained in local warrants.** Authorizes local governments to publish information relating to warrants paid by the locality. The warrant information that could be published would be the names of payees, amounts paid, the serial numbers of warrants, and dates of payments. Information on warrants relating to tax refunds could be published only if the information was aggregated or classified so as to prevent the identification of the payee of the tax refund.

*Patron - Cline*

**HB2645 Tobacco products tax; moist snuff.** Changes the tax on moist snuff from 10 percent of the manufacturer's sales price to \$0.26 per ounce, and dedicates each fiscal year 50 percent of the amount by which the total amount of revenue collected from the tobacco products tax exceeds the total amount of revenue collected from such tax on smokeless tobacco in the fiscal year ending June 30, 2009, to the Office of the Attorney General to be used for the enforcement of tobacco-related laws. The bill also requires tobacco products manufacturers to file a monthly report detailing the identity of each entity in the Commonwealth to which the manufacturer shipped tobacco products, and the amount of tobacco products shipped, by type of product and brand.

*Patron - Kilgore*

**HB2661 Recordation Tax.** Eliminates the state's share of the recordation tax applied to a property's first \$200,000 of value on transactions between April 1, 2009, and ending September 30, 2009. The provisions of the bill are not effective unless (i) the American Recovery and Reinvestment Act of 2009 (H.R. 1, 111th congress, 1st Session), or a similar national economic stimulus law, is passed by the United States Congress and enacted into law during the month of February 2009, and (ii) such Act or stimulus law provides direct financial assistance to the Commonwealth of Virginia in an amount that is at least equal to any anticipated negative fiscal impact on the revenues of the Commonwealth as a result of the provisions of this act.

*Patron - Peace*

**SB812 Publication of information contained in local warrants.** Authorizes local governments to publish information relating to warrants paid by the locality. The warrant information that could be published would be the names of payees, amounts paid, the serial numbers of warrants, and dates of payments. Information on warrants relating to tax refunds could be published only if the information was aggregated or classified so as to prevent the identification of the payee of the tax refund.

*Patron - Cuccinelli*

**SB813 Sales and use tax; fabrication of animal meat.** Exempts from sales and use tax the fabrication of animal meat to be consumed by the purchaser of the animal meat or his family, when the purchaser supplies the animal or meat that is fabricated. This bill was incorporated into SB 944.

*Patron - Cuccinelli*

**SB838 Land preservation tax credit; conveyance for public parks or public recreational facilities.** Provides that the land preservation tax credit would equal 60 percent of the fair market value of any land that is donated to a state or local governmental entity for the purpose of a public park or public recreational facility. The 60 percent tax credit would apply only if (i) the responsible authorities of a park authority or local park agency or the Department of Conservation and Recreation execute a written document stating its acceptance of the donation, and (ii) the conveyance is in accordance with the current comprehensive plans of the counties or cities in which the donated land is located. All other donations under the land preservation tax credit would not be affected by the bill and would be eligible for a 40 percent tax credit as provided under current law.

*Patron - Ticer*

**SB906 Income tax; homebuyer tax credit.** Provides an income tax credit equal to \$2,500 for single taxpayers and \$5,000 for married taxpayers filing jointly for taxable years beginning on or after January 1, 2009, but before January 1, 2011, who purchase a principal residence during that period. Any tax credit claimed would be recaptured if the taxpayer disposes of the principal residence within two years after purchase. The bill is contingent on supplemental appropriations that may be used for such a credit being included in a federal stimulus package adopted by March 27, 2009. This bill incorporates SB 1441.

*Patron - Stosch*

**SB909 Income tax; credit for blood donations.** Provides an income tax credit in the amount of \$5 for every blood donation made by a taxpayer, for taxable years beginning on or after January 1, 2009. The total annual credit cannot exceed \$50.

*Patron - Stuart*

**SB924 Retail sales and use tax; refund of tax paid for certain machinery or equipment.** Provides for a refund of the retail sales and use tax paid on each article of machinery or equipment with a sales price of at least \$50,000 if (i) the machinery or equipment is used in a Virginia locality; (ii) the purchaser provides evidence satisfactory to the Tax Commissioner that the machinery or equipment is part of a new investment that will result in the creation of at least 10 additional jobs by the purchaser paying at least the prevailing average wage (and the standard fringe benefits) in the locality in which the machinery or equipment is used; and (iii) the purchaser provides a sales receipt relating to the purchase or lease of the machinery or equipment.

*Patron - Deeds*

**SB947 State cigarette tax and tobacco products tax.** Increases the state cigarette tax from 1.5 cents per cigarette to 3 cents per cigarette, adds a \$0.25 per ounce tax on each can or package of moist snuff, and eliminates the stamping agent discount and the dealer discount.

*Patron - Howell*

**SB987 Retail sales and use tax discount; accelerated sales tax payment as a condition.** Requires dealers with taxable sales and purchases of at least \$50 million for the 12-

month period ending on the previous June 30 to make an additional, accelerated payment of sales and use tax in June of the current year. The additional payment would be for the estimated sales and use tax due for June taxable transactions. The additional payment would be required to be made by June 30.

The additional June payment would be taken as a credit on the return for June due by July 20. Any dealer who fails to make the additional payment in an amount that is at least equal to 80 percent of the actual sales and use tax liability for the month of June would (i) be subject to a penalty equal to six percent of the amount of the tax underpayment, and (ii) not be eligible to receive the retail sales and use tax discount for July taxable transactions. This bill would become effective January 1, 2010.

*Patron - Colgan*

**FSB990 Incremental investment tax credit; machinery and equipment.** Establishes a tax credit for incremental investments in machinery or equipment. The credit would be based upon the excess of (i) the new investments in machinery or equipment made during the taxable year, over (ii) the product of 0.80 and the new investments in machinery or equipment made in taxable year 2008. The credit would equal 20 percent of such excess amount. The Department of Taxation would administer the tax credits. No more than \$2 million in tax credits would be issued in any calendar year by the Department. Taxpayers would not be allowed more than \$10,000 in tax credit for any taxable year in which an incremental investment in machinery or equipment was made. Any unused tax credit would be allowed to be carried forward for five taxable years. The credit would be effective for taxable years 2009, 2010, and 2011.

*Patron - Deeds*

**FSB1019 Neighborhood Assistance Act tax credits; landlords participating in housing choice voucher programs.** Allocates \$4.5 million in Neighborhood Assistance Act tax credits to landlords participating in housing choice voucher programs for low-income tenants. The bill also increases the annual amount of Neighborhood Assistance Act tax credits from \$12 million to \$12.5 million, with the \$500,000 increase coming from a transfer of tax credits that are currently reserved for the low-income housing credit under § 58.1-435. A landlord who participates in a housing choice voucher program would receive a tax credit equal to 40 percent of the fair market value of the rent for each qualified housing unit. Qualified housing units would be (i) dwelling units located in census tracts in the Commonwealth in which less than 10 percent of the residents live below the poverty level, (ii) dwelling units included in a housing choice voucher program, (iii) required to be in substantial compliance with the Uniform Statewide Building Code, and (iv) part of a parcel of real property that contains at least four dwelling units with no more than 25 percent of the total dwelling units on the parcel included in a housing choice voucher program. The Department of Housing and Community Development would administer the tax credits for landlords participating in housing choice voucher programs. Tax credits would be allowed only for that portion of the taxable year in which a dwelling unit was included in a housing choice voucher program. The bill provides a five-year carryforward period for unused tax credits. The bill extends the sunset date of the Neighborhood Assistance Act tax credit program from July 1, 2009, to July 1, 2011.

*Patron - McEachin*

**FSB1029 Transient occupancy tax.** Provides that any county, by duly adopted ordinance, may levy a transient occupancy tax on single-family residences rented out for continuous occupancy for fewer than 30 consecutive days.

*Patron - Hanger*

**FSB1041 Fuels taxes; annually adjusted.** Adjusts fuels taxes each year on April 1 by the percentage increase in the Corporate Average Fuel Economy (sales volume weighted), Total Fleet (the CAFE) for the immediately preceding calendar year over the CAFE for calendar year 2008. The first adjustment would occur on April 1, 2010.

*Patron - Hanger*

**FSB1043 Use value assessment; roll-back taxes.** Allows counties, cities, and towns to assess and collect roll-back taxes for up to 15 years under a use value assessment program if all roll-back taxes, interest, and penalty are promptly deposited into a special fund and used to fund the locality's purchase of development rights program.

*Patron - Hanger*

**FSB1074 Business, professional, occupational license tax; limitation of authority.** Allows the Towns of Herndon and Leesburg to levy the BPOL tax on any person, firm, or corporation engaging in the business of renting real property.

*Patron - Howell*

**FSB1097 Income tax; telework expenses tax credit.** Provides a tax credit to employers for expenses incurred in allowing employees to telework pursuant to a signed telework agreement. An employer would be eligible for a credit of up to \$1,200 per teleworking employee, depending on the number of days per month an employee will telework and whether the employer's primary place of business is located in a nonattainment area under the federal Clean Air Act. There is also a 100 percent tax credit for costs the employer incurs for conducting a telework assessment in the year prior to implementing a formal telework program. This assessment credit is capped at \$20,000 per employer. The aggregate amount of tax credits that will be issued is capped at \$1 million annually for taxable years 2010 and 2011.

*Patron - Herring*

**FSB1098 Flextime income tax credit.** Provides a tax credit to employers for employees who enter into flextime agreements. An employer would be eligible for a one-time \$500 credit for each employee who enters into a scheduling agreement that allows the employee to begin work anytime between 6 a.m. and 9 a.m. or allows the employee to work four 10-hour days per week. No employer would be eligible to receive more than \$25,000 in credits under this section, and the aggregate amount of the credit available annually is capped at \$1 million.

*Patron - Herring*

**FSB1104 Income tax; temporary protective enclosures for oysters tax credit.** Provides an individual income tax credit, for taxable years beginning on and after January 1, 2009, up to \$500 for taxpayers who purchase and use temporary protective enclosures for oysters when cultivating oysters beside or under their piers. The enclosures must have been purchased on or after January 1, 2005.

*Patron - Northam*

**FSB1123 Admissions tax; Greensville County.** Adds Greensville County to the list of counties that may impose an admissions tax.

*Patron - Lucas*

**FSB1124 Commercial clean energy production tax credit.** Establishes an income tax credit for electricity that is produced using solar photovoltaic technology or wind power at a commercial clean energy production facility in the Commonwealth. The tax credit would equal (i) 0.06 cents per kWh of

electricity that is generated using solar photovoltaic technology and that is sold to an electric utility in the Commonwealth, and (ii) 0.03 cents per kWh of electricity that is generated using wind power and that is sold to an electric utility in the Commonwealth. The bill would require the State Corporation Commission to conduct a rulemaking proceeding to be completed by December 1, 2009, to establish eligibility criteria for commercial solar photovoltaic and wind power facilities that are in the public interest. The tax credit would be able to be carried forward for five taxable years.

*Patron - Petersen*

**FSB1125 Income tax; green jobs tax credit.** Provides an income tax credit to taxpayers in the amount of \$1,000 per year, for up to three years, for each "green job" created that pays at least \$50,000 a year. A green job is employment in an industry related to renewable alternative energies. The credit is available for taxable years beginning on or after January 1, 2009, but before January 1, 2014.

*Patron - Petersen*

**FSB1129 Publication of information contained in local warrants.** Authorizes local governments to publish information relating to warrants paid by the locality. The warrant information that could be published would be the names of payees, amounts paid, the serial numbers of warrants, and dates of payments. Information on warrants relating to tax refunds could be published only if the information was aggregated or classified so as to prevent the identification of the payee of the tax refund.

*Patron - Petersen*

**FSB1131 Notice for setting local real property tax rate.** Reduces from 30 days to 10 days the public notice required by localities under certain circumstances for increasing the local real property tax rate above the rate that would generate 101 percent of the prior year's real property tax revenues.

*Patron - Petersen*

**FSB1132 Sales and use tax; fabrication of animal meat.** Exempts from sales and use tax the fabrication of animal meat to be consumed by the purchaser of the animal meat or his family, when the purchaser supplies the animal or meat that is fabricated. This bill was incorporated into SB 944.

*Patron - Petersen*

**FSB1133 Estate tax reinstated.** Reinstates the federal credit amount so that the Commonwealth will receive payments from those estates of persons dying on or after July 1, 2009. No estate tax would be imposed on estates valued at \$5 million or less, working farms, and closely held businesses. The revenues from the estate tax would be used, as provided in the general appropriation act, to fund community-based programs of area agencies on aging, increase Medicaid reimbursement rates for hospitals or nursing homes that serve indigent seniors, and fund the cost of existing or additional waivers from the United States Department of Health and Human Services to authorize the Commonwealth to cover certain health care services and delivery systems for senior citizens, as may be permitted by Title XIX of the Social Security Act.

*Patron - Petersen*

**FSB1141 Income tax; renewable energy property tax credit.** Provides a tax credit for individuals and corporations for renewable energy property placed in service for taxable years beginning on and after January 1, 2009. Credits are approved on a first-come, first-served basis and cannot exceed \$1,000,000 for individuals and \$1,000,000 for corporations in any year. Renewable energy property means solar photovoltaic

systems, solar thermal systems, and wind-powered electrical generators. The bill is contingent on supplemental appropriations that may be used for such credit being included in a federal stimulus package adopted by March 27, 2009.

*Patron - Lucas*

**FSB1148 Income tax; livable home tax credit.** Increases the individual tax credit limit from \$500 to \$1,000 for taxable years beginning on or after January 1, 2010. This bill is incorporated into SB 845.

*Patron - Whipple*

**FSB1175 Taxation of property owned by locality.** Provides that a service charge may be levied upon a county, city or town owning real or personal property within the boundaries of another locality. The service charge shall be equal to the amount that would be assessed as taxes on real property as if such property were otherwise subject to tax valuation and assessment. This bill incorporates SB 1373.

*Patron - Watkins*

**FSB1185 Virginia Retail Sales and Use Tax Act.** Conforms the Commonwealth's sales and use tax laws to the provisions of the Streamlined Sales and Use Tax Agreement.

*Patron - Hanger*

**FSB1216 Retail sales and use tax exemptions.** Exempts from the retail sales and use tax solar photovoltaic systems, solar thermal systems, and wind-powered electrical generators purchased for installation in or on residential real property.

*Patron - Deeds*

**FSB1221 Tax credits for donations to nonprofit organizations providing educational funding.** Establishes a tax credit beginning in taxable year 2009 for businesses donating cash or personal property to nonprofit organizations providing funding (i) in the form of scholarships to students who would have been eligible for the free and reduced lunch program under federal law, but who attend nonpublic elementary or secondary schools, or (ii) in support of innovative educational programs in public schools. Nonprofit organizations to which donations are made would be required to contribute at least 90 percent of their annual receipts for such scholarships or innovative educational programs. The tax credit would equal 80 percent of the donation made by the business. No business would be issued more than \$80,000 in tax credit for donations made in a taxable year. The Department of Taxation would be responsible for issuing the tax credits. The Department would be allowed to issue up to \$25 million in tax credits in each fiscal year of the Commonwealth.

*Patron - Obenshain*

**FSB1231 Income tax; energy-efficient equipment tax credit.** Grants an income tax credit for taxable years beginning on or after January 1, 2011, to individuals who purchase energy-efficient equipment for their homes on or after January 1, 2009. The amount of the credit equals five percent of such equipment expenditures but not more than \$2,500 total.

*Patron - Barker*

**FSB1245 Virginia Public Building Authority; financing energy performance-based contract projects.** Authorizes the Virginia Public Building Authority to issue bonds in a principal amount not to exceed \$50,000,000 for the financing of projects on state-owned buildings that are contracted under an energy performance-based contract. The bill will not become effective unless the State Treasurer, by September 1, 2009, certifies that bonds or indebtedness issued pursuant to

the act would not negatively impact the debt capacity of the Commonwealth.

*Patron - Stosch*

**FSB1259 Land preservation tax credit.** Increases the cap on the aggregate amount of land preservation tax credits that can be issued to \$115 million, beginning in calendar year 2010.

*Patron - Vogel*

**FSB1278 Individual income tax; school supplies expense tax credit.** Provides an income tax credit for taxable years beginning on and after January 1, 2009, equal to 100 percent of the amount paid by a taxpayer for school supplies for use by students in public or private primary or secondary schools or students being home schooled. The credit amount may not exceed \$125 for individual taxpayers and \$250 for taxpayers filing jointly.

*Patron - Newman*

**FSB1283 Fuels taxes; change in tax basis.** Replaces \$0.05 per gallon of the current fuels tax on gasoline, gasohol, and diesel fuel with a cents-per-gallon tax equal to five percent of the statewide average wholesale price of a gallon of self-serve unleaded regular gasoline. The change to the fuels tax rate would only occur if the statewide weekly average wholesale price of a gallon of self-serve unleaded regular gasoline falls below \$0.99 per gallon.

*Patron - Newman*

**FSB1337 Coal and gas road improvement tax; water/sewer projects.** Provides that any revenues generated by the coal and gas road improvement tax and designated for local water or sewer projects shall be distributed to the local industrial development authority or economic development authority or the local public service authority rather than the local governing body. The bill also provides that the revenues may be used for the administrative expenses of the locality's coal and gas improvement fund advisory committee.

*Patron - Puckett*

**FSB1353 Bank franchise tax; deductions from gross capital.** Provides a deduction from gross capital in computing the bank franchise tax for direct equity investments in banks made by the United States government pursuant to the Emergency Economic Stabilization Act of 2008. The deduction would be allowed only for such equity investments that are unrelated to the purchase of a bank's troubled assets by the Secretary of the Treasury of the United States.

*Patron - Wagner*

**FSB1373 Taxation of property owned by locality.** Provides that a service charge may be levied upon a county, city, or town owning real or personal property within the boundaries of another locality. The service charge shall be equal to the amount that would be assessed as taxes on real property if such property were otherwise subject to tax valuation and assessment. This bill is incorporated into SB 1175.

*Patron - Ruff*

**FSB1441 Income tax; homebuyer tax credit; emergency.** Provides an income tax credit equal to \$1,250 for single taxpayers and \$2,500 for married taxpayers filing jointly for taxable years beginning January 1, 2009, and ending January 1, 2010, who purchase a home for the first time during that period for use as their principal residence. The bill has an emergency clause. This bill is incorporated into SB 906.

*Patron - McEachin*

**FSB1443 Income tax; tax credit for health insurance premiums paid by small business employers.** Provides a tax credit for taxable years beginning on or after January 1, 2009, to employers who pay at least one-half of the annual health insurance premium per employee. The amount of the credit is the lesser of \$500 or the amount paid per employee. The total amount of credits available to each employer annually is limited to \$25,000. The credits are available to employers with 50 or fewer full-time employees.

*Patron - Martin*

**FSB1446 Income tax; homebuyer tax credit; emergency.** Provides an income tax credit equal to \$1,250 for single taxpayers and \$2,500 for married taxpayers filing jointly for taxable years beginning January 1, 2009, and ending January 1, 2010, who purchase a home for the first time during that period for use as their principal residence. The taxpayer must repay the credit over a 10-year period which begins the first year when no credit remains to be taken. The bill has an emergency clause.

*Patron - McEachin*

**FSB1474 Retail sales and use tax; dealer discounts.** Provides a dealer discount of local sales taxes to registered dealers using software designed to more accurately allocate local sales taxes to counties and cities. The Department of Taxation would be required to certify the software. The aggregate discount of local sales taxes that could be taken by the dealer would not exceed the purchase price of the certified software. The bill also would eliminate the discount of state sales taxes for any dealer not using the certified software. However, small dealers would not be required to use the certified software as a condition of eligibility for the discount of state sales taxes.

*Patron - McEachin*

**FSB1498 Fuels taxes; percentage of wholesale cost.** Replaces the current fuels tax on gasoline, gasohol, and diesel fuel with a tax that is a percentage of the wholesale price of a gallon of self-serve unleaded regular gasoline. The percentage shall be established by the Commissioner by determining the percentage that would most closely yield seventeen and one-half cents per gallon, based on the average wholesale price of a gallon of self-serve unleaded regular gasoline for the period beginning October 1, 2008, and ending March 31, 2009.

*Patron - Barker*

**FSB1514 Real property tax; notice of change in assessment.** Requires that the notice of a new assessment (i) be sent to the taxpayer at least 30 days prior to the date of a hearing to protest the assessment, and (ii) contain specific information regarding the new tax levy and the prior year's tax levy.

*Patron - Smith*

**FSB1516 Tobacco products tax; moist snuff.** Changes the tax on moist snuff from 10 percent of the manufacturer's sales price to \$0.26 per ounce, and dedicates each fiscal year 50 percent of the amount by which the total amount of revenue collected from the tobacco products tax exceeds the total amount of revenue collected from such tax on smokeless tobacco in the fiscal year ending June 30, 2009, to the Office of the Attorney General to be used for the enforcement of tobacco-related laws. The bill also requires tobacco products manufacturers to file a monthly report detailing the identity of each entity in the Commonwealth to which the manufacturer shipped tobacco products, and the amount of tobacco products shipped, by type of product and brand.

*Patron - Stolle*

**SB1549 Individual income tax credit; new motor vehicle purchases.** Provides an individual income tax credit equal to 10 percent of the purchase price of passenger cars, motorcycles, and pickup or panel trucks that are model year 2008 or later and that have not been previously sold by a dealer. The maximum tax credit that would be allowed is \$2,500, and no more than \$500 of the tax credit could be claimed by the individual in any taxable year. Any unused tax credit could be carried forward for seven years.

*Patron - Stosch*

## Trade and Commerce

### Passed

**HB1698 Scrap metal processors.** Adds catalytic converters to the list of proprietary articles for which heightened scrutiny is required prior to sale to a scrap metal processor.

*Patron - Lohr*

**HB1884 Credit reports; security freezes.** Provides that a consumer reporting agency's duty to place a security freeze on a consumer's credit report within one business day after receiving such a request, which is scheduled to become effective July 1, 2009, will apply only if the consumer's request is made electronically at an address designated by the consumer reporting agency to receive such requests. For requests not made electronically at such address, the current obligation that the freeze be imposed within three business days after receiving the consumer's request will continue to apply.

*Patron - Nixon*

**HB2039 Virginia Consumer Protection Act; recalled products.** Provides that it is a prohibited practice under the Virginia Consumer Protection Act to sell, offer for sale, or manufacture for sale a children's product the supplier knows or has reason to know was recalled by the United States Consumer Product Safety Commission. There exists a rebuttable presumption that a supplier has reason to know a children's product was recalled if notice of the recall has been posted continuously at least 30 days before the sale, offer for sale, or manufacturing for sale on the website of the Commission. The prohibition does not apply to children's products that are used, second-hand, or "seconds." "Children's product" is defined as a consumer product designed or intended primarily for children 12 years of age or younger. SB 954 is identical.

*Patron - Iaquinto*

**HB2042 Purchase of handguns of certain officers.** Allows a retiring law-enforcement officer of the State Lottery Department to purchase his handgun for \$1.

*Patron - Gear*

**HB2056 Advanced shipbuilding training grant program.** Establishes a grant program relating to advanced shipbuilding activities involving nuclear warships for the U.S. Navy. Grants would be paid to an eligible shipbuilder based in Newport News that (i) makes a capital investment of at least \$300 million; (ii) creates at least 1,000 new full-time jobs; (iii) maintains an accredited apprenticeship program; and (iv) maintains a level of base training expenditures equal to that expended in 2008. A maximum of \$25 million in grants would be paid beginning in the 2016-2017 fiscal year and ending in the 2021-2022 fiscal year.

*Patron - Hamilton*

**HB2261 Virginia Consumer Protection Act; foreclosure rescues.** Provides that the prohibition on fraudulent acts or practices committed by a supplier in a consumer transaction involving residential real property owned and occupied as the primary dwelling unit of the owner applies when the supplier of service to avoid or prevent foreclosure charges or receives a fee (i) prior to the full and complete performance of the services it has agreed to perform, if the transaction does not involve the sale or transfer of residential real property, or (ii) prior to the settlement on the sale or transfer of residential real property, if the transaction involves the sale or transfer of the property. Currently, any practice where a supplier of a foreclosure avoidance or prevention service is to be paid a fee prior to the settlement on a sale of residential real property is prohibited, regardless of whether the fee is charged or collected as part of the transaction involving a sale of the property. The measure also clarifies that the existing prohibition on mandatory arbitration in an agreement with a property owner applies only to transactions involving foreclosure rescue services. This bill incorporates HB 1688. This bill is identical to SB 1169.

*Patron - Kilgore*

**HB2332 Enterprise zone economic incentive grants.** Increases from \$50,000 to \$100,000 the minimum amount of investment required to be made in the rehabilitation or expansion of a building in order to be eligible for an enterprise zone incentive grant, and increases from \$250,000 to \$500,000 the minimum amount of investment required to be made for new construction in order to be eligible for an enterprise zone incentive grant. Grants would be calculated at a rate of 20 percent of the amount of qualified real property investment in excess of \$500,000 for the construction of a new building or facility. Grants would be calculated at a rate of 20 percent of the amount of qualified real property investment in excess of \$100,000 in the case of a rehabilitation or expansion of an existing building or facility. The bill would provide that any investor making \$5 million or less in qualified real property investment in a building would be allowed a maximum of \$100,000 in enterprise zone incentive grants within any five-year period for such building (the current maximum is \$125,000). The bill would provide that any investor making more than \$5 million in qualified real property investment in a building would be allowed a maximum of \$200,000 in enterprise zone incentive grants within any five-year period for such building (the current maximum is \$250,000). The bill also makes technical changes.

*Patron - Phillips*

**HB2446 Motor fuels.** Updates the referenced standard for testing by the Commissioner of Agriculture and Consumer Services of motor fuel or lubricating oil. The measure incorporates by reference the specifications established by ASTM International and incorporated into the ASTM specifications that apply to the inspection and testing, but not to methods of sale, of motor fuel. The measure revises the definitions of motor fuel and oxygenated gasoline, and replaces several references to "gasoline" with "motor fuel."

*Patron - Sickles*

**HB2604 Virginia Racing Commission; advance deposit account wagering.** Sets out the distribution of the proceeds received by advance deposit account wagering licensees for advance deposit account wagers made in Virginia.

*Patron - Scott, E.T.*

**HB2629 Antifreeze bittering agent; penalty.** Requires that any engine coolant or antifreeze that is manufactured after January 1, 2011, or sold within the Commonwealth that contains more than 10 percent ethylene glycol contain denatonium

benzoate as a bittering agent in order to render the coolant or antifreeze unpalatable. The measure does not apply to sales of motor vehicles that contain engine coolant or antifreeze, certain wholesale containers, to engine coolant or antifreeze reformulated through on-site recycling, or to engine coolant or antifreeze that is purchased pursuant to military specifications. Violations are subject to a civil penalty of up to \$100 per violation. The measure will become effective January 1, 2011.

*Patron - Cox*

**SB910 Automatic dialing-announcing devices; penalty.** Prohibits callers from using an automatic dialing-announcing device to make a commercial telephone solicitation unless the subscriber has requested, consented to, permitted, or authorized receipt of the message or unless the message is preceded by a live operator who obtains the subscriber's consent before the message is delivered. The measure also requires automatic dialing-announcing devices or other devices that disseminate a prerecorded or synthesized voice message to the number called to disconnect within five seconds after termination of the telephone call. An automatic dialing-announcing device selects and dials telephone numbers and disseminates a prerecorded or synthesized voice message to the telephone number called. A violation of these requirements is a prohibited practice under the Consumer Protection Act. The existing prohibition on using recorded solicitation calls is repealed.

*Patron - Stuart*

**SB954 Virginia Consumer Protection Act; recalled products.** Provides that it is a prohibited practice under the Virginia Consumer Protection Act to sell, offer for sale, or manufacture for sale a children's product the supplier knows or has reason to know was recalled by the United States Consumer Product Safety Commission. There exists a rebuttable presumption that a supplier has reason to know a children's product was recalled if notice of the recall has been posted continuously at least 30 days before the sale, offer for sale, or manufacturing for sale on the website of the Commission. The prohibition does not apply to children's products that are used, second-hand, or "seconds." "Children's product" is defined as a consumer product designed or intended primarily for children 12 years of age or younger. HB 2039 is identical.

*Patron - McDougle*

**SB1165 Enterprise zone economic incentive grants.** Increases from \$50,000 to \$100,000 the minimum amount of investment required to be made in the rehabilitation or expansion of a building in order to be eligible for an enterprise zone incentive grant, and increases from \$250,000 to \$500,000 the minimum amount of investment required to be made for new construction in order to be eligible for an enterprise zone incentive grant. In addition, grants would be calculated at a rate of 20 percent of the amount of the investment in excess of \$500,000 in the case of new construction, and at a rate of 20 percent of the amount of the investment over \$100,000 in the case of a rehabilitation or expansion of a building. The bill would provide that any investor making \$5 million or less in qualified real property investment in a building would be allowed a maximum of \$100,000 in enterprise zone incentive grants within any five-year period for such building (the current maximum is \$125,000). The bill would provide that any investor making more than \$5 million in qualified real property investment in a building would be allowed a maximum of \$200,000 in enterprise zone incentive grants within any five-year period for such building (the current maximum is \$250,000). The bill also makes technical changes.

*Patron - Watkins*

**SB1169 Virginia Consumer Protection Act; foreclosure rescues.** Provides that the prohibition on fraudulent acts or practices committed by a supplier in a consumer transaction involving residential real property owned and occupied as the primary dwelling unit of the owner applies when the supplier of service to avoid or prevent foreclosure charges or receives a fee (i) prior to the full and complete performance of the services it has agreed to perform, if the transaction does not involve the sale or transfer of residential real property, or (ii) prior to the settlement on the sale or transfer of residential real property, if the transaction involves the sale or transfer of the property. Currently, any practice where a supplier of a foreclosure avoidance or prevention service is to be paid a fee prior to the settlement on a sale of residential real property is prohibited, regardless of whether the fee is charged or collected as part of the transaction involving a sale of the property. The measure also clarifies that the existing prohibition on mandatory arbitration in an agreement with a property owner applies only to transactions involving foreclosure rescue services. This bill is identical to HB 2261.

*Patron - Watkins*

**SB1321 Advanced shipbuilding training grant program.** Establishes a grant program relating to advanced shipbuilding activities involving nuclear warships for the U.S. Navy. Grants would be paid to a qualified shipbuilder based in Newport News that (i) makes a capital investment of at least \$300 million by June 30, 2012; (ii) creates at least 1,000 new full-time jobs; and (iii) maintains an accredited apprenticeship program with an average enrollment of 750 and articulation agreements with local community colleges. A maximum of \$50 million in grants would be paid beginning in the 2012-2013 fiscal year and ending in the 2021-2022 fiscal year.

*Patron - Locke*

**SB1396 Purchase of service handgun.** Allows designated law-enforcement officers to purchase their service handgun for \$1 if they are receiving disability payments for a service-incurred disability with no expectation of returning to their former employment.

*Patron - Norment*

## Failed

**HB1582 Employees of home access businesses; penalty.** Requires the owner or operator of a commercial establishment that provides a service that requires the establishment's employees regularly to enter the interior area of the residence of its customers to conduct a criminal background check of employees whose regular duties can reasonably be expected to require entering the interior area of the residences of establishment's customers. Effective September 1, 2009, employers are required to complete a criminal records check on prospective employees, but an employer is not prohibited from hiring an employee on the basis of the results of the criminal records check. Employers are required to keep copies of the fingerprints and records check for such employees. Employers shall provide identification badges to employees and require the employees to wear the badge when they are expected to enter customers' homes. Violations constitute a Class 3 misdemeanor.

*Patron - Howell, A.T.*

**HB1849 Virginia Post-Disaster Anti-Price Gouging Act; resource shortages.** Expands the definition of "disaster" for purposes of the Virginia Post-Disaster Anti-Price Gouging Act to include any resource shortage in the Commonwealth that results from a disaster for which the President has declared a state of emergency and for which the Governor has issued an

executive order proclaiming that a shortage exists. A resource shortage is an absence, unavailability or reduced supply of any raw or processed natural resource, or any commodities, goods or services of any kind that bear a substantial relationship to the health, safety, welfare and economic well-being of the citizens of the Commonwealth. The measure also revises the definition of "supplier" to delete the condition that a manufacturer, distributor or licensor advertise the goods or services that are to be resold, leased, or sublicensed in a consumer transaction. The definition of a "time of disaster" is clarified and amended to include the period of time during which a Governor's proclamation provides that a resource shortage exists.

*Patron - Lingamfelter*

**HB1903 Virginia Post-Disaster Anti-Price Gouging Act; resource shortages.** Expands the existing prohibition on post-disaster price gouging to prohibit a seller from selling necessary goods and services at an unconscionable price during the time of a resource shortage within any affected area of the Commonwealth. A resource shortage is defined as an absence, unavailability, or reduced supply of certain natural resources, commodities, goods, or services that results from a state of emergency anywhere in the country when a presidential state of emergency is declared.

*Patron - Armstrong*

**HB2009 Incandescent light bulbs.** Bans the sale or distribution in the Commonwealth, effective July 1, 2010, of any general purpose incandescent light bulb. The Board of Agriculture and Consumer Services is authorized to adopt regulations to exempt types of light bulbs from the ban if it finds that the ban creates a significant hardship on the user or is unreasonable because of the lack of an adequate substitute. A violation of the ban is a Class 1 misdemeanor.

*Patron - Ebbin*

**HB2012 Sale of certain appliances.** Bans the sale or distribution in the Commonwealth, effective July 1, 2011, of any clothes washer, dehumidifier, dishwasher, refrigerator, or room air conditioner that is designed for residential, non-commercial use, which has not been designated by the United States Environmental Protection Agency and the United States Department of Energy as meeting or exceeding each such agency's requirements under the federal Energy Star program. The Board of Agriculture and Consumer Services is authorized to adopt regulations to exempt appliances from the ban if it finds that the ban creates a significant hardship on the user or is unreasonable because of the lack of an adequate substitute. A violation is a Class 1 misdemeanor.

*Patron - Ebbin*

**HB2114 Payroll processing services.** Requires providers of payroll processing services to register annually with the Commissioner of Agriculture and Consumer Services or, if they are regulated financial institutions or subsidiaries thereof, with the Commissioner of Financial Institutions, and to post surety bonds in amounts equal to the withholdings of income taxes and unemployment compensation taxes that the payroll processors expect to process during the ensuing year. A payroll processor that does not have the authority to access, control, direct, transfer, or disburse a client's funds is not subject to the surety bond requirement. Payroll processors with such authority will be required to provide clients with reports, no less frequently than quarterly, that account for funds received and disbursed. The measure also addresses procedures, including the appointment of a receiver, in the event a payroll processor ceases to conduct business, either voluntarily or involuntarily. These requirements become effective on July 1, 2013, for any person that is providing payroll processing services on July 1, 2009. For any person that commences providing payroll pro-

cessing services after July 1, 2009, the requirements become effective on the fourth anniversary of the date that the person commenced providing such services.

*Patron - Nichols*

**HB2157 Diesel fuel; biodiesel and green diesel minimum content.** Requires, by January 1, 2011, that all diesel fuel sold or offered for sale in the Commonwealth to consumers for use in on-road internal combustion engines shall contain at least 2.0 percent, by volume, biodiesel fuel or green diesel fuel.

*Patron - Toscano*

**SB1101 Virginia Racing Commission; simulcast horse racing; allocations.** Authorizes wagering on historical horse racing. The bill also allocates the proceeds from such racing with 37 percent of the proceeds distributed to the Commonwealth Transportation Trust Fund and the remaining 63 percent distributed to other entities. In addition, the bill requires (i) the existing racetrack to provide gambling educational programs including information on the availability of gambling addiction counseling and (ii) the promulgation of emergency regulations.

*Patron - Herring*

**SB1255 Radio frequency identification systems.** Requires suppliers of consumer products to which radio frequency identification (RFID) tags have been affixed or implanted to affix to the product or its packaging a conspicuous label stating that the product contains a remotely readable device with information about the product that can be read if it is brought within range of a reader device. Suppliers that use an RFID system in the normal course of business are required display a sign stating that: (i) the store uses radio frequency identification technology; (ii) a radio frequency identification tag affixed to or implanted in a product contains information about the product that can be accessed by an RFID reader both before and after its purchase; and (iii) a description of the purpose of the RFID system. RFID tags that are not components essential to the operation of a tagged consumer product's operation shall be attached in such a way as to allow their removal after the product has been purchased without damaging the product. An RFID reader or system shall only be used to store, encode, or track RFID tags attached to a consumer product that is listed in the inventory of that supplier as not purchased, except for product returns, recalls, or for warranty purposes. In addition, with certain exceptions, the measure prohibits any person from knowingly using an RFID reader remotely to access, read, obtain, memorize, or store personal information encoded on or in an individual's identification device without the permission and prior consent of the authorized user and with the intent to defraud the authorized user, the issuer of the identification device, or a supplier or to use the information in furtherance of identity theft. Violations are punishable as a Class 1 misdemeanor.

*Patron - Marsh*

**SB1397 Virginia Racing Commission; simulcast horse racing; allocations.** Authorizes wagering on historical horse racing. The bill also and allocates the proceeds from such racing with fifty percent of the proceeds will be distributed to the Commonwealth Transportation Trust Fund and the remaining fifty percent distributed to other entities. In addition, the bill (i) requires the existing race track to provide gambling educational programs including information on the availability of gambling addiction counseling and (ii) requires the promulgation of emergency regulations.

*Patron - Norment*

## Unemployment Compensation

### Passed

**HB1889 Unemployment benefits; minimum earnings requirement.** Postpones the scheduled increase, from \$2,700 to \$3,000, in the minimum amount of wages an employee must have earned in the two highest earnings quarters of his base period in order to be eligible for unemployment benefits. The increase will apply to claims filed on or after July 4, 2010; it is currently scheduled to apply to claims filed on or after July 5, 2009.

*Patron - Nixon*

**SB1495 Unemployment compensation; quit to follow military spouse.** Provides that good cause for leaving employment exists if an employee voluntarily leaves a job to accompany the employee's spouse, who is on active duty in the military or naval services of the United States, to a new military-related assignment established pursuant to a permanent change of duty order from which the employee's place of employment is not reasonably accessible. The measure applies only if the state to which the spouse is transferred has a similar provision, unless the transfer involves members of the Virginia National Guard relocated within the Commonwealth. Benefits paid to qualifying claimants shall be charged against the pool rather than against the claimant's employer. The measure shall become effective if the federal government appropriates funds for this purpose.

*Patron - Locke*

### Failed

**HB1816 Eligibility of seasonal or temporary workers for unemployment benefits.** Disqualifies an unemployed individual for unemployment compensation benefits if he was provided with written notice, and signed an acknowledgment of receipt of such notice, by his employer stating that his employment is temporary or seasonal and will terminate by a date certain or upon the completion of seasonal work specified in the written notice.

*Patron - Morrissey*

**HB2046 Unemployment compensation; seasonal establishments.** Authorizes the Virginia Employment Commission to designate, upon an employer's application, that an employer's establishment is a seasonal establishment that customarily operates only during a regularly occurring period of between 13 and 40 weeks in any 12-month period. Employees at a seasonal establishment shall not be paid unemployment benefits with respect to employment that was performed at a seasonal establishment during the establishment's operating season, if (i) his employment terminated when the establishment's stated operating season expired, (ii) the employer notified the employee prior to commencing employment that he will be performing service in a seasonal establishment, and (iii) the employer posted notices that employees are performing service in a seasonal establishment. Any benefit charges assessable with respect to the employee that are due to other employment will not be the responsibility of the seasonal employer.

*Patron - Gear*

**SB917 Unemployment compensation; wage offset for concurrent job.** Provides that the weekly unemployment benefit to which an eligible individual is otherwise entitled as a result of his separation from a position of employment shall not

be reduced by wages payable to the individual from another position that the individual has held continuously at least since the week preceding the job separation. Currently, such an individual's weekly benefit amount is reduced on a dollar-for-dollar basis by any wages that he earns in that week in excess of \$50.

*Patron - Reynolds*

**SB1376 Unemployment compensation; waiting week.** Eliminates the requirement that applicants for unemployment benefits wait one week prior to receiving benefits. The measure becomes effective on July 5, 2009.

*Patron - Ruff*

## Virginia Energy Plan

### Passed

**HB2002 Virginia Energy Plan; biofuels made from nonfood crops.** Amends the Virginia Energy Plan to reorganize the objective of increasing Virginia's reliance on and production of sustainably produced biofuels made from traditional agricultural crops and other feedstocks, and to support the delivery infrastructure needed for statewide distribution to consumers. SB 1427 is identical.

*Patron - Cosgrove*

**HB2417 Covenants regarding solar power.** Clarifies that restrictive covenants prohibiting the installation of solar panels existing prior to July 1, 2008, may be amended to allow such installation if the amendment is adopted by the membership of the community association in accordance with such association's governing documents.

*Patron - Bouchard*

**SB1346 Virginia Coastal Energy Research Consortium.** Makes certain technical corrections to the membership of the Consortium; specifies the eligibility of certain parties to be appointed to the board of directors; adds the Director of the Department of Environmental Quality, or his designee as the lead agency for the Virginia Coastal Zone Management Program, as a member of the board of directors; and broadens one of the responsibilities of the Consortium from researching "the feasibility of recovering fuel gases from methane hydrates and increasing the Commonwealth's reliance on other forms of coastal energy" to "the feasibility of increasing the Commonwealth's reliance on all domestic forms of coastal energy."

*Patron - Wagner*

**SB1427 Virginia Energy Plan; biofuels made from nonfood crops.** Amends the Virginia Energy Plan to reorganize the objective of increasing Virginia's reliance on and production of sustainably produced biofuels made from traditional agricultural crops and other feedstocks, and to support the delivery infrastructure needed for statewide distribution to consumers. HB 2002 is identical.

*Patron - Hanger*

### Failed

**HB1633 Offshore drilling; royalties.** Apportions any royalties that the Commonwealth might receive from offshore drilling for natural gas and oil among the Transportation Trust Fund, Renewable Electricity Production Grant Fund, the Virginia Coastal Energy Research Consortium, and programs

developed by the Secretary of Natural Resources to clean up the Chesapeake Bay.

*Patron - Saxman*

**FSB1065 Covenants regarding wind energy drying devices.** Provides that effective July 1, 2009, no community association shall prohibit an owner from installing or using a wind energy drying device on that owner's property. The bill provides that a community association may establish reasonable restrictions concerning the size, place, time and manner of placement of such wind energy drying device.

*Patron - Puller*

## Waters of the State, Ports and Harbors

### Passed

**HB1774 No discharge zone.** Establishes the tidal creeks of the Commonwealth as no discharge zones. Vessels operating in these designated areas would be prohibited from discharging treated and untreated waste into the waters. A no discharge zone would only be established on those tidal creeks where the U.S. Environmental Protection Agency has determined that sufficient facilities exist for the removal of sewage.

*Patron - Pollard*

**HB1931 Water Facilities Revolving Fund.** Authorizes the Virginia Resources Authority to provide a portion of the fees it receives for administering the loan fund to DEQ to cover some of that agency's costs for administering the construction assistance loan program.

*Patron - Plum*

**HB1936 Virginia Resources Authority; local government buildings.** Clarifies that the Virginia Resources Authority is authorized to finance any program or project to perform site acquisition or site development work for economic and community development projects for any local government. This bill is identical to SB 1476.

*Patron - Ingram*

**HB2074 Wastewater treatment plants; total maximum daily load allocations.** Establishes an expedited process for the State Water Control Board to review petitions from certain wastewater treatment facilities to maintain nutrient allocations based upon a higher design flow. The Board is authorized to accept these petitions through July 10, 2009. The Board in reviewing the petitions would determine whether to grant each petitioning facility an extension to December 31, 2015, to obtain a certificate at a higher design flow. The current deadline is December 31, 2010. Whether the facilities are granted or denied the extension, each facility would still have to comply with its currently applicable nutrient allocations by January 1, 2011, whether by obtaining point source nutrient credits or by some other means. This bill incorporates HB 2323. This bill is identical to SB 1022.

*Patron - Scott, E.T.*

**HB2283 Virginia members of Ohio Valley Water Sanitation Commission.** Provides that the three Virginia commissioners will be one member of the State Water Control Board, the Director of Environmental Quality, and the Director of the Department of Conservation and Recreation who will be

appointed in place of a second member of the State Water Control Board.

*Patron - Bowling*

**HB2413 Craney Island Disposal Area.** Provides that the construction of a marine terminal on the eastern side of Craney Island Disposal Area using dredge material to extend the disposal area eastward, as defined in the U.S. Army Corps of Engineers Feasibility Study approved on October 24, 2006, and authorized by Congress in the Water Resources Development Act of 2007, is authorized by the General Assembly.

*Patron - Bouchard*

**HB2558 Biosolids permit.** Clarifies that if a biosolids permit is amended to increase the acreage by 50 percent or more than was permitted in the initial permit, public notice shall be given and a public meeting shall be held. The bill also requires that the State Water Control Board not issue a permit for land disposal until a public meeting has been held and comments received from the local governing body or until 30 days have lapsed from the date of the public meeting.

*Patron - Byron*

**SB989 Virginia Resources Authority; local government buildings.** Clarifies that the Virginia Resources Authority is authorized to finance projects of local government buildings, including administrative and operations systems and other local government equipment and infrastructure.

*Patron - Colgan*

**SB1022 Wastewater treatment plants; total maximum daily load allocations.** Establishes an expedited process for the State Water Control Board to review petitions from certain wastewater treatment facilities to maintain nutrient allocations based upon a higher design flow. The Board is authorized to accept these petitions through July 10, 2009. The Board in reviewing the petitions would determine whether to grant each petitioning facility an extension to December 31, 2015, to obtain a certificate at a higher design flow. The current deadline is December 31, 2010. Whether the facilities are granted or denied the extension, each facility would still have to comply with its currently applicable nutrient allocations by January 1, 2011, whether by obtaining point source nutrient credits or by some other means. This bill is identical to HB 2074.

*Patron - Hanger*

**SB1036 Rappahannock River Basin Commission; membership.** Removes the requirement that nonlegislative citizen members that serve as members of the Rappahannock River Basin Commission are elected members of the local governing bodies or the Soil and Water Conservation Districts. The change would allow an individual who was appointed to a position with the local governing body or Soil and Water Conservation District to serve also as a member on the Rappahannock River Basin Commission.

*Patron - Hanger*

**SB1451 Virginia Resources Authority; debt capacity.** Increases the debt ceiling for bonds issued by and local obligations guaranteed by the Virginia Resources Authority, which assists localities to finance infrastructure projects, from \$900 million to \$1.5 billion without prior approval of the General Assembly.

*Patron - Colgan*

**SB1476 Virginia Resources Authority; local government buildings.** Clarifies that the Virginia Resources Authority is authorized to finance any program or project to perform site acquisition or site development work for economic and

community development projects for any local government. This bill is identical to HB 1936.

*Patron - Marsh*

## Failed

**HB1739 Virginia ports; change in ownership.** Requires approval of both the Governor and the General Assembly before any change in ownership of the Virginia ports is permitted.

*Patron - Purkey*

**HB2043 Virginia Port Authority; disclosure of certain marketing information.** Provides that records of the allowances or reimbursements for expenses paid to any officer or employee of the Authority or any entity, including but not limited to any entity operating a terminal on behalf of the Authority, that are incurred for business development or marketing of the ports of the Commonwealth shall be open to public disclosure in accordance with the Freedom of Information Act. The bill exempts from public disclosure those portions of such records that would identify specific business development or marketing activities with existing or future parties with whom the Authority has formed, or forms, any arrangement for the shipment of goods and cargoes through the ports, if disclosure of such information would be harmful to the competitive position of the Authority.

*Patron - Gear*

**HB2323 Fauquier County Water and Sanitation Authority/Vint Hill wastewater treatment facility.** Requires the Department of Environmental Quality to maintain, for a period not to exceed 10 years, the current waste load allocation for the Fauquier County Water and Sanitation Authority/Vint Hill wastewater treatment facility of 8,680 pounds per year of total nitrogen and 868 pounds per year of total phosphorus notwithstanding whether the construction of upgrades is completed on or before December 31, 2010. Without an exemption, the waste load allocations would decrease to 5,482 pounds per year of total nitrogen and 548 pounds per year of total phosphorus. This bill has been incorporated in HB 2074.

*Patron - Athey*

**HB2540 Virginia Resources Authority's powers.** Authorizes additional powers for the Authority. The additional powers include forming corporations, foundations, joint ventures, partnerships, trusts, or other legal entities and authorizing these legal entities to borrow money and issue bonds and notes. The Authority can provide financing and other funding to any of the entities. In addition, the Authority is given the responsibility to assist in coordinating federal, state, regional, and local public and private efforts, economic stimuli, and resources.

*Patron - Lingamfelter*

**HB2591 Sampling of sewage sludge.** Requires the Department of Environmental Quality, during an unannounced inspection of land on which biosolids are being applied, to collect samples of the biosolids. The Department is to develop a protocol for the sampling procedure. If there is a documented health complaint, an analysis will be conducted of those constituents of unregulated contaminants that a medical professional believes could be associated with the health condition. If site-specific conditions dictate that there is a need to extend the buffer area, this information shall be incorporated in the permit.

*Patron - Caputo*

**SB1484 Lake level contingency plans.** Requires that any lake level contingency plan developed for Lake Anna include documentation of the impact reductions in water flow will have on recreational uses. The applicant for a Virginia Pollutant Discharge Elimination System permit to discharge into the lake will have to conduct a recreational use assessment that provides baseline recreation information describing the extent of public access, current uses, and future recreational needs within the lake.

*Patron - Houck*

## Welfare (Social Services)

### Passed

**HB1714 Temporary Assistance for Needy Families (TANF); diversionary cash assistance.** Revises the limitation on receipt of one-time diversionary TANF cash assistance from one payment per 60-month period to one payment per 12-month period. The Department of Social Services shall report to the chairmen of the Senate Finance and House Appropriations Committees by October 1, 2012, on the savings achieved through the use of the diversionary assistance. This bill is identical to SB 1045.

*Patron - Tyler*

**HB1904 Virginia Child Protection Accountability System.** Establishes the Virginia Child Protection Accountability System to collect and make available to the public information on the response to reported cases of child abuse in the Commonwealth. This bill requires the Department of Social Services to submit certain information for inclusion in the System.

*Patron - Armstrong*

**HB2159 Adoption of a child.** Amends statutes governing adoption of a child to provide that (i) where any provision of the statutes governing adoption applies to only one adoptive parent, the court may waive the application of the procedural provision for the spouse of the adoptive parent to whom the provision applies; (ii) payment of child support shall in the absence of any other contact with the child not constitute contact for the purpose of determining whether a parent has abandoned a child; (iii) a court may grant a petition for adoption in the absence of consent by a parent upon filing of a death certificate for that parent; (iv) parental consent to an entrustment agreement shall be revocable prior to entry of a final order of adoption upon proof of fraud or duress, or upon the consent of the birth parents and adoptive parents or child-placing agency; (v) for purposes of consenting to an adoption, an affidavit signed by the birth mother stating that the identity of the birth father is unknown and not reasonably ascertainable shall be sufficient to establish that the identity of the father is not known; (vi) where the identity of the birth father is reasonably ascertainable but the whereabouts of the birth father are not reasonably ascertainable, verification of compliance with the requirements of the Putative Father Registry shall be provided to the court; (vii) where a child has been placed under the physical custody and care of the prospective adoptive parents and the birth parent or parents fail to appear at the hearing to execute consent, the court may grant the petition without the consent of the parents; and (viii) where a putative father's identity and whereabouts are reasonably ascertainable, notice of the existence of an adoption plan and the availability of registration with the Putative Father Registry shall be mailed to the

putative birth father by certified mail either before or after the birth of the child.

*Patron - Toscano*

**HB2160 Post-adoption contact and communication.** Authorizes and establishes procedures governing post-adoption contact and communication agreements between the birth parent or parents of a child and the pre-adoptive parent or parents. Post-adoption contact and communication agreements shall not be required as a condition of approving any adoption. Failure to comply with the terms of a post-adoption contact and communication agreement shall not affect (i) the consent to the adoption, (ii) the voluntary relinquishment of parental rights, (iii) the voluntary or involuntary termination of parental rights, or (iv) the finality of the adoption. This bill is identical to SB 1011.

*Patron - Toscano*

**HB2265 Voluntary registration of family day homes.** Eliminates the requirement that the State Board of Social Services adopt regulations establishing qualifications for organizations with which the Commissioner may contract to certify family day homes.

*Patron - Ware, O.*

**HB2328 Suspected adult abuse; photographing of injuries.** Requires local departments to take or cause to be taken photographs, video recordings, or appropriate medical imaging of a suspected victim of adult neglect, abuse, or exploitation. This bill also provides that, if the adult is determined to be incapable of making an informed decision and of giving informed consent and either has no legal representative, or the legal representative is the suspected perpetrator of the neglect, abuse, or exploitation, consent may be given by an agent appointed under an advanced medical directive or medical power of attorney or other authorized person. In the event no agent or authorized representative is immediately available then consent shall be deemed to be given.

*Patron - Athey*

**HB2340 Child protective services differential response system report; repeal.** Repeals Code section requiring the Department of Social Services to report on the impact and effectiveness of the child protective services differential response system.

*Patron - Amundson*

**HB2500 Foster care; each child to be equipped with luggage.** Requires the Department of Social Services to identify and work together with faith-based, volunteer, private, and community-based organizations to develop and implement the "A Place of My Own" program, to seek and accept donations and coordinate the distribution of luggage for children in foster care. This bill provides that the Program may accept grants, gifts, donations, and bequests to support the program. This bill also creates the "A Place of My Own" Fund to consist of grants, donations, and bequests from public and private sources, to be used solely to support the activities of the Program.

*Patron - Ward*

**SB898 Duty to report suspected elder or dependent adult abuse.** Amends section requiring emergency services personnel certified by the Board of Health to report suspected abuse, neglect, or exploitation of adults to require such persons to report suspected abuse, neglect, or exploitation of adults either directly via methods specified in this section or directly to the attending physician at the hospital to which the adult has been transported, who shall make the report forthwith.

*Patron - McDougle*

**SB969 Unlicensed child day centers; staff-to-child ratio.** Provides that during designated daily rest periods and designated sleep periods of evening and overnight care programs, for children ages 24 months to six years, only one staff member counted for purposes of determining compliance with the mandatory staff-to-child ratio shall be required to be present with the resting or sleeping children. This bill provides that the staff member supervising resting or sleeping children shall be physically present in the same space as the children under supervision at all times, and shall be able to summon additional staff counted in the staff-to-child ration without leaving the resting or sleeping children. All other staff members counted for the purpose of determining the staff-to-child ratio shall be present on the same floor as the resting or sleeping children and shall have no barrier to their immediate access to the resting or sleeping children.

*Patron - Blevins*

**SB1011 Post-adoption contact and communication.** Authorizes and establishes procedures governing post-adoption contact and communication agreements between the birth parent or parents of a child and the pre-adoptive parent or parents. Post-adoption contact and communication agreements shall not be required as a condition of approving any adoption. Failure to comply with the terms of a post-adoption contact and communication agreement shall not affect (i) the consent to the adoption, (ii) the voluntary relinquishment of parental rights, (iii) the voluntary or involuntary termination of parental rights, or (iv) the finality of the adoption. This bill is identical to HB 2160.

*Patron - Miller, J.C.*

**SB1012 Foster care; placement of a child pursuant to an agreement.** Revises statutes related to the placement of children in foster care pursuant to agreements between the parents and the local board of social services. This bill eliminates the authority of a public agency designated by the community policy and management team to enter into an agreement related to foster care with the parents.

*Patron - Edwards*

**SB1015 Child support enforcement orders.** Eliminates requirement that an obligor and obligee must have maintained a marital domicile in the Commonwealth in order for the Department of Social Services to establish an administrative support order on an out-of-state obligor. This bill also extends the time limit for service of notice of an order to withhold funds in a joint account of an obligor from 21 to 45 days.

*Patron - Edwards*

**SB1028 Adult neglect; religious treatment exemption.** Amends the definition of adult neglect by providing that no adult shall be considered neglected solely on the basis that such adult is receiving religious nonmedical treatment or religious nonmedical nursing care in lieu of medical care, provided that such treatment or care is performed in good faith and in accordance with the religious practices of the adult and there is a written and oral expression of consent by that adult.

*Patron - Hanger*

**SB1045 Temporary Assistance for Needy Families (TANF); diversionary cash assistance.** Revises the limitation on receipt of one-time diversionary TANF cash assistance from one payment per 60-month period to one payment per 12-month period. The Department of Social Services shall report to the chairmen of the Senate Finance and House Appropriations Committees by October 1, 2012, on the savings achieved

through the use of the diversionary assistance. This bill is identical to HB 1714.

*Patron - Miller, Y.B.*

**SB1059 Child support orders.** Revises requirements for court and administrative child support orders. This bill amends the requirement for court-issued support orders so that such orders for child support must include notice that support must continue to be paid for a child over the age of 18 who is (i) a full-time high school student, (ii) not self-supporting, and (iii) living in the home of the party requesting or receiving support and may include support for a child over the age of 18 who is (a) severely and permanently disabled, (b) unable to live independently and care for himself, and (c) residing in the home of the parent seeking or receiving support; the party obligated to provide health care coverage shall keep the Department of Social Services informed of any changes in the availability of coverage or, where payments are made directly to the obligee, must keep the obligee informed of any changes in the availability of health coverage; the order shall provide for interest on arrearages at the judgment rate; and the Department of Motor Vehicles may suspend the license of any person upon receipt of notice from the Department of Social Services that the person is delinquent in the payment of child support by 90 days or an amount equal to \$5,000 or that the person has failed to comply with a subpoena, summons, or warrant relating to paternity or child support proceedings. This bill further amends the requirement for administrative support orders, so that such orders must contain a provision specifying that all payments are to be credited to current support obligations first, with any payment in excess of current obligations applied to arrearages; the name, date of birth, and last four digits of the social security number of any children and of the other parent must be on the order unless the Department finds that a protective order has been issued or there is reason to believe that a party is at risk of physical or emotional harm from the other party; the debtor may be subject to mandatory withholding of income, interception of tax refunds or payments to the debtor from the Commonwealth, notification of arrearage information to consumer reporting agencies, passport denial or suspension, or incarceration; DMV may suspend or refuse to issue a driver's license upon receipt of notice from the Department of Social Services that the person is delinquent in the payment of child support by 90 days or an amount equal to \$5,000 or that the person has failed to comply with a subpoena, summons, or warrant relating to paternity or child support proceedings; and the Department may initiate a review of the amount of support ordered by any court. This bill provides that the court may suspend any license, certificate, registration, or other authorization to engage in a recreational activity of a parent upon a delinquency in the payment of child support of 90 days or \$5,000.

*Patron - Quayle*

**SB1179 State Executive Council; increases membership.** Increases the membership of the State Executive Council by adding three local government representatives, the Governor's Special Advisor of Children's Services, a public provider, and two private providers. The bill also places a three-year term limit and two consecutive term maximum on all of the Governor's appointments.

*Patron - Hanger*

**SB1180 State Executive Council for Comprehensive Services; powers and duties.** Requires the State Executive Council to report and analyze expenditures associated with children who do not receive pool funding and have emotional and behavioral problems. The bill also requires the Council to identify funding streams used to purchase services in addition to pooled, Medicaid, and Title IV-E funding. Both reporting requirements would be included in the biennial state progress

report on comprehensive services to children, youth, and families delivered to the General Assembly and community policy and management teams.

*Patron - Hanger*

**SB1181 Office of Comprehensive Services; report expenditures on children receiving pool-funded services.** Requires the Director of the Office of Comprehensive Services to: (i) report to the Council all expenditures associated with serving children who receive pool-funded services, including all services purchased with pool funding, all treatment, foster care case management, and residential care funded by Medicaid; and all child-specific payments made through the Title IV-E program; (ii) 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 CSA program; (iii) develop and distribute model job descriptions for the position of Comprehensive Services Act Coordinator and provide technical assistance to localities and coordinators to help them guide localities in prioritizing the coordinators' responsibilities toward activities to maximize program effectiveness and minimize spending; and (iv) develop and distribute guidelines, approved by the State Executive Council, regarding the development and use of multidisciplinary teams to encourage utilization of multidisciplinary teams in service planning. This bill incorporates SB 1182, SB 1183, and SB 1184.

*Patron - Hanger*

**SB1201 Virginia Home Energy Assistance Program.** Changes the survey requirement for the Department of Social Services so that the survey shall be completed biennially in each year that the Department is required to report to the General Assembly on the effectiveness of low-income energy assistance programs in meeting the needs of low-income Virginians.

*Patron - Puckett*

**SB1237 Child support.** Amends child support guidelines related to provision of health insurance or payment of health care related costs to bring the guidelines into compliance with federal requirements by including health care costs actually paid by a parent's spouse to the basic child support obligation. This bill also amends the definitions of "health care coverage" to include plans available to a parent or parent's spouse that are available, accessible, and of reasonable cost, and "cash medical support." This bill also (i) amends the definition of "reasonable cost" pertaining to health care coverage as costs to the parent required to provide health care coverage that does not exceed five percent of that parent's gross income; (ii) provides that the Department of Social Services shall initiate a review of the order where there is an assignment under Title IV-A of the Social Security Act; (iii) requires the Department of Social Services to transfer the National Medical Support Notice for any parent who is required to pay support or provide health care coverage to the parent's employer within two business days; and (iv) requires an employer to notify the Department of Social Services promptly whenever the employment of the parent required to provide health care coverage is terminated.

*Patron - Barker*

**Failed**

**HB1937 Adoption records.** Provides that records of all adoptions shall be open and information contained in such records shall be available to birth parents, adopted parents, and adopted persons where certain criteria are met and upon a

showing of good cause. This requirement currently applies to adoptions finalized on or after July 1, 1994, only.

*Patron - Ingram*

**HB2048 Child day programs; exemption from licensure.** Amends existing exemptions from licensure for child day programs.

*Patron - Gear*

**HB2375 Application for social or health services; calculating income.** Provides that the Board of Health and the Board of Social Services shall include in regulations that any determination of individual, family, or household income for the purposes of qualifying for any program or service shall not include any income or resources of a person whose relationship to the applicant is not recognized by the laws of the Commonwealth.

*Patron - Englin*

**HB2514 Elder abuse; staff members of financial institutions to report.** Requires any staff member of any financial institution, including any employee of a bank, savings institution, credit union, securities firm, accounting firm, or insurance company, who has reason to believe that a client of the institution is or has been exploited financially to report such suspected exploitation to the local department of social services for the county or city wherein the adult resides or wherein the exploitation is believed to have occurred or to the adult protective services hotline. This bill specifies that financial exploitation shall be defined as the illegal or improper use of a person's funds, property, or assets.

*Patron - Tata*

**SB872 Eligibility for TANF; drug-related felonies.** Requires persons otherwise eligible to receive Temporary Assistance for Needy Families (TANF) benefits to not be denied benefits solely due to a previous conviction of a felony drug offense pursuant to § 18.2-250. The otherwise eligible person must comply with all obligations imposed by the criminal court and be actively engaged in or have completed a substance abuse treatment program. The bill mirrors the authorized federal exemption already granted for food stamp applicants.

*Patron - Ticer*

**SB914 Substance abuse screening and assessment of public assistance applicants and recipients.** Requires local departments of social services to screen each VIEW program participant to determine whether probable cause exists to believe the participant is engaged in the use of illegal drugs. This bill provides that, where a screening indicates reasonable cause to believe a participant is using illegal drugs, the department shall require a formal substance abuse assessment of the participant, which may include drug testing. Any person who fails or refuses to participate in a screening or assessment without good cause or who tests positive for the use of illegal drugs shall be ineligible to receive TANF payments and payments shall be made as protective or vendor payments to a third party payee for the benefit of the members of the participant's household. Persons deemed ineligible for TANF assistance due to failure or refusal to participate in a screening or assessment or for testing positive for the use of illegal drugs may reapply for TANF assistance once 12 months have elapsed from the date of initial ineligibility.

*Patron - Stuart*

**SB1068 Virginia Child Protection Accountability System.** Establishes the Virginia Child Protection Accountability System to collect and make available to the public informa-

tion on the response to reported cases of child abuse in the Commonwealth.

*Patron - Puller*

**SB1413 Adult protective services; reports by financial institution employees of financial abuse of elder or dependent persons.** Requires employees of banks and trust companies, savings banks, building and loan associations, savings and loan companies or associations, and credit unions to report the suspected financial abuse of elder or dependent persons, based on information obtained in their professional or official capacity.

*Patron - Edwards*

## Wills and Decedents' Estates

### Passed

**HB1944 Succession; child born out of wedlock.** Provides that the determination of a parent-child relationship for succession purposes under Title 64.1 applies to intestate succession of real property and not just personal property. This bill is in response to the Supreme Court decision in *Jenkins v. Johnson*, 276 Va. 30, 641 S.E.2d 484 (2008).

*Patron - Peace*

**SB806 Nonresident decedents' personal property in Virginia.** Clarifies that a transferor of a nonresident decedent's stocks, bonds, securities, money or tangible personal property held in Virginia may comply with either the law of Virginia or the comparable law of the state in which the nonresident decedent was domiciled regarding the transfer of the decedent's property held in Virginia.

*Patron - Ticer*

**SB907 Personal representatives and trustees; donation of open-space easements.** Authorizes personal representatives and trustees to donate open-space easements on land of their decedents and settlors in order to obtain benefit of an estate tax exclusion allowed under the Internal Revenue Code.

*Patron - Stuart*

### Failed

**SB815 Intestate succession; desertion by parents.** Provides that if a parent is barred from inheriting from his child through intestate succession because he had willfully deserted or abandoned the child, no person may inherit from the child's estate through intestate succession where the person's only claim on the estate is through the parent who deserted or abandoned the child, unless the person had openly treated the child as his kin and such treatment continued until the death of the child. The bill also provides that the prohibition against a parent inheriting from a child applies regardless of whether the child was still a minor at the time of death.

*Patron - Locke*

## Workers' Compensation

### Passed

**HB1674 Workers' Compensation; use of therapeutically equivalent drug products.** Requires a pharmacist filling

a prescription for medication for a workers' compensation claim to dispense a therapeutically equivalent drug product for a prescribed name-brand drug product. However, the pharmacist shall fill the prescription with the name-brand drug product prescribed if (i) a therapeutically equivalent drug product does not exist or the usual and customary retail price for it is higher than that of the prescribed name-brand drug product or (ii) the prescriber specifies on the prescription "brand medically necessary" based on a medical reason why the claimant should not have the prescription filled with a therapeutically equivalent drug product. A prescriber may direct that a prescription is "brand medically necessary" by verbal instructions in a telephone call. The costs of medication prescribed in connection with a compensable claim are not the responsibility of the claimant unless the prescription is obtained through fraud. SB 1158 is identical.

*Patron - Purkey*

**HB2111 Workers' Compensation; infectious disease presumption; police officers of the Virginia Port Authority.** Adds sworn Virginia Port Authority police officers to those public safety employees who are entitled to the presumption that certain infectious diseases are occupational diseases compensable under the Workers' Compensation Act.

*Patron - Spruill*

**HB2292 Workers' Compensation Act; insurance notices.** Authorizes the Workers' Compensation Commission to designate an agent for receipt of insurance-related notices that are required to be given to the Commission by an employer, insurance carrier, or group self-insurance association. The measure will take effect upon passage.

*Patron - Cline*

**HB2515 Workers' Compensation Act; uninsured employer's fund.** Increases the maximum tax rate that may be assessed on uninsured or self-insured employers from 0.25 percent to 0.5 percent. The revenues from the tax fund workers' compensation benefits that are awarded against such employers from the uninsured employer's fund. The measure sunsets on July 1, 2012.

*Patron - Tata*

**SB1047 Workers' Compensation; occupational disease presumption; police officers of the Virginia Port Authority.** Establishes a presumption that hypertension or heart disease causing the death or disability of a sworn Virginia Port Authority police officer is an occupational disease compensable under the Workers' Compensation Act.

*Patron - Miller, Y.B.*

**SB1158 Workers' Compensation; use of therapeutically equivalent drug products.** Requires a pharmacist filling a prescription for medication for a workers' compensation claim to dispense a therapeutically equivalent drug product for a prescribed name-brand drug product. However, the pharmacist shall fill the prescription with the name-brand drug product prescribed if (i) a therapeutically equivalent drug product does not exist or the usual and customary retail price for it is higher than that of the prescribed name-brand drug product or (ii) the prescriber specifies on the prescription "brand medically necessary" based on a medical reason why the claimant should not have the prescription filled with a therapeutically equivalent drug product. A prescriber may direct that a prescription is "brand medically necessary" by verbal instructions in a telephone call. The costs of medication prescribed in connection with a compensable claim are not the responsibility of the claimant unless the prescription is obtained through fraud. HB 1674 is identical.

*Patron - Saslaw*

## Failed

**HB1749 Workers' compensation; infectious disease presumption.** Adds employees of a locality or other political subdivision of the Commonwealth who are employed in a sewerage system, sewage treatment works, water treatment plant, wastewater treatment plant, or waste treatment works or system, operated by the employing locality or other political subdivision, and whose regular duties entail exposure to sewage, to the existing list of public employees who are entitled to the presumption that hepatitis, meningococcal meningitis, tuberculosis, and HIV are occupational diseases compensable under the Workers' Compensation Act.

*Patron - Pogge*

**HB1958 Infectious disease presumption; emergency declaration by Governor.** Authorizes the Governor to declare that a communicable, contagious, or infectious disease is a disease that is covered by the existing infectious disease presumption for firefighters, paramedics, emergency medical technicians, and certain law-enforcement officers under the Virginia Workers' Compensation Act. The presumption currently exists for hepatitis, meningococcal meningitis, tuberculosis, and HIV. Such a declaration may be made after the Board of Health has issued an order for the purpose of suppressing the outbreak of the disease and the Governor has declared a state of emergency due to an outbreak of the disease that poses a danger to the life and health of the public. This bill is incorporated into HB 2478.

*Patron - Mathieson*

**HB1959 Workers' compensation; discharge of public safety employees.** Prohibits the Commonwealth, a locality, or a political subdivision, as employer of a public safety employee, from involuntarily discharging or terminating the employment of such an employee suffering from a line of duty injury or occupational illness, for a period of (i) one year after the injury occurred or illness arose, if the employee has not returned to employment in full unrestricted duty, or (ii) two years after the injury occurred or illness arose, if a physician has determined, before the expiration of the one-year period, that the employee, within the ensuing one year, will reach maximum medical improvement and, to a reasonable degree of medical probability, will resume employment without significant limitations in the position he held when the injury occurred or illness arose.

*Patron - Mathieson*

**HB2252 Workers' compensation; occupational disease presumption limitation.** Establishes a limitations period in which a public safety employee may bring a compensation claim under the Workers' Compensation Act for hepatitis, meningococcal meningitis, or tuberculosis at two years after a positive test for exposure to the occupational disease is first communicated to the employee. The limitation applies only to those public safety employees who are entitled to the existing presumption that hepatitis, meningococcal meningitis, tuberculosis, or HIV for which there is a documented occupational exposure and have incurred an occupational disease. Existing law provides that the limitations period for claims involving HIV is two years after a positive test for infection with human immunodeficiency virus, while the limitations period for hepatitis, meningococcal meningitis, or tuberculosis is the earlier to occur of (i) two years after a diagnosis of the disease is first communicated to the employee or (ii) five years from the date of the last injurious exposure in employment.

*Patron - Barlow*

**HB2272 Workers' Compensation; statutory employers; exclusion.** Provides that a person who contracts for a subcontractor to perform work is not required to insure payment of Workers' Compensation benefits to the subcontractor, and is not liable for any injury sustained by the subcontractor, if the subcontractor is an individual who conducts business as a sole proprietorship, is licensed by the Commonwealth to perform the work, and has no employees or subcontractors engaged in the same trade.

*Patron - Poindexter*

**HB2478 Infectious disease presumption; emergency declaration by Governor.** Authorizes the Governor to declare that a communicable, contagious, or infectious disease is a disease that is covered by the existing infectious disease presumption for firefighters, paramedics, emergency medical technicians, and certain law-enforcement officers under the Virginia Workers Compensation Act. The presumption currently exists for hepatitis, meningococcal meningitis, tuberculosis, and HIV. Such a declaration may be made after the Board of Health has issued an order for the purpose of suppressing the outbreak of the disease and the Governor has declared a state of emergency due to an outbreak of the disease that poses a danger to the life and health of the public. This bill incorporates HB 1958.

*Patron - Hugo*

**SB821 Workers' compensation; presumption that injury arises out of employment.** Creates a presumption that a workplace injury results from an accident arising out of employment for purposes of the Workers' Compensation Act if the employee is found dead or to have incurred a brain injury resulting from external mechanical force that impairs the employee's brain function to such an extent that the employee is incapable of recalling the relevant circumstances of the accident. A judicially created presumption currently exists when an employee is found dead as the result of an accident at his place of work and there is no evidence offered to show what caused the death or to show that he was not engaged in his employer's business at the time.

*Patron - Stuart*

## Constitutional Amendments

### Passed

**HJ647 Constitutional amendment (first resolution); limit on taxes or revenues and the Revenue Stabilization Fund.** Increases the permissible size of the Fund by 50 percent; i.e., from 10 percent to 15 percent of the Commonwealth's average annual tax revenues derived from income and sales taxes for the preceding three fiscal years.

*Patron - O'Bannon*

**HJ648 Constitutional amendment (first resolution); property tax exemption for certain veterans.** Directs the General Assembly to exempt from taxation real property that is the principal residence of a veteran (or widow or widower of a veteran) if the veteran has been determined by the United States Department of Veterans Affairs or its successor agency pursuant to federal law to have a 100 percent service-connected, permanent, and total disability. This amendment is identical to SJR 275. This resolution incorporates HJR 669.

*Patron - O'Bannon*

**HJ688 Constitutional amendment (first resolution); property exempt from taxation.** Amends the Constitution of Virginia to allow the General Assembly to authorize localities to either waive or establish their own income or financial worth limitations for purposes of granting real property tax relief for persons not less than 65 years of age or persons permanently and totally disabled.

*Patron - Cole*

**SJ275 Constitutional amendment (first resolution); property tax exemption for certain veterans.** Directs the General Assembly to exempt from taxation real property that is the principal residence of a veteran (or widow or widower of a veteran) if the veteran has been determined by the United States Department of Veterans Affairs or its successor agency pursuant to federal law to have a 100 percent service-connected, permanent, and total disability. This amendment is identical to HJR 648. This resolution incorporates SJR 304.

*Patron - Puller*

**SJ332 Constitutional amendment (first resolution); property exempt from taxation.** Authorizes the General Assembly to enact laws to permit localities to exempt from property taxes, any property, including real or personal property, equipment, facilities, or devices, constructed or designed to conserve energy and natural resources in a manner that meets or exceeds performance standards established for such purposes. The amendment also deletes the authorization for the General Assembly by general law to directly exempt from property taxes such property and property designed to abate pollution or transfer or store solar energy.

*Patron - Petersen*

### Failed

**HJ620 Constitutional amendment (first resolution); Transportation Funds.** Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, and other funds established by general law for transportation. All revenues dedicated to Transportation Funds on January 1, 2011, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan must be repaid with reasonable interest within four years. This resolution incorporates HJR 720.

*Patron - Oder*

**HJ623 Constitutional amendment (first resolution); restoration of civil rights.** Authorizes the General Assembly to provide by law for the restoration of civil rights for persons convicted of felonies who have completed service of their sentences subject to the conditions, requirements, and classifications set forth in that law. The present Constitution provides for restoration of rights by the Governor. The amendment retains the right of the Governor to restore civil rights and adds the alternative for restoration of rights pursuant to law.

*Patron - Dance*

**HJ628 Constitutional amendment (first resolution); restoration of civil rights.** Authorizes the General Assembly to provide by law for the restoration of civil rights for persons convicted of nonviolent felonies who have completed service

of their sentences subject to the conditions, requirements, and definitions set forth in that law. The present Constitution provides for restoration of rights by the Governor. The amendment retains the right of the Governor to restore civil rights and adds the alternative for restoration of rights pursuant to law. This amendment is identical to HJRs 656 and 726 and to SJR 273.

*Patron - Ware, O.*

**EHJ630 Constitutional amendment (first resolution); Governor's term of office.** Permits the Governor to succeed himself in office. The amendment allows two four-year terms (either in succession or not in succession) but prohibits election to a third term. The amendment allows Governors elected in 2013 and thereafter to serve two successive terms. Service for more than two years of a partial term counts as service for one term.

*Patron - Purkey*

**EHJ631 Constitutional amendments (first resolution); Governor's term of office; Board of Education.** Permits the Governor to succeed himself in office. The amendment allows two four-year terms (either in succession or not in succession) but prohibits election to a third term. The amendment allows Governors elected in 2013 and thereafter to serve two successive terms. Service for more than two years of a partial term counts as service for one term. A second amendment provides for the appointment of the members of the Board of Education as follows: four members, including a member designated as president, appointed by the Governor; three members appointed by the House of Delegates; and two members appointed by the Senate, in accordance with the rules of each house. Members are to be appointed for four-year terms. Terms are staggered. No person may be appointed to more than two consecutive full terms. Members in office when the amendment takes effect will serve until their successors are appointed. Presently, the Constitution provides that all nine members are appointed by the Governor.

*Patron - Purkey*

**EHJ633 Constitutional amendment (first resolution); legislative sessions.** Provides that the General Assembly may agree to delay the reconvened session for a period of up to one week. The Constitution now provides that the reconvened session will be held on the sixth Wednesday after adjournment of a regular or special session. The proposed amendment would allow the General Assembly to postpone the reconvened session for a brief period, for example, to avoid convening on a religious holiday.

*Patron - Englin*

**EHJ634 Constitutional amendment (first resolution); school boards.** Amends Section 7 of Article VIII to state that the General Assembly may provide by general law or special act that responsibility for supervision of schools may be exercised by a local governing body and the locality's chief administrative officer rather than a school board.

*Patron - Poisson*

**EHJ640 Constitutional amendment (first resolution); right to work.** Provides that any agreement or combination between any employer and any labor union or labor organization whereby persons not members of such union or organization shall be denied the right to work for the employer, or whereby such membership is made a condition of employment or continuation of employment by such employer, or whereby any such union or organization acquires an employment monopoly in any enterprise, is against public policy and an illegal combination or conspiracy. This amendment is identical to SJR 347.

*Patron - Saxman*

**EHJ656 Constitutional amendment (first resolution); restoration of civil rights.** Authorizes the General Assembly to provide by law for the restoration of civil rights for persons convicted of nonviolent felonies who have completed service of their sentences subject to the conditions, requirements, and definitions set forth in that law. The present Constitution provides for restoration of rights by the Governor. The amendment retains the right of the Governor to restore civil rights and adds the alternative for restoration of rights pursuant to law. This amendment is identical to HJRs 628 and 726 and SJR 273.

*Patron - Tyler*

**EHJ657 Constitutional amendment (first resolution); marriage.** Proposes the repeal of the constitutional amendment dealing with marriage that was approved by referendum at the November 2006 election. That amendment to the Bill of Rights (1) defined marriage as "only a union between one man and one woman," (2) prohibited the Commonwealth and its political subdivisions from creating or recognizing "a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance, or effects of marriage," and (3) prohibited the Commonwealth or its political subdivisions from creating or recognizing "another union, partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities, or effects of marriage."

*Patron - Englin*

**EHJ664 Constitutional amendment (first resolution); restoration of civil rights.** Authorizes the General Assembly to provide by general law for the restoration of civil rights for persons convicted of felonies who have completed service of their sentence including any period or condition of probation, parole, or suspension of sentence. The present Constitution provides for restoration of rights by the Governor. The amendment retains the right of the Governor to restore civil rights and adds the alternative for restoration of rights pursuant to general law.

*Patron - Morrissey*

**EHJ669 Constitutional amendment (first resolution); property tax exemptions; property of certain veterans.** Provides that the General Assembly may authorize localities to exempt from taxation real property that is the principal residence of a veteran (or widow or widower of a veteran) if the veteran has been determined by the United States Department of Veterans Affairs or its successor agency pursuant to federal law to have a service-connected, permanent, and 100 percent total disability. This exemption is not limited to veterans deemed to be bearing an extraordinary tax burden in relation to their income and financial worth. This resolution was incorporated into HJ 648.

*Patron - Janis*

**EHJ677 Constitutional amendment (first resolution); restoration of civil rights.** Provides that the Governor shall restore the civil rights of any person convicted of a felony who has completed his sentence and any modification of sentence, including probation, parole, and suspension of sentence, and has paid in full any restitution, fines, costs, and fees assessed against the person as a result of a felony conviction.

*Patron - BaCote*

**EHJ686 Constitutional amendment (first resolution); property exempt from taxation.** Provides that the General Assembly may enact legislation that will authorize localities by ordinance to exempt from property taxes up to 20 percent of the value of each residential or farm property that is the indi-

vidual owner-occupants' primary dwelling and lived in continuously. This amendment is identical to SJR 333.

*Patron - Brink*

**EHJ702 Constitutional amendment (first resolution); Virginia Redistricting Commission.** Establishes the Virginia Redistricting Commission to redraw congressional and General Assembly district boundaries after each decennial census. Appointments to the 11-member Commission are to be made in the census year by the most recently retired Chief Justice of the Virginia Supreme Court. Appointments are to be made to represent each congressional district. Persons to be appointed to the Commission shall be retired justices or judges of the Supreme Court, Court of Appeals, or circuit courts. The Commission is directed to certify district plans for the General Assembly within 30 days of receipt of the new census data and for the House of Representatives within 60 days of such receipt.

*Patron - Barlow*

**EHJ709 Constitutional amendment (first resolution); assessments of real property and tax rates.** Provides that assessments of real property shall not increase annually by more than one percent plus the percentage increase, if any, in the rate of inflation. Increases in the rate of taxation on real property are limited to one percent per year.

*Patron - Frederick*

**EHJ710 Constitutional amendment (first resolution); spending limits on government.** Provides for annual state and local government spending limits with surplus revenues returned to taxpayers.

*Patron - Frederick*

**EHJ720 Constitutional amendment (first resolution); Transportation Funds.** Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, and Highway Maintenance and Operating Fund. All revenues dedicated to Transportation Funds on January 1, 2010, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Funds moneys to transportation and related purposes. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan or reduction must be repaid with reasonable interest within four years. This resolution was incorporated into HJR 620.

*Patron - Marshall, R.G.*

**EHJ724 Constitutional amendment (first resolution); limit on appropriations.** Limits total appropriations in any fiscal year to the preceding year's total appropriations plus a percentage increase equal to the past two years' average increase in the rate of inflation plus the average percentage increase in population. The amendment provides that any revenues collected in excess of the limitation shall be distributed: 75 percent to be refunded to individual income taxpayers and 25 percent to the Revenue Stabilization Trust Fund. "Total appropriations" is defined to exclude moneys appropriated that are received from the federal government or an agency or unit thereof. If the amount in excess of the limitation is less than or equal to one percent of the limitation, the total excess shall be deposited to the Revenue Stabilization Fund if that Fund has not reached its constitutional limit, or if that Fund has reached its limit, the excess shall be appropriated to the general fund. This resolution was incorporated into HJ 789.

*Patron - Gilbert*

**EHJ725 Constitutional amendment (first resolution); taking of private property for public uses.** Limits the exercise of eminent domain to the purpose of public use and specifies that, with the exception of takings for the provision of any utility or common carrier service, property can only be taken or damaged where the primary purpose is not private financial gain, private benefit, an increase in tax base or tax revenues, or an increase in employment. No more private property may be taken than that which is necessary to achieve the stated public use. Whenever an attempt is made to take or damage property for a stated public use, the owner shall have the right to a judicial determination that the use is truly public, without regard to any legislative assertion that the use is public. This resolution incorporates HJ 728.

*Patron - Bell*

**EHJ726 Constitutional amendment (first resolution); restoration of civil rights.** Authorizes the General Assembly to provide by law for the restoration of civil rights for persons convicted of nonviolent felonies who have completed service of their sentences subject to the conditions, requirements, and definitions set forth in that law. The present Constitution provides for restoration of rights by the Governor. The amendment retains the right of the Governor to restore civil rights and adds the alternative for restoration of rights pursuant to law. This amendment is identical to HJRs 628 and 656 and SJR 273.

*Patron - Hall*

**EHJ728 Constitutional amendment (first resolution); due process of law; obligation of contracts; taking of private property; prohibited discrimination; jury trial in civil cases.** Defines the term "public uses" and specifies permitted public uses for which private property may be taken. The definition is the same definition enacted in 2007 and set out in § 1-219.1 of the Code of Virginia. This resolution was incorporated into HJ 725.

*Patron - Joannou*

**EHJ729 Constitutional amendment (first resolution); English as the official language of the Commonwealth.** Provides that English is the official language of Virginia.

*Patron - Joannou*

**EHJ731 Constitutional amendment (first resolution); General Assembly powers; regulations.** Provides that the General Assembly may suspend or nullify any or all portions of any administrative rule or regulation by joint resolution agreed to by a majority of the members elected to each house. The General Assembly may designate a joint legislative commission or pair of standing committees representing both houses to suspend any administrative rule or regulation during the interim that the General Assembly is not in session.

*Patron - Griffith*

**EHJ789 Constitutional amendment (first resolution); limit on appropriations.** Limits total appropriations in a year to the preceding year's total appropriations plus a percentage equal to the sum of the percentage increase in the rate of inflation plus the rate of population increase. However, additional appropriations may be made (i) for tax relief, (ii) for deposits to the Revenue Stabilization Fund, or (iii) for nonrecurring capital projects. "Total appropriations" is defined so as not to include appropriated moneys that are received from the federal government or an agency or unit thereof. This resolution incorporates HJ 724.

*Patron - Loupassi*

**ESJ273 Constitutional amendment (first resolution); restoration of civil rights.** Authorizes the General Assembly

to provide by law for the restoration of civil rights for persons convicted of nonviolent felonies who have completed service of their sentences subject to the conditions, requirements, and definitions set forth in that law. The present Constitution provides for restoration of rights by the Governor. The amendment retains the right of the Governor to restore civil rights and adds the alternative for restoration of rights pursuant to law. This amendment is identical to HJR 628, 656, and 726.

*Patron - Miller, Y.B.*

**ESJ281 Constitutional amendment (first resolution); Virginia Redistricting Commission.** Establishes the Virginia Redistricting Commission to redraw Congressional and General Assembly district boundaries after each decennial census. Appointments to the 13-member Commission are to be made in the census year as follows: two each by the President pro tempore of the Senate, Speaker of the House of Delegates, minority leader in each house, and the state chairman of each of the two political parties receiving the most votes in the prior gubernatorial election. The 12 partisan members then select the 13th member by a majority vote, or, if they cannot agree on a selection, they certify the two names receiving the most votes to the Supreme Court, which will name the 13th member. The Commission is directed to certify district plans for the General Assembly within one month of receipt of the new census data or by March 1 of the year following the census, whichever is later, and for the House of Representatives within three months of receipt of the census data or by June 1 of the year following the census, whichever is later. The standards to govern redistricting plans include the current Constitution's standards on population equality, compactness, and contiguity and additional standards to minimize splits of localities and to prohibit consideration of incumbency and political data.

*Patron - Deeds*

**ESJ290 Constitutional amendment (first resolution); taking of private property for public uses.** Establishes limitations on takings of private property. Except for property taken for public service companies or railroads, property may not be taken if the primary purpose of the taking is private financial gain, private benefit, an increase in tax base or tax revenues, or an increase in employment. No more property shall be taken than is necessary to achieve the stated public use.

*Patron - Obenshain*

**ESJ295 Constitutional amendment (first resolution); sessions of the General Assembly.** Provides that the General Assembly sessions convened in odd-numbered years shall be long sessions and sessions convened in even-numbered years shall be short sessions, reversing the present schedule.

*Patron - McDougle*

**ESJ304 Constitutional amendment (first resolution); property tax exemption for certain veterans.** Directs the General Assembly to exempt from taxation real property that is the principal residence of a veteran (or widow or widower of a veteran) if the veteran has been determined by the United States Department of Veterans Affairs or its successor agency pursuant to federal law to have a 100 percent combat-related, permanent, and total disability. This resolution was incorporated into SJR 275.

*Patron - Stuart*

**ESJ306 Constitutional amendment (first resolution); supervision of schools.** Requires that the supervision of each school shall be vested in a school board, not necessarily in the school division.

*Patron - Cuccinelli*

**ESJ312 Constitutional amendment (first resolution); Virginia Redistricting Commission.** Establishes the Virginia Redistricting Commission to redraw Congressional and General Assembly district boundaries after each decennial census. Appointments to the five-member Commission are to be made in the census year: one member each by the President pro tempore of the Senate, Speaker of the House of Delegates, and minority party leader of each house. Those four Commission members will appoint a fifth member to serve as chair. The Commission is directed to submit to the General Assembly district plans for the General Assembly within one month of receipt of the new census data or by March 1 of the year following the census, whichever is later, and for the House of Representatives within three months of receipt of the census data or by June 1 of the year following the census, whichever is later. The General Assembly may amend the Commission's plan by a two-thirds vote not to affect any district's population by more than 10 percent. The standards to govern redistricting plans include the current Constitution's standards on population equality, compactness, and contiguity and additional standards to minimize splits of localities and to prohibit consideration of incumbency and political data. If the General Assembly fails to pass the plan, the Supreme Court will devise the final plan.

*Patron - Miller, J.C.*

**ESJ323 Constitutional amendment (first resolution); Transportation Funds.** Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, Priority Transportation Fund, and other funds dedicated to transportation by general law. All revenues dedicated to Transportation Funds on January 1, 2009, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes.

*Patron - Martin*

**ESJ333 Constitutional amendment (first resolution); property exempt from taxation.** Provides that the General Assembly may enact legislation that will authorize localities by ordinance to exempt from property taxes up to 20 percent of the value of each residential or farm property that is the individual owner-occupants' primary dwelling and lived in continuously. This amendment is identical to HJR 686.

*Patron - Whipple*

**ESJ335 Constitutional amendment (first resolution); independent cities.** Removes the requirement that cities be established as an entity independent of other local governments.

*Patron - Watkins*

**ESJ347 Constitutional amendment (first resolution); right to work.** Provides that any agreement or combination between any employer and any labor union or labor organization whereby persons not members of such union or organization shall be denied the right to work for the employer, or whereby such membership is made a condition of employment or continuation of employment by such employer, or whereby any such union or organization acquires an employment monopoly in any enterprise, is against public policy and an illegal combination or conspiracy. This amendment is identical to HJR 640.

*Patron - McDougle*

**ESJ349 Constitutional amendment (first resolution); property tax assessments.** Authorizes localities to cap the annual increase in assessed values of real estate at no more than 25 percent or a greater percentage set by the ordinance. The real estate will be reassessed at fair market value in the year in which it is sold, improved, or otherwise changes hands.

*Patron - Newman*

**ESJ354 Constitutional amendment (first resolution); restoration of civil rights.** Provides for the automatic restoration of civil rights to persons convicted of nonviolent felonies (excepting felony drug and election fraud crimes) upon completion of sentence including any term of probation or parole. Provides further that persons convicted of violent felonies, felony drug crimes, or election fraud crimes may have their civil rights restored by the Governor upon completion of sentence including any term of probation or parole, and authorizes the General Assembly to provide by law for the restoration of civil rights to such persons.

*Patron - McEachin*

**ESJ361 Constitutional amendment (first resolution); Transportation Funds.** Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, and Priority Transportation Fund. All revenues dedicated to Transportation Funds on January 1, 2010, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment requires Funds be appropriated only for transportation systems and projects. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan or reduction must be repaid with reasonable interest within the three years. The amendment also limits the use of general and other nontransportation funds for transportation purposes except for certain debt service payments.

*Patron - Norment*

## Other Resolutions

### Passed

**HJ635 Women's Heart Day.** Designates May 17, in 2009 and in each succeeding year, as Women's Heart Day in Virginia during Women's Health Week in Virginia.

*Patron - Sherwood*

**HJ644 Governor; portrait.** Establishes a committee for the purpose of commissioning a portrait of Governor Timothy M. Kaine for display in the Capitol.

*Patron - Griffith*

**HJ651 Resolution; school divisions of the Commonwealth.** Requests the school divisions of the Commonwealth to consider launching a Project Lead the Way program in the division's high schools.

*Patron - Cosgrove*

**HJ652 Resolution; K-8 Mathematics Specialists.** Requests the school divisions of the Commonwealth to consider using existing intervention, remediation, and at-risk fund-

ing to hire K-8 Mathematics Specialists as an effective means to improve the performance of low-achieving students.

*Patron - Cosgrove*

**HJ653 Resolution; Produced in Virginia program.** Commends the University of Virginia School of Engineering and Applied Science and the Central Virginia Community College for establishing the PRODUCED in Virginia program.

*Patron - Cosgrove*

**HJ674 Older Virginians Mental Health Month.** Designates September, in 2009 and in each succeeding year, as Older Virginians Mental Health Month in the Commonwealth.

*Patron - Brink*

**HJ680 Commemorative commission; Honoring American Indians of Virginia.** Expresses the General Assembly's support for and calls upon the Governor to establish a commemorative commission to honor the life, achievements, and legacy of Virginia Indians on the grounds of Capitol Square. The commission must submit its findings and recommendations to the Governor and General Assembly no later than the first day of the next Regular Session of the General Assembly for the 2009 and 2010 interims.

*Patron - Peace*

**HJ683 Retailers for Life Month in Virginia.** Designates April, in 2009 and in each succeeding year, as Retailers for Life Month in Virginia.

*Patron - Peace*

**HJ684 Designating Congenital Heart Defects Awareness Week.** Designates February 7 through 14, in 2009 and in each succeeding year, as Congenital Heart Defect Awareness Week in Virginia, culminating in the observance of National Congenital Heart Defect Awareness Day on February 14 each year.

*Patron - Bulova*

**HJ685 Commemorating the bicentennial of the birth of Abraham Lincoln, 16th President of the United States.** Commemorates the 200th anniversary of the birth of President Abraham Lincoln, and encourages the participation of the Commonwealth in the national and statewide commemorative programs and events. This resolution is a recommendation of the Dr. Martin Luther King, Jr. Memorial Commission.

*Patron - McClellan*

**HJ715 Disability History and Awareness Month.** Designates the month of October, in 2009 and in each succeeding year, as Disability History and Awareness Month in Virginia.

*Patron - Spruill*

**HJ722 Recognizing Lyndhurst Station.** Commends Lyndhurst Station for its distinctive and historic place in Virginia history.

*Patron - Landes*

**HJ754 Virginia Caregivers Week.** Designates the third week in November, in 2009 and in each succeeding year, as Virginia Caregivers Week in the Commonwealth.

*Patron - Sherwood*

**HJ755 Will F. Jenkins Day.** Designates June 27, 2009, as Will F. Jenkins Day in Virginia.

*Patron - Morgan*

**HJ756 Virginia Association of Metropolitan Planning Organizations.** Requests the Secretary of Transportation

to support and assist in the establishment of a Virginia Association of Metropolitan Planning Organizations.

*Patron - Cosgrove*

**PHJ771 Patient Advocate Day.** Declares April 4, in 2009 and each year thereafter, as Virginia Patient Advocate Day.

*Patron - Hamilton*

**PHJ783 Recognizing the Virginia Rail Heritage Region in the Commonwealth.** Recognizes the Virginia Rail Heritage Region, consisting of the Counties of Alleghany, Amherst, Bedford, Botetourt, Campbell, and Roanoke, and the Cities of Bedford, Covington, Lynchburg, Roanoke, and Salem, as well as all towns in the region, as the "Virginia Rail Heritage Region." The local governing bodies of the respective localities composing the "Virginia Rail Heritage Region" are encouraged to work collaboratively to establish uniform highway signage on federal and state highways to promote rail tourism in their respective areas of the region.

*Patron - Fralin*

**PHJ788 Designating April 21 in 2009, and in each succeeding year, the first day of the Days of Remembrance, as the Day of Remembrance in Virginia.** Designates April 21, 2009, as the Day of Remembrance in Virginia, and in each succeeding year, the first day of the Days of Remembrance as the Day of Remembrance in Virginia.

*Patron - Watts*

**PHJ792 Assisted Living Awareness Day.** Designating September 15, in 2009 and in each succeeding year, as Assisted Living Awareness Day in Virginia.

*Patron - Peace*

**PHJ793 Deep Vein Thrombosis Awareness Month.** Designates March, in 2009 and in each succeeding year, as Deep Vein Thrombosis Awareness Month in Virginia.

*Patron - O'Bannon*

**PHJ823 Resolution; Recognizing the importance of the adolescent well health visit.** Recognizes the importance of the Adolescent Well Health visit for the health and well-being of adolescents and young adults.

*Patron - Amundson*

**PHR39 Resolution; encouraging support for the Reserve Officers' Training Corps (ROTC).** Encourages the public institutions of higher education in the Commonwealth to fully support the Reserve Officers' Training Corps (ROTC) programs and provide the maximum recognition of ROTC courses for credits toward graduation.

*Patron - Cox*

**PHR53 Commemorating the 30th anniversary of the enactment of the Underground Utility Damage Prevention Act.**

*Patron - Kilgore*

**PSJ274 Mitochondrial Disease Awareness Week.** Designates the third week of September, in 2009 and in each succeeding year, as Mitochondrial Disease Awareness Week in Virginia in conjunction with the national awareness week.

*Patron - Reynolds*

**PSJ303 Year of Astronomy.** Designates 2009 as the Year of Astronomy in Virginia in conjunction with the United Nations declaration of the year 2009 as the International Year of Astronomy.

*Patron - Watkins*

**PSJ305 Steamboat Era Day.** Designates September 14, in 2009 and in each succeeding year, as Steamboat Era Day in Virginia.

*Patron - Stuart*

**PSJ314 Virginia's Rail Heritage Region.** Recognizes the "Virginia's Rail Heritage Region" in the Commonwealth. This resolution is similar in purpose to HJR 783 (Fralin).

*Patron - Edwards*

**PSJ321 Disability History and Awareness Month.** Designates the month of October, in 2009 and in each succeeding year, as Disability History and Awareness Month in Virginia.

*Patron - Puller*

**PSJ337 Resolution; federal grant funding.** Requests the Department of Planning and Budget and the Virginia Liaison Office to advise state agencies of federal grant fund availability and to provide training opportunities for staff and other technical assistance in applying for federal grants.

*Patron - Deeds*

**PSJ342 Commemorating the Centennial of the NAACP.** Commemorates the 100th anniversary of the founding of the National Association for the Advancement of Colored People (NAACP), the nation's oldest civil rights organization.

*Patron - Marsh*

**PSJ343 Commemorating the bicentennial of the birth of Abraham Lincoln, 16th President of the United States.** Commemorates the 200th anniversary of the birth of President Abraham Lincoln, and encourages the participation of the Commonwealth in the national and statewide commemorative programs and events. This resolution is a recommendation of the Dr. Martin Luther King, Jr. Memorial Commission.

*Patron - Marsh*

**PSJ345 Resolution; encouraging the increased usage of recycling receptacles.** Encourages state and local governments to increase the usage of recycling receptacles at public places and governmental facilities.

*Patron - Vogel*

**PSJ373 American Cancer Society Day.** Designates February 5, in 2009 and in each succeeding year, as American Cancer Society Day in Virginia.

*Patron - Miller, J.C.*

**PSJ392 Resolution; Designating National School Breakfast Week in Virginia.** Designates the week of the first Sunday in March, in 2009 and in each succeeding year, as National School Breakfast Week in Virginia.

*Patron - Whipple*

**PSJ401 Law Day.** Designates May 1, in 2009 and in each succeeding year, as Law Day in Virginia in conjunction with the national day.

*Patron - Petersen*

**PSJ412 Resolution; Denouncing human trafficking.** Notes the General Assembly's concern regarding and repudiation of human trafficking in the Commonwealth, and requests the Governor to call upon local governments, law enforcement, and the people of the Commonwealth, through appropriate awareness programs and efforts, to work cooperatively to eradicate human trafficking in Virginia.

*Patron - Newman*

**PSJ440 Resolution; Commending the Tuskegee Airmen.** Commends the Tuskegee Airmen on their courageous and exemplary service to the nation.  
*Patron - Marsh*

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## Failed

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**FHJ621 Resolution; ethanol production.** Requests the U.S. Environmental Protection Agency to grant a temporary waiver from the Renewable Fuel Standard under the Energy Independence and Security Act of 2007.  
*Patron - Marshall, R.G.*

**FHJ627 Children's life jacket requirements.** Requests the Board and Department of Game and Inland Fisheries to consult and coordinate with the boating community and recreational boating safety professional organizations regarding the need for a statewide children's life jacket requirement.  
*Patron - Poisson*

**FHJ689 Public's use of state waters.** Requests the Department of Game and Inland Fisheries, with the assistance of the Office of the Attorney General, to clarify the public's right to float, fish, and navigate the waters of the Commonwealth.  
*Patron - Saxman*

**FHJ712 Memorializing the Congress of the United States to appropriate its share of funds to construct the Craney Island Eastward Expansion Project.** Expresses the sense of the General Assembly in favor of the completion of the Craney Island Eastward Expansion Project and urges Congress to appropriate its share of funds for construction.  
*Patron - Jones*

**FHJ717 Commending the Native Virginia tribes.** Honors the Eastern Chickahominy, Chickahominy, Upper Mattaponi, Rappahannock, Monacan, and Nansemond native tribal nations in Virginia and urges recognition of these tribal nations by the federal government.  
*Patron - Morrissey*

**FHR38 Memorializing the Congress of the United States.** Memorializes Congress to withdraw the United States from the Security and Prosperity Partnership of North America and any other bilateral or multilateral activity that seeks to create a North American Union.  
*Patron - Marshall, R.G.*

**FHR41 Recognizing the importance of the adolescent well health visit.** Recognizes the importance of the Adolescent Well Health visit for the health and well-being of adolescents and young adults.  
*Patron - Amundson*

**FHR61 State sovereignty; Tenth Amendment of the United States Constitution.** Honoring state sovereignty under the Tenth Amendment of the Constitution of the United States and claiming sovereignty for the Commonwealth under the Tenth Amendment over all powers not otherwise enumerated and granted to the federal government by the United States Constitution.  
*Patron - Peace*

**FSJ311 Memorializing the Congress of the United States to examine the equitability of the allocation of licenses to harvest blue crabs among states bordering the Chesapeake Bay.** Expresses the concern of the General Assembly to ensure that one state does not inordinately bear

the sacrifices necessary to ensure the success of conservation measures for the blue crab fishery.

*Patron - Stuart*

**FSJ315 Application to the Congress to call a convention to propose an amendment to the Constitution of the United States for a balanced budget requirement.** Initiates the process to call a convention to amend the Constitution of the United States to add a balanced budget amendment to promote fiscal integrity at the federal level.

*Patron - Hanger*

**FSJ387 Resolution; HOT lane contracts.** Expresses the sense of the General Assembly concerning contracts for the construction and operation of high-occupancy toll lane facilities.

*Patron - Barker*

**FSJ390 Memorializing the Congress to propose an amendment to the Constitution of the United States for a balanced budget requirement.** Expresses the General Assembly's support for a balanced budget amendment and urges Congress to submit such an amendment to the states for ratification in order to promote fiscal integrity at the federal level.

*Patron - Hanger*

**FSJ396 Recognizing the need to utilize scientific principles to address global warming and energy problems.** Recognizes the need to use scientific principles in developing a plan to remedy global warming and energy problems, and requests that the General Assembly use such principles when considering energy and environmental legislation.

*Patron - Obenshain*

**FSJ399 Memorializing the Congress to require a balanced federal budget.** Expresses the General Assembly's support for legislation requiring a balanced federal budget in order to promote fiscal integrity at the federal level.

*Patron - Cuccinelli*

**FSJ411 Supporting introduction of non-native oyster; resolution.** Encourages the U.S. Army Corps of Engineers to support the introduction of genetically sterile non-native oysters as part of its management scheme.

*Patron - Stuart*

**FSJ431 Lawyer Professionalism Day.** Designates April 13, 2009, as Lawyer Professionalism Day in Virginia.

*Patron - Stolle*

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## Miscellaneous (Including Budget and Bonds)

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### Passed

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**P HB1600 Budget Bill.** Amends Chapter 879, 2008 Acts of Assembly.

*Patron - Putney*

**P HB1604 Revenue bonds; new parking deck.** Authorizes the Treasury Board to issue bonds pursuant to Article X, Section 9 (c) of the Constitution of Virginia in an amount up to \$16,000,000 plus financing costs to build a new parking deck in the City of Richmond at 7th and Franklin.

*Patron - Putney*

**HB1662 Revenue bonds; Virginia Polytechnic and State University.** Authorizes the Treasury Board to issue bonds pursuant to Article X, Section 9 (c) of the Constitution of Virginia in an amount up to \$40,000,000 plus financing costs to renovate Ambler Johnston Hall and for a parking structure at Virginia Polytechnic Institute and State University. The bill states that an emergency exists and that the bill is effective upon passage.

*Patron - Putney*

**HB2050 Claims; Teddy Pierries Thompson.** Provides relief to Teddy Pierries Thompson, who was incarcerated from May 8, 2000, to September 10, 2007. His conviction was vacated on September 10, 2007. The compensation award is in an amount equal to 90 percent of the Virginia per capita personal income as reported by the Bureau of Economic Analysis of the United States Department of Commerce for each year of Thompson's incarceration. The payment of the award will be in an initial lump sum of \$51,999 to be paid on or before August 1, 2009, and the sum of \$207,996 to be used to purchase an annuity to be paid out in monthly payments over 25 years commencing September 1, 2009. In addition, the bill entitles Thompson to receive reimbursement up to \$10,000 for tuition for career and technical training within the Virginia Community College System.

*Patron - Gear*

**HB2243 Claims; Kurt E. Beach.** Provides relief in the amount of \$250,000 to Kurt E. Beach to help cover medical expenses, including a liver transplant, that stem from his being infected by hepatitis C while on duty as a police officer in Smithfield, Virginia.

*Patron - Barlow*

**HB2660 Capital outlay plan.** Sets forth a six-year capital outlay plan for projects to be funded entirely or partially from general fund-supported resources.

*Patron - Putney*

**SB851 Revenue bonds; Virginia Polytechnic and State University.** Authorizes the Treasury Board to issue bonds pursuant to Article X, Section 9 (c) of the Constitution of Virginia in an amount up to \$10,000,000 plus financing costs to renovate Ambler Johnston Hall at Virginia Polytechnic Institute and State University. The bill states that an emergency exists and that the bill is effective upon passage.

*Patron - Colgan*

**SB852 Revenue bonds; new parking deck.** Authorizes the Treasury Board to issue bonds pursuant to Article X, Section 9 (c) of the Constitution of Virginia in an amount up to \$16,000,000 plus financing costs to build a new parking deck in the City of Richmond at 7th and Franklin.

*Patron - Colgan*

## Failed

**HB1639 Constitutional right to enjoyment of life.** Provides that "the right to enjoyment of life" guaranteed by Article 1, Section 1 of the Constitution of Virginia is vested in each born and preborn human being from the moment of fertilization.

*Patron - Marshall, R.G.*

**HB1758 Bonds; flood mitigation.** Authorizes issuance of bonds not to exceed \$100 million to be used as matching

funds for localities' flood mitigation projects that are approved by the Department of Conservation and Recreation.

*Patron - Englin*

**HB1759 Bonds for transportation projects.** Authorizes the Commonwealth Transportation Board to issue bonds in an aggregate amount not to exceed \$4.81 billion for specific transportation projects throughout the Commonwealth. The bonds will be paid for by the revenues collected for each project through tolls and other fares or fees.

*Patron - Marshall, R.G.*

**HB1760 Claims; Mr. and Mrs. Brian Cebula.** Provides relief in the amount of \$1.2 million to compensate Mr. and Mrs. Brian Cebula for property that was damaged and made unsuitable for development by an inadequate storm water management system installed by VDOT.

*Patron - Marshall, R.G.*

**HB2260 Claims; Botswana Imani.** Provides \$1,000 in relief to Botswana Imani for damages to her home caused by forced entry attempts by the Sheriff's Department of Washington County.

*Patron - Kilgore*

**HB2490 Claims; Daniel and Brenda Brewer.** Provides relief in the amount of \$214,967.22 to Daniel and Brenda Brewer to correct structural problems with their home. The home contains several structural problems that were not noted by the local building official during any of the inspections conducted by the Uniform Statewide Building Code. In addition, the building official issued a certificate of occupancy despite the existence of the structural problems.

*Patron - Carrico*

**HB2547 Federal economic stimulus funds.** Provides that any federal economic stimulus funds made available to Virginia be used exclusively for transportation and education infrastructure improvements. In awarding contracts, preference is to be given to Virginia businesses and Virginia subcontractors.

*Patron - Albo*

**SB850 Budget Bill.** Amends Chapter 879, 2008 Acts of Assembly.

*Patron - Colgan*

**SB1417 Claims; Howard M. and Inez O. Berry.** Provides \$400,000 in relief to Howard M. and Inez O. Berry of Midlothian, Virginia. The Berrys' daughter, Jo Ann Berry, was killed in an automobile accident in 1977 caused by a juvenile driver. The driver was charged with involuntary manslaughter, but the case never went to trial. The Berrys could not get any information on the disposition of the case because of the driver's status as a minor and were told they would have to wait for 20 years. When the Berrys attempted to get the information in 1999, they discovered that the records had been destroyed.

*Patron - Martin*

**SB1482 Commonwealth Transportation Capital Projects Bond Act of 2007.** Repeals the Commonwealth Transportation Capital Projects Bond Act of 2007.

*Patron - Hanger*

## Study Resolutions

### Passed

**PHJ678 Study; shortage of classroom teachers; report.** Requests the State Council of Higher Education for Virginia and the Virginia Community College System to study the shortage of classroom teachers in the Commonwealth, and specifically explore methods to attract students to the Virginia Community College System for the first two years of a teacher preparation program.

*Patron - Tata*

**PHJ681 Study; corporate income tax; report.** Directs the Joint Legislative Audit and Review Commission to study Virginia's corporate income tax system. It is a two-year study with its work to be completed by November 30, 2010.

*Patron - Massie*

**PHJ711 Study; Joint Subcommittee to Study the Transportation Network of Hampton Roads; report.** Extends the mandate of the Joint Subcommittee to Study the Transportation Network of Hampton Roads for another year.

*Patron - Jones*

**PHJ730 Study; large animal veterinarians; report.** Requests the Virginia-Maryland Regional College of Veterinary Medicine at Virginia Polytechnic Institute and State University to study the shortage of large animal veterinarians. In conducting its study, the Virginia-Maryland Regional College of Veterinary Medicine shall (i) determine the supply and demand for large animal veterinarians in Virginia, including by region of the Commonwealth; (ii) ascertain the causes of the shortage of such veterinarians and recommend immediate and long-term alternatives to ameliorate the demand; (iii) address the salary and working conditions of large animal veterinarians relative to the debt burden of recent graduates; (iv) propose incentives to encourage students to choose veterinary medicine as a career and large animal practice; (v) establish a profile of applicants to veterinary medicine school; (vi) determine the efficacy of increasing the Virginia-Maryland Regional College of Veterinary Medicine's capacity at Virginia Tech to serve more veterinary students; and (vii) consider such other factors that may influence the practice chosen by veterinarians. In addition, the Virginia-Maryland Regional College of Veterinary Medicine must provide for the meaningful participation of representatives of the Virginia Farm Bureau, Virginia Agribusiness Council, Virginia Veterinary Medical Association, Virginia Department of Agriculture and Consumer Services, Virginia Department of Business Assistance, Virginia Economic Development Partnership, and State Veterinarian or their designees throughout the course of the study. Upon completion of the study, the Virginia-Maryland Regional College of Veterinary Medicine must submit its report to the House Committees on Agriculture, Chesapeake and Natural Resources and on Education, and the Senate Committees on Agriculture, Conservation and Natural Resources and on Education and Health, which will review the findings and recommendations for appropriate legislative, policy, and budgetary implications and action. The Virginia-Maryland Regional College of Veterinary Medicine must submit its findings and recommendations to the 2010 Session of the General Assembly.

*Patron - Peace*

**PSJ318 Joint Subcommittee to Study Strategies and Models for Substance Abuse Prevention and Treatment; Report.** Continues the Joint Subcommittee to Study Strategies

and Models for Substance Abuse Prevention and Treatment for one year, to continue to (i) identify and characterize the nature of substance abuse in the Commonwealth; (ii) identify current state policies and programs targeting substance abuse prevention and treatment; (iii) examine the cost of such policies and programs to the Commonwealth; (iv) identify and examine policies and prevention programs from other leading states in the field of substance abuse and prevention; and (v) benchmark the Commonwealth's substance abuse prevention and treatment programs and policies against those of the leading states. Additionally, the joint subcommittee shall establish work groups to explore issues, including the abuse of prescription medication, existing state policies and programs, and potential recommendations or solutions to address problems related to substance abuse prevention, substance abuse treatment services, use of evidence-based practices, and other pertinent topics.

*Patron - Hanger*

**PSJ325 Study; chronic diseases; report.** Directs the Joint Commission on Health Care to study opportunities for early identification and preventive care of chronic diseases. In conducting its study, the Commission shall (i) examine clinical and other studies concerning the manner in which early identification and preventive care can be utilized to halt or slow the evolution of such conditions as diabetes, hypertension, kidney disease, obesity, and pneumonia into chronic and terminal conditions, (ii) assess the means by which Virginia can address fragmentation of services across the health care delivery system and the patient's community in order to enhance early identification and preventive care and care management for chronic disease and identify opportunities for providing more coordinated care management for individuals with multiple chronic diseases, and (iii) estimate the fiscal impact on the Commonwealth and private payers from such strategies.

*Patron - Houck*

**PSJ328 Study; JLARC study of postelection audits of voting equipment; report.** Directs the Joint Legislative Audit and Review Commission to study the various forms of post-election audits and their costs and requirements.

*Patron - Herring*

**PSJ357 Study; rapid transit service network; report.** Continues the mandate of the joint subcommittee to study the feasibility of creating a regional rapid transit network for connecting existing and emerging population centers in major transportation corridors for a second year.

*Patron - Barker*

**PSJ358 Study; hospital violence; report.** Directs the Crime Commission to study the incidence of violent events in hospital emergency rooms and how such public safety issues can best be addressed.

*Patron - Stolle*

**PSJ359 Study; clerks' offices; report.** Continues the joint subcommittee to study the operations of circuit court clerks' offices.

*Patron - Stolle*

**PSJ363 Study; Crime Commission; report.** Directs the Crime Commission to study criminal justice issues regarding the manufacture and use of false identification cards.

*Patron - Martin*

**PSJ397 Virginia Marine Resources Commission; comprehensive registry of saltwater anglers; report.** Requests the Virginia Marine Resources Commission to examine the creation of a comprehensive registry of saltwater anglers in the

Commonwealth and to determine whether changes must be made to the Commonwealth's saltwater recreational fishing license program to conform to the National Angler Registry requirements.

*Patron - Northam*

## Failed

**EHB2369 Substance Abuse Services Council; study; abuse of prescription medication.** Directs the Substance Abuse Services Council to recommend the best strategies to address prescription drug abuse. The Council must report of its findings and recommendations to the Governor and the General Assembly on or before November 15, 2009. This bill incorporates HB 2370.

*Patron - Nutter*

**EHJ626 Study; replacement of the state motor fuel tax.** Establishes a joint subcommittee to study the desirability and feasibility of replacing the state motor fuel tax with a mileage-based fee predicated on vehicle-miles traveled in Virginia.

*Patron - Poisson*

**EHJ632 Study; housing first; report.** Directs the Joint Legislative Audit and Review Commission (JLARC) to study the feasibility of adopting a "housing first" approach to human services and social policy in Virginia. In conducting its study, JLARC shall (i) review the linkage between permanent housing and access to human services provided at the federal, state, and local levels, (ii) estimate the potential financial savings to the Commonwealth of a "housing first" approach, and (iii) develop a model detailing how a "housing first" approach to human services and social policy could work in the Commonwealth.

*Patron - Englin*

**EHJ641 Study; school choice programs; report.** Establishes a joint subcommittee to study school choice for secondary school students in the Commonwealth. In conducting its study, the joint subcommittee shall (i) examine school choice programs in other states, (ii) compare student success at various public and private secondary schools in the Commonwealth, (iii) look into ways to ensure that any school choice program would be implemented fairly, across racial and socioeconomic lines, and (iv) investigate alternatives to direct payments to families, such as tax credits.

*Patron - Marshall, R.G.*

**EHJ654 Study; the feasibility of establishing a four-year degree-granting institution of higher education in the City of Virginia Beach; report.** Requests the State Council of Higher Education for Virginia to study the feasibility of establishing a four-year degree-granting institution of higher education in the City of Virginia Beach.

*Patron - Tata*

**EHJ658 Study; severe shortage of medical doctors; report.** Establishes a joint subcommittee to study the current and impending severe shortage of medical doctors in Virginia. The joint subcommittee shall consider the impact of the current and impending shortage of medical doctors on the health care system in the Commonwealth, and identify options to prepare for and remedy the shortage. In conducting its study, the joint subcommittee shall, among other things, (i) determine whether a shortage of medical doctors exists in the Commonwealth per specialty and geographical region; (ii) identify and assess factors that contribute to the shortage of medical doctors, including medical school admissions, the costs of medical education, and the effect of excessive malpractice insurance premiums,

malpractice laws and caps, the shortage of nurses, and ancillary regulations such as the Certificate of Public Need; and (iii) identify the medical specialties primarily affected by the shortage of doctors and recommend ways to alleviate such problems. The joint subcommittee must submit its final findings and recommendations to the 2011 Session of the General Assembly.

*Patron - Purkey*

**EHJ660 Study; establishing a joint subcommittee to study ways to increase career and technical education in secondary schools in the Commonwealth; report.** Establishes a joint subcommittee to study ways to increase career and technical education in secondary schools in the Commonwealth. In conducting its study, the joint subcommittee shall (i) determine the need for and feasibility and appropriateness of increasing career and technical education in the public high schools in Virginia; (ii) determine the need and desirability for a career and technical education diploma and a certificate of trade; (iii) evaluate the need for developing Standards of Learning for career and technical education, including the advantages and disadvantages, and the implications of the requirements of No Child Left Behind for the program's expanded curriculum; (iv) assess the need for insurance for on-site apprenticeships; (v) estimate the costs of expanding the career and technical education program statewide; and (vi) consider such other related issues as the joint subcommittee may deem necessary. The joint subcommittee must report its findings and recommendations to the Governor and the 2010 Session of the General Assembly.

*Patron - Albo*

**EHJ661 Study; feral cats; report.** Requests the Virginia Department of Agriculture and Consumer Services to convene a workgroup that would address issues related to feral cats including: (i) whether there is a cat overpopulation problem in the Commonwealth; (ii) whether any overpopulation problem is the principal cause of feral cat colonies; (iii) whether any overpopulation of cats requires licensure of breeders, curtailment of breeding stock, or reduced-cost sterilization services; (iv) whether a cat may be considered abandoned if relinquished to a releasing agency or released from custody by an owner for reasons other than health of the owner, death, sudden economic emergency, or the expense of treating a medical condition of the cat; (v) whether a colonist caretaker who cares for a feral cat colony is a rescue or releasing agency; and (vi) whether pounds should be required to provide cats with the same retrieval and custodial services now provided to dogs.

*Patron - Hull*

**EHJ663 Study; efficacy of generating electricity from windmill turbines.** Establishes a joint subcommittee to study the efficacy of generating electricity from windmill turbines in the Commonwealth.

*Patron - Morrissey*

**EHJ666 Study; ways to increase public agency adoptions in Virginia; report.** Establishes a joint subcommittee to study ways to increase public agency adoptions in Virginia. In conducting its study, the joint subcommittee shall assess best management practices related to increasing the number of public agency adoptions and develop a strategy for increasing the rate of public agency adoptions in the Commonwealth. In doing so, the joint subcommittee is directed to (i) evaluate the current status of agency adoptions, including factors influencing the rate of adoptions, in the Commonwealth; (ii) identify and evaluate promising programs that have increased the rate of public agency adoptions in other states; and (iii) develop recommendations for development of a strategy to increase the number of public agency adoptions in the Commonwealth. The

joint subcommittee is limited to four meetings during the 2009 interim.

*Patron - Shannon*

**EHJ667 Study; methods and practices for reducing infant mortality in the Commonwealth; report.** Establishes the Joint Subcommittee to Study Methods and Practices for Reducing Infant Mortality to assess best management practices to be used in reducing infant mortality and to develop a strategy for building upon current state initiatives to reduce infant mortality. This resolution calls for the joint subcommittee to (i) review current state initiatives to reduce infant mortality, (ii) identify and review successful community outreach initiatives in other states that are not currently employed in Virginia, (iii) identify successful public-private partnership models for addressing problems contributing to infant mortality and reducing infant mortality, (iv) conduct a comparative review of Virginia's utilization of the federally funded Women, Infants and Children Program on a per-capita and regional basis, and (v) develop recommendations to reduce infant mortality rates in the Commonwealth.

*Patron - Shannon*

**EHJ668 Study; legislative efficiency; report.** Directs the Joint Legislative Audit and Review Commission to study the operations of each house and all agencies in the legislative branch to develop recommendations for improving efficiency. The Commission is required to report and submit its findings and recommendations to the 2010 Session of the General Assembly.

*Patron - Shannon*

**EHJ675 Study; home energy consumption; report.** Directs the Virginia Housing Commission to study home energy consumption.

*Patron - Brink*

**EHJ676 Study; JLARC to study the Tobacco Indemnification and Community Revitalization Commission; report.** Directs the Joint Legislative Audit and Review Commission to conduct a review of the effectiveness of the Tobacco Indemnification and Community Revitalization Commission in its efforts in meeting its strategic plans and goals.

*Patron - Armstrong*

**EHJ679 Study; minimum standards for supervised visitation of children; report.** Establishes a joint subcommittee to study the feasibility of establishing statewide minimum standards for the oversight of supervised visitation with children.

*Patron - Crockett-Stark*

**EHJ682 Study; redesign of electric consumption tax; Virginia Department of Taxation.** Requests the Virginia Department of Taxation to examine the implementation of the residential electric consumption tax and to recommend options for restructuring the tax to promote energy efficiency while remaining revenue neutral.

*Patron - Vanderhye*

**EHJ687 Study; tolling of highways; report.** Requires the Joint Commission on Transportation Accountability to develop a plan to toll certain highways.

*Patron - Rust*

**EHJ701 Study; Alcoholic Beverage Control Board; disposition of real estate used for government stores.** Directs the Alcoholic Beverage Control Board to, on or before December 31, 2009, complete an implementation study for the discontinuation of government stores and for the disposition of

all real property owned or leased by the Board upon which government stores are operated. The resolution also directs the Board to submit an implementation plan for the disposition of the real property owned or leased by the Board and operated as government stores to the chairs of the House Committee on General Laws and the Senate Committee on Rehabilitation and Social Services on or before December 31, 2009.

*Patron - Purkey*

**EHJ703 Study; waterfowl hunting; report.** Establishes a six-member legislative subcommittee to study waterfowl hunting in urban and suburban areas.

*Patron - Englin*

**EHJ704 Study; smart meters; report.** Requests the State Corporation Commission to study the advisability of increasing the implementation of smart meter technologies in the Commonwealth.

*Patron - Scott, J.M.*

**EHJ705 Study; Affordability of higher education in Virginia.** Establishes a joint subcommittee to study the affordability of higher education in Virginia. In conducting its study, the joint subcommittee shall (i) determine the number of first-time entering freshmen in Virginia public and private institutions for the 2008-2009 academic year; (ii) estimate the number of high school graduates from Virginia public and private schools over the next decade; (iii) project the demand for higher education at the undergraduate level in the Commonwealth over the next decade for public and private institutions of higher education; (iv) ascertain the State's role and responsibilities to make college affordable for Virginia citizens; (v) review and assess the revenue sources for funding higher education in the Commonwealth and determine the need for revisions and other revenue sources; (vi) review the recently reauthorized Higher Education Opportunity Act to determine the applicability of its provisions to reducing the costs of tuition in Virginia; (vii) review other states' pre-college savings plans, such as the Oklahoma Seed Program, for applicability and adaptability in Virginia; and (viii) consider appropriate ways and options to increase the awareness and preparation of students and their families for higher education opportunities. The joint subcommittee must report its findings and recommendations to the Governor and the 2010 Session of the General Assembly.

*Patron - Scott, J.M.*

**EHJ706 Study; Increasing high school graduation in Virginia.** Establishes a joint subcommittee to study ways to increase the high school graduation rate in Virginia. In conducting the study, the joint subcommittee shall (i) identify the reasons for and issues attendant to the problem of school dropout in Virginia; (ii) determine, by school division, the annual high school graduation rate; (iii) review the findings and recommendations of recent national and state studies and reports related to dropout prevention and increasing the high school graduation rates, and determine the appropriateness of adopting certain of the recommendations for use in Virginia; (iv) consider the feasibility of expanding the Virginia Preschool Initiative; (v) ascertain the effect of comprehensive school reform on high school graduation rates, including Enhanced Career and Technical Education (Fine Arts-STEM) programs, classroom teacher participation in instructional decisions within the school division, dropout prevention, class size reduction, teacher salary increase, and expansion of the Virginia Teaching Scholarship Loan Program; (vi) develop appropriate strategies and an action plan that incorporates a multifaceted approach to address the problem of school dropout and low high school graduation rates comprehensively and systemically throughout the Commonwealth; and (vii) consider

such other related matters as the joint subcommittee deems appropriate to achieve the objectives of this study. The joint subcommittee must submit its findings and recommendations to the Governor and the 2010 Session of the General Assembly.

*Patron - Ebbin*

**EHJ707 Study; pay grade discrepancies for sheriffs' dispatchers; State Compensation Board.** Requests the State Compensation Board to study the pay grades that exist in sheriffs' dispatchers' offices to determine if any inequities exist and if any are found, to recommend changes to eliminate such pay grade discrepancies.

*Patron - Phillips*

**EHJ708 Study; gross receipts assessment on pharmaceutical manufacturers.** Establishes a joint subcommittee to study the feasibility of requiring a gross receipts assessment on pharmaceutical manufacturers. In conducting its study, the joint subcommittee shall (i) consider a suggested assessment of 0.25 percent on all manufacturers and 0.5 percent on manufacturers of abuse-prone prescription substances, (ii) examine the need for prevention, education, and treatment of addiction to abuse-prone prescription medications in the Commonwealth, and (iii) determine if the suggested assessment, or an assessment in another amount, is a feasible method for supporting such programs.

*Patron - Phillips*

**EHJ713 Study; Department of Environmental Quality to study disposal of compact fluorescent bulbs; report.** Requests the Department of Environmental Quality to study the environmental impact of the expanded use of compact fluorescent light bulbs in the residential sector. In conducting its study, the Department of Environmental Quality shall examine the impact on landfills, proper disposal or recycling in private residences, and public education opportunities. The study should determine the most effective ways to encourage and promote the environmentally sound management of compact fluorescent light bulbs containing mercury. The Department of Environmental Quality shall include in its recommendations strategies for (i) educating consumers on the benefits of proper management of a product that contains mercury and the need to recycle such bulbs; (ii) publicizing options for proper disposal; and (iii) working with the private sector to develop ways to allow the public to conveniently recycle fluorescent light bulbs.

*Patron - Poindexter*

**EHJ714 Study; JLARC; Virginia's passenger and freight rail programs; report.** Directs the Joint Legislative Audit and Review Commission (JLARC) to study the Commonwealth's passenger and freight rail funding needs.

*Patron - Valentine*

**EHJ716 Study; affordable housing incentives; report.** Directs the Department of Housing and Community Development and the Department of Taxation to study incentives for affordable housing. They are to complete their work by November 30, 2009.

*Patron - Caputo*

**EHJ718 Study; utility-scale energy generation from offshore winds; report.** Creates an 11-member joint subcommittee to study utility-scale energy generation from offshore winds and the feasibility of commercial investment to such projects. In conducting its study, the joint subcommittee shall: (i) examine and expand upon work begun by both public and private entities to promote the adoption of wind energy resources including the Virginia Coastal Energy Research Consortium, the Virginia Manufacturing Association, the maritime

construction industry, and the American Wind Energy Association; (ii) assess the concerns of investors, builders, and operators of utility-scale wind farms in siting such a facility offshore of Virginia; (iii) identify resolutions to the obstacles faced by such investors, builders, and operators; and (iv) develop and recommend a detailed policy for offshore wind energy that may include regional solutions and interstate cooperation, integration of wind power with other renewable energies, traditional energy generation, and storage possibilities.

*Patron - Marshall, R.G.*

**EHJ719 Study; reducing Medicaid costs; report.** Establishes a joint subcommittee to study reducing Medicaid costs by increasing efficiencies and reducing fraud. In conducting its study, the joint subcommittee shall (i) examine the success of the Medicaid Fraud Control Unit; (ii) research methods of controlling Medicaid fraud that are used in other states; (iii) investigate additional solutions to controlling fraud in the Commonwealth; (iv) consider new technological advances used in other states to reduce costs within the Medicaid program; and (v) explore other ways of increasing efficiency within the system.

*Patron - Marshall, R.G.*

**EHJ721 Study; waterfowl hunting; report.** Establishes a six-member legislative subcommittee to study waterfowl hunting in urban and suburban areas.

*Patron - Amundson*

**EHJ723 Study; Effecting No Child Left Behind on the Standards of Learning and high school graduation rates in Virginia; report.** Directs the Division of Legislative Services to collect data and information to measure the impact of NCLB on dropout and graduation rates in Virginia, and among other things, to monitor the proposed changes in the federal law, and collaborate with state and local entities examining or proposing initiatives designed to address dropout and graduation rates. The Division of Legislative Services must submit an executive summary of the information and data collected to the 2010 Session of the General Assembly.

*Patron - Landes*

**EHJ727 Study; JLARC; ways to reduce homelessness of vets; report.** Directs the Joint Legislative Audit and Review Commission to study ways to reduce homelessness among veterans in the Commonwealth.

*Patron - Bouchard*

**EHJ742 Study; joint subcommittee to study methods of reducing poverty; report.** Establishes an 18-member joint subcommittee to conduct a comprehensive review of best practices and develop a strategic plan that aims to reduce the poverty rates, especially in those jurisdictions with rates above the state average. This is a two-year study.

*Patron - Hall*

**EHJ770 Commission on Virginia's Transportation Needs.** Creates the Commission on Virginia's Transportation Needs to look at transportation needs in Virginia and alternatives for planning and financing Virginia's transportation system.

*Patron - May*

**EHJ790 Study; office of inspector general; report.** Establishes a joint subcommittee to study the need to establish an office of inspector general to investigate fraud, waste and unnecessary duplication in the administration of state government programs. Report.

*Patron - Loupassi*

**ESJ276 Study; JLARC to study Board of Medicine; report.** Directs the Joint Legislative Audit and Review Commission to conduct a follow-up review of the effectiveness of the Board of Medicine in regulating the practice of medicine.

*Patron - Puller*

**ESJ277 Study; costs incurred resulting from tort claims brought against the Commonwealth and localities; report.** Directs the Joint Legislative Audit and Review Commission to study the costs incurred by the Commonwealth and localities resulting from tort claims brought against such entities.

*Patron - Edwards*

**ESJ292 Study; funding of state cancer centers; report.** Directs the Joint Commission on Health Care to study the benefits to the Commonwealth of appropriating additional funds for cancer research. The joint subcommittee shall (i) examine the sufficiency of current funding sources for both the Massey Cancer Center and the University of Virginia Cancer Center; (ii) review history and successes of cancer research at each center; (iii) explore benefits to the Commonwealth of expanding state support of both centers; and (iv) research additional funding opportunities for both centers.

*Patron - Martin*

**ESJ307 Study; establishing a joint subcommittee to study the effects of the economic recession on public schools and families in Virginia.** Establishes a joint subcommittee to study the effects of the economic recession on public schools and families in Virginia. In conducting its study, the joint subcommittee shall (i) evaluate the effects of the economic crisis on public schools in Virginia; (ii) determine the number of school-age children affected by recent home foreclosures with the decline of the housing industry, the unemployment of a parent, and homelessness, and, if possible, correlate these events in the lives of school children to academic performance; (iii) determine whether the economic crisis has contributed to an increase in family dysfunction, unemployment, crime, familial breakdown, divorce and separation, substance abuse, mental health problems, school and college dropout rates, and domestic violence; (iv) ascertain how and which educational programs and services have been reduced or eliminated by public schools as a result of funding reductions due to the economic crisis; (v) determine whether there has been an increase in the number of homeless students in Virginia public schools, and the fiscal and programmatic effect of such increase; (vi) determine ways to assist public schools, children, and their families in coping with the economic crisis so as to minimize adverse consequences to them and governmental agencies; and (vii) consider such other matters as the joint subcommittee deems pertinent to carrying out the objectives of the study. In the course of its deliberations, the joint subcommittee shall provide opportunities for the participation of professional and community organizations, the corporate and faith communities, and other persons with expertise and interest in public and higher education, and the welfare of children and their families. The joint subcommittee must submit its findings and recommendations to the Governor and the 2010 Session of the General Assembly.

*Patron - Marsh*

**ESJ310 Study; shooting preserves; report.** Requests the Department of Game and Inland Fisheries to establish a task force to analyze the adequacy of the laws and regulations governing shooting preserves. The task force will review the conflicts that have arisen between shooting preserves and the

residential neighbors of such preserves and recommend solutions to the conflicts.

*Patron - Stuart*

**ESJ313 Study; early reading proficiency and comprehension; report.** Directs the Joint Legislative Audit and Review Commission to study ways to promote and ensure early reading proficiency and comprehension among third graders in public schools. In conducting its study, the joint subcommittee shall (i) determine the number of third graders who read at grade level; (ii) rank the school divisions according to the number of third graders who passed the most recent third grade reading test; (iii) identify best practices utilized by school divisions with the highest percentage of third graders who read at grade level; (iv) examine the findings and recommendations of state and national studies pertaining to the efficacy of early reading proficiency and comprehension and its relationship to academic success, and recommend those recommendations appropriate for implementation in Virginia; and (v) determine strategies to increase the number of third graders who pass the third grade reading test and ways to improve and sustain the early reading proficiency of third grade students.

*Patron - Miller; J.C.*

**ESJ316 Study; Joint Commission on Health Care to study establishing a state surgeon general; report.** Directs the Joint Commission on Health Care to study the feasibility and value of establishing a State Surgeon General. In conducting its study, the Commission shall (i) review other states' surgeon general positions, including their duties, powers, and the effect they are having on public health; (ii) investigate the need for such a position in the Commonwealth; (iii) consider the possibility of combining an existing position within state government with the newly created surgeon general position; and (iv) examine all the possible benefits of such a position to the citizens of the Commonwealth.

*Patron - Miller; Y.B.*

**ESJ319 Study; home energy consumption; report.** Directs the Virginia Housing Commission to study home energy consumption.

*Patron - Whipple*

**ESJ322 Study; waterfowl hunting; report.** Directs the Crime Commission to study waterfowl hunting in certain urban and suburban areas. This resolution is similar to HJR 703 and HJR 721.

*Patron - Puller*

**ESJ324 Study; corporate income tax formula for multistate service corporations; report.** Creates a joint committee of members from the Senate and House Finance Committees, two and four respectively, to examine the way Virginia calculates the corporate income tax for multistate service corporations.

*Patron - Howell*

**ESJ329 Study; GMU campus in Loudoun County; report.** Requests George Mason University, Northern Virginia Community College, Loudoun County Public Schools, Loudoun County, and the Town of Leesburg to study the feasibility of establishing a permanent campus of George Mason University in Loudoun County. In conducting their study, they shall, in coordination with one another, (i) solicit proposals from interested parties to develop a permanent campus of George Mason University in Loudoun County based on the criteria established in the report "Planning for Enhanced Public Higher Education in Loudoun County" and (ii) evaluate all such proposals with input from the State Council of Higher Education for Virginia.

*Patron - Herring*

**ESJ330 Study; findings of the Review of State Employee Total Compensation JLARC report; report.** Establishes a joint subcommittee to study the findings of the Review of State Employee Total Compensation, prepared by the Joint Legislative Audit and Review Commission.

*Patron - Colgan*

**ESJ331 Study; joint subcommittee on school dropout prevention; report.** Establishes a joint subcommittee to study school dropout prevention in Virginia. In conducting the study, the joint subcommittee shall (i) identify the reasons for and issues attendant to the problem of school dropout in Virginia; (ii) determine, by school division, the number of students who drop out of school before the seventh grade and the reasons therefor, and the number of students who graduate annually; (iii) conduct a comprehensive assessment of the factors related to school dropout in and prevention efforts employed by each school division, including the academic achievement gap, school dropout prevention, retention, and retrieval initiatives, social and economic dynamics in the locality, family and community support systems, and how and the extent to which the criminal justice system, faith community, and business and industry are actively involved in addressing the problem; (iv) review the findings and recommendations of recent national and state studies and reports related to dropout prevention and increasing the high school graduation rates, and determine the appropriateness of adopting certain of the recommendations for use in Virginia; (v) develop appropriate strategies and an action plan that incorporates a multifaceted approach to address the problem of school dropout comprehensively and systemically throughout the Commonwealth; (vi) review all current state laws, regulations, appropriations, and public policies relative to and that affect the issues attendant to school dropout and recommend such policy, statutory, fiscal, or regulatory changes as the joint subcommittee deems necessary; and (vii) consider such other related matters as the joint subcommittee deems appropriate to assist it in satisfying the objectives of this study. The joint subcommittee must report its final findings and recommendations to the Governor and the 2011 Session of the General Assembly.

*Patron - Colgan*

**ESJ336 Study; establishing a joint subcommittee to study the risks of consuming high caffeine energy drinks together with alcohol; report.** Establishes a joint subcommittee to study the risks of consuming high caffeine energy drinks together with alcohol. In conducting its study, the joint subcommittee shall (i) determine the extent to which high caffeine energy drinks are consumed by students and young adults, and whether such drinks are consumed with alcohol or medication; (ii) ascertain whether certain injuries, violence, and other risky behaviors have been linked to the consumption of these products by students and young adults in Virginia; (iii) determine whether the consumption of these drinks together with alcohol and medication is a problem in Virginia; (iv) evaluate the feasibility of limiting access of these drinks that are already laced with alcohol to underage drinkers; (v) recommend ways to inform the public concerning the health and behavior risks of consuming high caffeine energy drinks with alcohol and medication; and (vi) consider such other related matters as the joint subcommittee deems appropriate.

*Patron - Blevins*

**ESJ338 Study; state assistance for public school construction and renovation; report.** Establishes a joint subcommittee to study the level of state assistance to localities to assist with financing land acquisition, and the construction and renovation of school facilities. In conducting its study, the joint subcommittee must ascertain alternative methods of financing

the construction and renovation of public school facilities in Virginia, including the feasibility of public-private partnerships. The joint subcommittee must report its findings and recommendations to the 2010 Regular Session of the General Assembly.

*Patron - Barker*

**ESJ339 Study; ensuring care for those with life-threatening conditions.** Directs the Joint Commission on Health Care to study ways to ensure that individuals with life-threatening conditions receive the care they need, regardless of resources. In conducting its study, the Commission shall (i) identify existing resources to help those without private insurance who don't qualify for Medicaid in emergency situations and ways to publicize any such resources, (ii) determine approximately how many such cases occur in the Commonwealth each year, (iii) examine programs in other states to provide assistance in such situations, and (iv) recommend effective solutions for addressing this problem in the Commonwealth.

*Patron - Barker*

**ESJ341 Study; establishing a joint subcommittee to study the conduct of certain public officials; report.** Establishes an 11-member joint subcommittee to evaluate the behavior of officials of the legislative and executive branches of state government and the related rules governing conflicts of interests, campaign finance, lobbying, and general rules of conduct.

*Patron - Deeds*

**ESJ346 Study; joint subcommittee to study local government reorganization; report.** Establishes a nine-member joint subcommittee to recommend methods for modernizing local government structure and organization. This is a two-year study.

*Patron - Vogel*

**ESJ348 Study; reporting and remittance requirements for abandoned property; report.** Directs the Department of the Treasury to study the reporting and remittance requirements upon holders of property that is presumed abandoned. The Department is to complete its work by November 30, 2009.

*Patron - Obenshain*

**ESJ353 Study; distribution of taxes to local governments; report.** Establishes a joint subcommittee to study the processes and the accuracy of the distribution of local taxes and state taxes collected by state entities for local governments.

*Patron - McEachin*

**ESJ356 Study; teenage driving; report.** Establishes a joint subcommittee to study teenage driving and ways to help teenagers become safer drivers.

*Patron - Smith*

**ESJ360 Study; Use of judicial personnel; Report.** Establishes a joint subcommittee to study regular assignment of judicial personnel outside of established circuit boundaries.

*Patron - Stolle*

**ESJ362 Study; restorative justice; report.** Directs the Virginia State Crime Commission to study restorative justice and specifically, victim-offender reconciliation programs.

*Patron - Norment*

## Charters

### Passed

**HB1646 Charter; City of Danville.** Updates the city's bond authority by raising the amount for which the city can issue bonds without a referendum. Other changes give the city greater flexibility in financing electric power generation facilities.

*Patron - Marshall, D.W.*

**HB1682 Town of Nassawadox; charter.** Provides a new charter for the Town of Nassawadox. The new charter contains provisions typically found in town charters. Requires vacancies on the town council to be filled by a majority vote of the remaining members within sixty days after the vacancy occurs. This bill is identical to SB 1110.

*Patron - Lewis*

**HB1736 Charter; Town of Blacksburg.** Amends the charter of the Town of Blacksburg to change the date of the town council member and mayoral election from the first Tuesday in May to the general election date in November. Further amends the date the council members take office from July to January and states that the vice-mayor shall be selected at the first council meeting, which will take place in January following the November election, rather than in July. Other amendments clarify that the council may determine the annual salary of its members in accordance with state law and that vacancies on town council are also to be filled in an election subject to the requirement of state law. Lastly, the charter changes would permit the expanded use of civil penalties, in lieu of criminal penalties, for ordinance violations. This bill is identical to SB 857.

*Patron - Shuler*

**HB1757 Charter; City of Colonial Heights.** Amends the charter for the City of Colonial Heights to eliminate the requirement that certain changes in city streets and other public ways, grounds, and places, as well as the city's acquisition or sale of improved or unimproved land, must be referred to the planning commission for its recommendation prior to city council action. Further changes provide that if city council does refer any such matter to the planning commission for the commission's recommendation, the council subsequently shall act on the commission's recommendation by a majority vote of its members, or an affirmative vote of three-fourths of all members if required by the Constitution of this Commonwealth. Additionally, the legislation deletes provisions of the charter giving the planning commission final approval rights and allows a city council member to appeal the planning commission's decision of approval of subdivision plats within 20 days of the commission's decision. The charter is further amended to state that final plats shall not be received or recorded by the clerk of court unless the plat has been approved as provided by applicable state and local law. This bill is identical to SB 1071.

*Patron - Cox*

**HB1765 Charter; City of Petersburg.** Amends the charter of the City of Petersburg by modifying election dates and nomination deadlines for city council elections, modifying the dates for election of school board members, decreasing the number of school board members from nine to seven, revising the terms of the city attorney from four years to service at the pleasure of city council, and increasing the number of mem-

bers on the board of equalization from three to five. This bill is identical to SB 955.

*Patron - Dance*

**HB1907 Charter; Twin County Airport Commission.** Amends the charter of the Twin County Airport Commission to require a six-member commission rather than a seven-member commission. The Counties of Carroll and Grayson would each have two members, rather than one, while several towns would lose representation.

*Patron - Armstrong*

**HB2003 Charter; Town of Pearisburg.** Deletes unneeded language related to the subdivision of land.

*Patron - Crockett-Stark*

**HB2103 Charter; Town of Hurt.** Makes numerous changes to the charter including updating the town's boundaries. Other changes include changing the town's elections from May to November, altering the terms of certain town officers, and deleting or updating numerous outdated provisions. This bill is identical to SB 1313.

*Patron - Merricks*

**HB2251 City of Williamsburg; charter.** Repeals the existing charter and provides a new charter containing powers typically granted to cities. This bill is identical to SB 1406.

*Patron - Barlow*

**HB2366 Charter; Town of Strasburg.** Clarifies that elected and appointed members of council shall have the same authority and shifts the appointment time of town officers.

*Patron - Gilbert*

**HB2491 Charter; City of Galax.** Updates numerous provisions in the city's charter.

*Patron - Carrico*

**HB2494 Charter; City of Hopewell.** Amends the charter to allow most bonds to be issued by the City of Hopewell upon the affirmative vote in a referendum of voters pursuant to the Code of Virginia, rather than on an affirmative vote of a majority of all members of city council, as is the current procedure. The only bonds that may still be issued upon an affirmative vote of a majority of city council members are (i) bonds issued for improvements to existing public buildings; (ii) bonds not exceeding \$10 million, as adjusted for inflation, issued for economic development purposes as determined by the city council; (iii) revenue bonds; (iv) refunding bonds; and (v) tax and revenue anticipation obligations that mature within one year from the date of their issue. Further amends the charter to allow city council to elect to participate in a regional free library system in lieu of establishing a local library board and appoint members of the board of such system as permitted under the inter-jurisdictional contract establishing the regional library system.

*Patron - Ingram*

**HB2582 Charter; Town of Clarksville.** Amends the current charter of the Town of Clarksville to provide all gender-neutral pronouns. Relieves the town manager of his/her duty of preparing a comprehensive report of financial transactions and administrative activities of the town during the preceding fiscal year. Repeals a provision of the charter granting council the power to both borrow funds necessary for the operation of the town affairs and to execute and deliver notes as evidence of any such debt created by money so borrowed. The town council may, by ordinance, provide that taxes or charges hereafter made, imposed, or incurred for water use within the

Town of Clarksville shall be a lien on the real estate served by such waterline. This bill is identical to SB 1375.

*Patron - Wright*

**SB857 Charter; Town of Blacksburg.** Amends the charter of the Town of Blacksburg to change the date of the town council member and mayoral election from the first Tuesday in May to the general election date in November. Further amends the date the council members take office from July to January and states that the vice-mayor shall be selected at the first council meeting, which will take place in January following the November election, rather than in July. Other amendments clarify that the council may determine the annual salary of its members in accordance with state law and that vacancies on town council are also to be filled in an election subject to the requirement of state law. Lastly, the charter changes would permit the expanded use of civil penalties, in lieu of criminal penalties, for ordinance violations. This bill is identical to HB 1736.

*Patron - Edwards*

**SB869 Charter; City of Fredericksburg.** Amends the charter so that vacancies in City Council are filled within 45 days, rather than 30 days, by a majority vote of the remaining City Council members. Stipulates that when more than two years remain in the unexpired term and the vacancy occurs at least 120 days prior to the next council member election, the City Council shall petition the circuit court to issue a writ of election to fill the vacancy, which shall occur at the next regularly scheduled May council member election. Until the vacancy is filled by special election, the City Council may appoint a qualified voter of the election district in which the vacancy occurred to fill the vacancy. Further provides that all ordinances and all resolutions appropriating funds in excess of \$100,000, rather than \$1,000, shall be adopted by the Fredericksburg City Council on two readings.

*Patron - Stuart*

**SB883 Charter; Town of Warsaw.** Amends the charter for the Town of Warsaw to allow the eight town council members to have staggered terms.

*Patron - Stuart*

**SB929 Charter; City of Alexandria.** Amends the charter to allow the city council, by ordinance, to establish term limits for members of advisory boards and commissioners whom the council has appointed. Further amends the charter by requiring any applicant in a land use proceeding to fully disclose all parties who have an ownership or financial interest in the land or application that is the subject of the hearing. Requires that all parties, members of city council, members of the planning commission, members of the board of zoning appeals, and members of the board of architectural review in any proceeding regarding land use or land development to make a full public disclosure of any business or financial relationship that such individual has, or has had within the 12-month period prior to such hearing, with each member of the board in front of which they appear. Any person knowingly and willfully violating the provisions of the bill shall be guilty of a Class 1 misdemeanor.

*Patron - Ticer*

**SB955 Charter; City of Petersburg.** Amends the charter of the City of Petersburg by modifying election dates and nomination deadlines for city council elections, modifying the dates for election of school board members, decreasing the number of school board members from nine to seven, revising the terms of the city attorney from four years to service at the pleasure of city council, and increasing the number of mem-

bers on the board of equalization from three to five. This bill is identical to HB 1765.

*Patron - Marsh*

**SB1071 Charter; City of Colonial Heights.** Amends the charter for the City of Colonial Heights to eliminate the requirement that certain changes in city streets and other public ways, grounds, and places, as well as the city's acquisition or sale of improved or unimproved land, must be referred to the planning commission for its recommendation prior to city council action. Further provides that if city council does refer any such matter to the planning commission for the commission's recommendation, the council subsequently shall act on the commission's recommendation by a majority vote of its members, or an affirmative vote of three-fourths of all members if required by the Constitution of this Commonwealth. Additionally, the legislation deletes provisions of the charter giving the planning commission final approval rights and allows a city council member to appeal the planning commission's decision of approval or disapproval of subdivision plats within 20 days of the commission's decision. The charter is further amended to state that final plats shall not be received or recorded by the clerk of court unless the plat has been approved as provided by applicable state and local law. This bill is identical to HB1757.

*Patron - Martin*

**SB1110 Town of Nassawadox; charter.** Provides a new charter for the Town of Nassawadox. The new charter contains provisions typically found in town charters. Requires vacancies on the town council to be filled by a majority vote of the remaining members within sixty days after the vacancy occurs. This bill is identical to HB 1682.

*Patron - Northam*

**SB1225 Charter; Town of Fincastle.** Moves the town's elections from May to November.

*Patron - Smith*

**SB1313 Charter; Town of Hurt.** Makes numerous changes to the charter including updating the town's boundaries. Other changes include changing the town's elections from May to November, altering the terms of certain town officers, and deleting or updating numerous outdated provisions. This bill is identical to HB 2103.

*Patron - Hurt*

**SB1375 Charter; Town of Clarksville.** Amends the current charter of the Town of Clarksville to provide all gender-neutral pronouns. Relieves the town manager of his/her duty of preparing a comprehensive report of financial transactions and administrative activities of the town during the preceding fiscal year. Repeals a provision of the charter granting council the power to both borrow funds necessary for the operation of the town affairs and to execute and deliver notes as evidence of any such debt created by money so borrowed. The town council may, by ordinance, provide that taxes or charges hereafter made, imposed, or incurred for water use within the Town of Clarksville shall be a lien on the real estate served by such waterline. This bill is identical to HB 2582.

*Patron - Ruff*

**SB1406 City of Williamsburg; charter.** Repeals the existing charter and provides a new charter containing powers typically granted to cities. This bill is identical to HB 2251.

*Patron - Norment*

## Failed

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**HB1733 Charter; County of Chesterfield.** Adds provisions to the charter of Chesterfield County requiring the salary of the clerk of the circuit court to be paid out of the general fund of the county. Likewise, the expenses of the office of the clerk of the circuit court, including the compensation of the deputies and employees of the office, shall be paid out of the general fund of the county. All clerk's fees and commissions received by the clerk of the circuit court for the performance of the clerk's official duties pursuant to statute and local ordinance shall be paid into the general fund of Chesterfield County.

*Patron - Cox*

**HB2005 Charter; City of Bristol.** Amends the charter of the City of Bristol by requiring detailed estimates of revenue and expenditures for city budget purposes to be filed with the city manager, rather than the budget director. The changes to the Charter would require the city manager to work with the chief financial officer, rather than the budget director in preparing a total budget estimate for presentation to the city council. Further amends the Charter by changing the date for the submission of the initial budget to council from the second Tuesday in March to the second Tuesday in April.

*Patron - Johnson*

**SB942 Charter; County of Chesterfield.** Adds provisions to the charter of Chesterfield County requiring the salary of the clerk of the circuit court to be paid out of the general fund of the county. Likewise, the expenses of the office of the clerk of the circuit court, including the compensation of the deputies and employees of the office, shall be paid out of the general fund of the county. All clerk's fees and commissions received by the clerk of the circuit court for the performance of the clerk's official duties pursuant to statute and local ordinance shall be paid into the general fund of Chesterfield County.

*Patron - Watkins*

**SB1323 Charter; Town of Floyd.** Updates the town's boundaries.

*Patron - Reynolds*

**SB1412 Charter; City of Bristol.** Amends the charter of the City of Bristol by requiring detailed estimates of revenue and expenditures for city budget purposes to be filed with the city manager, rather than the budget director. The changes to the Charter would require the city manager to work with the chief financial officer, rather than the budget director in preparing a total budget estimate for presentation to the city council. Further amends the Charter by changing the date for the submission of the initial budget to council from the second Tuesday in March to the second Tuesday in April.

*Patron - Wampler*